

In compliance with the Open Public Meetings Act of the State of New Jersey adequate notice of this meeting has been mailed to The Daily Record and posted at the municipal building.

ROLL CALL:

Members Present: Dan Nelsen, Mayor Robert Greenbaum, Nelson Russell, David Scapicchio, Jim Staszak (7:14), Scott Van Ness, Steve Bedell, Brad Zwigard

Members Excused: Joe Fleischner, Howie Weiss

Members Absent: Pat Walsh

Professionals Attending: Chuck McGroarty, Planning Consultant, Eugene Buczynski, P.E., Tiena Cofoni, Esq., Catherine Natafalusy, Planning Administrator

Professionals Excused: Edward Buzak, Esq.

RESOLUTIONS OF APPROVAL

Resolution #PB 11-26 – Kevin Quinn – (Block 8100, Lot 25)

Motion: Steve Bedell
Second: Dan Nelsen

Roll Call:

Dan Nelsen - yes
Nelson Russell - yes
David Scapicchio - yes
Scott Van Ness - yes
Steve Bedell - yes
Brad Zwigard - yes

Resolution #PB 11-23 – Donald & Maryellen Hellyer – (Block 6700, Lot 2)

Motion: Scott Van Ness
Second: Steve Bedell

Roll Call:

Dan Nelsen - yes
Nelson Russell - yes
David Scapicchio - yes
Scott Van Ness - yes
Steve Bedell - yes
Brad Zwigard - yes

Resolution #PB 11-29 – Toll NJ II LP

Motion: Steve Bedell
Second: Nelson Russell

Roll Call:

Nelson Russell - yes
David Scapicchio - yes
Scott Van Ness - yes
Steve Bedell - yes
Brad Zwigard - yes

Resolution #PB 07-40 ZBA – Lozier Estates – (Block 2801, Lots 11 & 14)

Motion: Nelson Russell
Second: Steve Bedell

Roll Call:

Dan Nelsen - yes
Nelson Russell - yes
David Scapicchio - yes
Steve Bedell - yes
Brad Zwigard - yes

Resolution #PB 11-25 – Panera LLC – (Block 4100, Lot 9.01)

Motion: Nelson Russell
Second: Dan Nelsen

Roll Call:

Dan Nelsen - yes
Nelson Russell - yes
David Scapicchio - yes
Steve Bedell - yes
Brad Zwigard - yes

Resolution #PB 11-30 – Hays II Associates – (Block 6900, Lot 32)

Motion: Steve Bedell
Second: Nelson Russell

Roll Call:

Dan Nelsen - yes
Nelson Russell - yes
David Scapicchio - yes
Steve Bedell - yes
Brad Zwigard - yes

COMMITTEE REPORTS

MR. SCAPICCHIO: Committee reports, Mayor?

MAYOR GREENBAUM: Just briefly I have a meeting set up on Friday with Hal Simoff with respect to his property and the Board of Education property and I will report back after that meeting as to whether or not there's any interest on his part to either in conjunction with the approvals that he has on his property or separately to look at the Board of Education building as a potential commercial ratable.

MR. SCAPICCHIO: Great. Council John is not here we'll skip over that. Environmental Commission?

MR. RUSSELL: Environmental Commission we had our reorganization meeting last night Jim Smith was reappointed as Chair, Dave Tomb is recording secretary. We discussed tree planting there's a formal letter, we have a draft of a letter a formal letter will follow with a list of places where we recommend trees be planted. Jim Lynch will determine the particular species based on his expertise unless we want to get Dr. Keller involved. The question came up is whether the tree bank included shrubs or pines we're not sure. There was also concern with the Eleventh Hour Rescue application regarding animal waste and stormwater runoff and there's an objection to the waiver of the Environmental Impact Statement.

MR. SCAPICCHIO: Nelson do you know how much money we have in the tree bank ordinance or the tree bank account?

MR. RUSSELL: I think its \$42,000.

MR. SCAPICCHIO: \$42,000? Should we sort of start to think of ways to utilize those funds? And is that what the Environmental Committee is doing with that

MR. RUSSELL: We've got a list of potential places and the municipal building complex, the library, Budd Lake Beach, landscaping along Route 46, Turkey Brook Park, Flanders Park, the old Baptist Church and Academy site, the Flanders sewer plant, Drakesbrook (formerly Blue Atlas), Lions Park, Mt. Olive Schools and detention basins sites Morris Hunt and Lakeview Estates.

MR. SCAPICCHIO: So it sounds like we can probably be creative and utilize most of those funds if not all of those funds to

MR. RUSSELL: Correct and we're going to prioritize these.

MR. SCAPICCHIO: Great very good. Okay Ordinance Committee? Yes Dan.

MR. NELSEN: Question for Nelson. Did you say Morris Hunt?

MR. RUSSELL: Yeah.

MR. NELSEN: You're going to take some money from the tree fund and put it into Morris Hunt?

MR. RUSSELL: Let me see what we said on this. A large portion of the land will be donated to the town on completion of this development. Upon receipt of this property the old sand quarry will require some reforestation. The area, the headwaters of Turkey Brook should have replanting to provide additional wetland buffers to reduce water temperature near Heritage Trout breeding areas.

MR. NELSEN: So there's an area upon completion of Morris Hunt that they're going to donate to the town?

MR. RUSSELL: Yes.

MR. NELSEN: Okay.

MR. RUSSELL: Yeah these are all town properties.

MR. SCAPICCHIO: Okay the ordinance committee that's Howie, Howie is not here. I'd like to recognize Jim Staszak who can now take over the meeting. Jim we're on committee reports and we're down to number five street naming committee.

MR. STASZAK: Thank you. My apologies I'm still in the 7:30 mode. Street naming committee.

MR. VAN NESS: Nothing to report.

MR. STASZAK: Open space committee? Nothing at this time. Okay we'll move on to development matters.

APPLICATION #PB 11-31 – VINCENT LOCONTE – (BLOCK 4113, LOT 18)

MR. STASZAK: PB 11-31 Vincent LoConte step up please. And the gentleman next to you is?

MR. LOCONTE: He's the builder.

MR. STASZAK: He's the builder okay.

MS. COFONI: Why don't I go ahead and swear you in.

(VINCENT LOCONTE SWORN IN FOR THE RECORD)
(JOSEPH WENGRIN SWORN IN FOR THE RECORD)

MS. COFONI: If you could just state your full name spelling your last name and giving your address for the record please.

MR. LOCONTE: My name is Vincent LoConte (L-O-C-O-N-T-E) I live at 21 Tall Oaks Lane, Budd Lake, New Jersey 07828.

MR. WENGRIN: My name is Joseph Wengrin (W-E-G-R-I-N) I live at 3 Arrowhead Lane, Allamuchy, New Jersey 07820.

MR. STASZAK: Okay Mr. LoConte why don't you tell us about this deck.

MR. LOCONTE: I'm proposing to have this part of the deck built, this one here has already been approved and so was the gazebo. So what I'm looking for is the availability of having this part of the deck that comes out of the house so I don't have to walk down stairs and my mother-in-law and father-in-law don't have to go up and down the stairs.

MS. COFONI: Mr. LoConte why don't we mark those two exhibits that you showed. The one that your holding if you guys have a pen mark it A-1 with today's date for me. And that is a photograph?

MR. WENGRIN: That is a 3D rendering from the software for the deck.

MS. COFONI: Okay.

MR. WENGRIN: So you're actually looking at just a rendering of it.

MS. COFONI: Okay 3D rendering

MR. WENGRIN: Of the proposed deck.

MS. COFONI: Of the proposed deck.

MR. WENGRIN: Just so you know this deck and this gazebo is not only approved but already under construction. If this center area was not going to be approved we were going to have to do a patio because it's building coverage. We don't have a lot coverage problem we have a building coverage issue. But now this building coverage would be pervious not impervious like a normal building coverage would give you like an addition on a house a roof you're going to have the run off. This is going to let the water run right between the deck boards and into the same patch of ground as it would if it was not there.

MS. COFONI: Why don't we go ahead and mark the second rendering as A-2 with today's date, that's also a 3D rendering of the proposed deck from a different angle I guess.

MR. WENGRIN: Yes just to give you a more broader

MS. COFONI: From further away okay.

MR. WENGRIN: Yes.

MS. COFONI: Okay 3D rendering of proposed deck.

MR. STASZAK: Catherine do you have a report on this?

MRS. NATAFALUSY: Yes I did a report on this.

MR. STASZAK: Okay.

MRS. NATAFALUSY: Do you want me to

MR. STASZAK: Yes please.

MRS. NATAFALUSY: Okay I also have the applicant also submitted photographs of the property and I think there's two in here that are the renderings as well, the top two. This is an application for variances for building coverage and also encroaching in the side yard setback for the construction of a shed on the property as well. The applicant is proposing to construct a deck measuring 15 feet in depth by 20 feet in width. With the house the existing deck, gazebo, the proposed shed and the new deck building coverage will equal 25 percent whereas 20 percent is permitted in the zone district so a variance is required. The applicant is also proposing to construct a shed which I spoke to the applicant last week he said it will be right next to the house they want to make it look like its part of the house. So it will be considered part of the principal structure and must conform to the setbacks for the principal structure. The minimum side yard setback in the R-3 cluster zone is 12 feet and as proposed the shed at its closest point will be situated 5 feet from the southern side lot line so a variance is required for that as well. You have in your packet tonight you have a rendering of the deck and you also have a copy of the survey. The applicant submitted a copy of the survey but it wasn't to scale, the copy that I put in there is to scale with the dimensions of the shed at 10 feet by 20 feet.

MR. SCAPICCHIO: According to the survey Catherine he's within the building envelope?

MRS. NATAFALUSY: Well the shed extends out into the side yard setback.

MAYOR GREENBAUM: 7 feet into the side yard setback.

MR. SCAPICCHIO: Oh okay I got it.

MRS. NATAFALUSY: The deck, everything of the deck with the gazebo and all that fits within the building envelope. The deck is fine that as you said it's only building coverage for the construction of the deck but the shed is in the side yard setback.

MR. LOCONTE: The only reason for the shed to be in the side, it doesn't have to be I'm just trying to make it less obtrusive to the neighbors so it looks like part of the house.

MR. WENGRIN: Yeah we planned on building it with the same siding, roof color and even put a window on it that matches the windows in the house so it looks like its part of the house but it would actually be detached from the house. So it would be, I thought a freestanding structure on its own pad as opposed to having them made it to his foundation.

MRS. NATAFALUSY: If you're having it separate then it has to be a minimum of 10 feet and that's a variance that you're going to need as well.

MR. WENGRIN: So are we better off attaching it to the house?

MR. STASZAK: That's your decision.

MR. WENGRIN: I thought you would rather see it as a detached structure.

MR. RUSSELL: An accessory structure has to be 15 feet from the principal structure.

MR. WENGRIN: But we can make it part of the principal structure by building it right off the side of the house.

MRS. NATAFALUSY: Excuse me?

MS. COFONI: Attached.

MR. WENGRIN: Attached to it right.

MR. LOCONTE: It's not necessary I mean let me put it this way that sheds are an ugly box I'd like to make it less ugly by putting it that way. That's the only reason. If you feel that it needs to be detached in the back of the house I'll put one of those plastic sheds up but I'd rather have something more nice looking.

MR. NELSEN: Aesthetically pleasing.

MR. LOCONTE: Yeah aesthetically pleasing thank you.

MR. STASZAK: If you moved it to the back could you just build it with the same materials and the same exterior as the house to make it blend and make it more aesthetically pleasing?

MR. LOCONTE: Sure if I moved it to the back I probably . . . I'm a person that believes in no maintenance so I'd probably get one of those Rubbermaid sheds or something that's plastic. But if it's to the house I would put it with shingles so it looks like its part of the house it doesn't look like a shed.

MR. WENGRIN: From the front it would look like a room addition as opposed to a shed because he put the double doors on the back side of it facing the yard.

MR. NELSEN: Could you nestle it in right behind the house in the gazebo?

MR. WENGRIN: We're covered from wall to wall there with deck.

MR. NELSEN: This way you're in the building envelope.

MR. STASZAK: Well I think you're talking about that little indentation by the . . . where it says 1037 and just run it . . .

MRS. NATAFALUSY: That's where the gazebo will be.

MR. WENGRIN: Yeah.

MRS. NATAFALUSY: I think you know it's either a variance for setback or you know insufficient setback from the house and I think personally the way he's proposed it it looks like it would fit in with the house.

MR. LOCONTE: And by the way the space between is called common area between the area I'm putting the shed . . .

MR. WENGRIN: There's not a house there.

MR. LOCONTE: There's no house and when we bought it we had to pay extra for the common area and it's basically maintained because Country Oaks has got a committee where we pay monthly dues to take care of the common area but certain common areas are taking care of by the homeowners that we split both homeowners that are . . . the homeowner that's next to me.

MAYOR GREENBAUM: What would you estimate the distance is from where you're planning to put the shed to the next closest house on that side?

MR. WENGRIN: About 100 feet.

MAYOR GREENBAUM: And so the common area extends quite a width from your property.

MR. LOCONTE: Correct.

MR. STASZAK: So you say the common area is basically . . . would that be a building lot?

MR. WENGRIN: A little bit bigger than a building lot.

MR. LOCONTE: Yeah, yeah but cannot be built on.

MR. STASZAK: There's no one to the right of you basically.

MR. LOCONTE: For 100 feet yeah.

MRS. NATAFALUSY: I sent a copy of the tax map if you look at the tax map it was in your packet last week.

MR. STASZAK: And behind you too is a common area.

MR. LOCONTE: Yes and it slopes off that you can't see . . .

MR. WENGRIN: You're looking at roof tops.

MR. LOCONTE: You're looking at roof tops.

MR. WENGRIN: Behind you.

MR. LOCONTE: It slopes off the back.

MR. NELSEN: That pool, is that pool yours?

MRS. NATAFALUSY: No it's the next door neighbor.

MR. NELSEN: Are there two spas in that deck?

MR. LOCONTE: No.

MR. STASZAK: Any questions from Board members?

MAYOR GREENBAUM: So is it your proofs then that you could put this shed elsewhere on the property, you could put it back and not have the need for a variance but that aesthetically . . .

MR. LOCONTE: We still need a variance for the coverage correct?

MRS. NATAFALUSY: Yeah.

MAYOR GREENBAUM: Yes but for the shed itself . . .

MRS. NATAFALUSY: For the setbacks for the shed he wouldn't need it if he put it someplace else on the property.

MAYOR GREENBAUM: Right and he also wouldn't have a building coverage issue with regard to the shed is that correct?

MRS. NATAFALUSY: Yes he would.

MAYOR GREENBAUM: He would?

MRS. NATAFALUSY: The shed is 200 square feet so he'd still be over the 20 percent.

MAYOR GREENBAUM: So no matter where he put the shed he was going to need a variance of one kind or . . . a bulk variance of one kind or another.

MRS. NATAFALUSY: Yes.

MR. STASZAK: Chuck and Gene do you have any questions of the applicant?

MR. BUCZYNSKI: No.

MR. STASZAK: I'll open it up to members of the public, are there any members of the public have any questions for the applicant? Seeing none I'll close it. Gentlemen any comments, closing comments? Go ahead Mr. Nelsen.

MR. NELSEN: In this adjacent lot is that a common area and there's no home there.

MR. STASZAK: Yes to the right is a common area.

MR. NELSEN: Okay.

MR. STASZAK: I'll entertain a motion.

MR. RUSSELL: I'll move that PB 11-31 be approved.

MR. NELSEN: Second.

MR. STASZAK: Catherine roll call please.

MRS. NATAFALUSY: Dan Nelsen - yes
Mayor Greenbaum - yes
Nelson Russell - yes
David Scapicchio - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
Brad Zwigard - yes

MR. LOCONTE: Thank you very much.

MR. WENGRIN: Thank you gentlemen, ladies.

APPLICATION #PB 11-34 – FUN 'n' FRIENDS NURSERY SCHOOL

MR. STASZAK: The next application is PB 11-34 Fun 'N' Friends Nursery School it's a variance seeking construction of a second sign on 58 Drakesdale Road Block 4500, Lot 27. Good evening ladies. Tiena would you swear them in please?

MS. COFONI: Sure will.

(KOLLEEN ADAMS SWORN IN FOR THE RECORD)

(SUZANNE DIMONDA SWORN IN FOR THE RECORD)

MS. COFONI: If you could state your names spelling your last names and giving your address for the record please.

MS. ADAMS: Kolleen Adams . . .

MS. COFONI: I'm sorry I didn't catch your first name.

MS. ADAMS: Kolleen (K-O-L-L-E-E-N) Adams (A-D-A-M-S) 69 Clinton Avenue, Budd Lake.

MS. DIMONDA: Suzanne (S-U-Z-A-N-N-E) DiMonda (D-I-M-O-N-D-A) 5 Tracey Lane, Budd Lake.

MS. COFONI: Thank you.

MR. STASZAK: Catherine do we have a report on this?

MRS. NATAFALUSY: Chuck did the report on this.

MR. STASZAK: Chuck?

MR. MCGROARTY: It's a sign variance as indicated in the report the Presbyterian Church it's a nursery school it's been in the church as I understand it for some 20, 30 years, a very long time. They're proposal is to put up a sign I believe you have it in your packets I've described it it's not to scale but the information they gave us. If I have it wrong I'm sure I'll be corrected, but it's a relatively small sign. The bottom line is the church has a sign in place now the ordinance does not permit two signs, two freestanding signs for houses of worship. As I indicate I had a photo on here it doesn't appear as if there's much room on the existing sign to attach a separate sign so the ladies here this evening I guess will have to tell us why they need a sign first and perhaps confirm what I'm suggesting that it doesn't fit on the existing sign. And then I just had some comments there what the color and materials, and whether it will be lit and that sort of thing.

MS. COFONI: If you could just identify are one of you the owner, the director of the Day Care, what your relationship with the application is.

MS. ADAMS: I'm the Director.

MS. COFONI: Director okay.

MS. DIMONDA: I'm the President of the Board.

MR. STASZAK: For the day care?

MS. DIMONDA: It's not a day care it's a nursery school.

MR. STASZAK: Oh I'm sorry for the nursery school.

MS. DIMONDA: That's okay.

MR. SCAPICCHIO: Chuck?

MR. MCGROARTY: Yes.

MR. SCAPICCHIO: Is there any reason why they can't just expand the existing sign to add their signage?

MR. MCGROARTY: They . . .

MR. SCAPICCHIO: And would that require a variance?

MR. MCGROARTY: I don't know I don't know the square footage or the sign area of the existing sign.

MS. DIMONDA: It would require . . . when we inquired several years ago about this they said that it was at its maximum capacity for the one sign that was allowed on that. The church used it to the fullest, whatever the variance was or that they were allowed.

MR. SCAPICCHIO: I would actually prefer just you know reconstructing the existing sign to allow for the size of the two signs then have a second sign.

MS. DIMONDA: There's no more room apparently on that sign.

MR. SCAPICCHIO: Yeah they'd have to expand it.

MS. ADAMS: Well it would almost have to be a new sign the way it is.

MR. VAN NESS: The existing sign is it a rectangular sign low to the ground?

MS. DIMONDA: Very low to the ground.

MR. VAN NESS: So this kind of symbol couldn't be put on the top of it?

MS. DIMONDA: No.

MR. VAN NESS: Even though I realize you'd be expanding something, you couldn't put this on top of that?

MS. DIMONDA: No I believe that there is a picture of the sign that I received it's small I don't know whether or not you could see.

MR. SCAPICCHIO: Or you'd have to reconstruct that sign to be able to adapt . . .

MS. DIMONDA: It would be a completely new sign but apparently when I inquired about that I was told that there's no place that we would be able to add. Because we even said can we put something on the bottom of that sign and the town had said no at that point because it's at the maximum . . .

MR. VAN NESS: Beyond what the town said, is it possible to build upon that existing sign?

MS. DIMONDA: I don't think that it would serve the purpose that we're looking for it to serve which is advertising to the community that there is a nursery school there. It wouldn't . . . you wouldn't be able to see it it's so low to the ground and it wouldn't stand out at all.

MR. BEDELL: And you wouldn't be able to elevate the current sign and then put the new sign below it so it's all . . . I just think it would be a lot neater having it all one sign versus one here and one there.

MS. DIMONDA: Right.

MR. BEDELL: I mean that's just my own opinion.

MR. VAN NESS: That's not the sign I was thinking of. Isn't there a sign in front of the building itself in the driveway?

MRS. NATAFALUSY: Yeah.

MR. VAN NESS: Or near the driveway?

MS. ADAMS: It's right in the middle of the front yard.

MR. NELSEN: Yeah it's on the middle of the lawn.

MR. VAN NESS: I see that picture there it's not what I was thinking of.

MR. STASZAK: And how far from the present sign is this going to be?

MS. DIMONDA: On the other side of the driveway. There is a blurb that says you know Fun 'N' Friends on the current sign and apparently no one

MR. STASZAK: Can see it?

MS. DIMONDA: Or reads it.

MS. ADAMS: Or even notices it.

MS. DIMONDA: Because I mean years ago everyone knew where Fun 'N' Friends was but now that there's so much turnover in the town you know we have had comments saying oh I had no idea that you were there and we are on the sign. You know people have driven by.

MR. BEDELL: So this sign then would be on looking at the driveway would be on the left side of the driveway?

MS. DIMONDA: Correct.

MR. BEDELL: Okay.

MS. DIMONDA: So it's not like you'd have two signs right next to each other it's . . .

MR. BEDELL: That's kind of where I was going.

MAYOR GREENBAUM: Yeah I took a look at the current existing sign and short of actually taking off the top of the sign if that's possible and putting this up there I don't think that it would work. Also taking a look at where the current . . . the new sign is proposed to be on the other side of the property in conjunction with the diagram of what the sign is to look like I don't really see it as a particular issue. I don't think that it will serve to defeat any zoning type problems, any . . . the reason for the sign ordinance I don't think would be defeated by allowing this particular sign so long as it were done appropriately. And I'm sure that most of Chuck's concerns are related to color and making sure that it would fit in with the existing neighborhood.

MS. DIMONDA: Peter Catelli is the one that is doing the sign. That was the individual that did all of the signs in the town the Welcome to Mt. Olive so

MR. STASZAK: So it's wood with the

MS. DIMONDA: Correct it's the (inaudible) it's the Mahogany sign the posts are Cedar and the color that we are leaning towards is brilliant blue so it's going to look similar to the signs that are the Welcome to Mt. Olive signs.

MR. STASZAK: Chuck any further questions or comments? Board members have any questions or comments? I just have one I think your proposal is a little more aesthetically pleasing than stacking signs on top of signs, on top of signs.

MS. DIMONDA: It's a plain and simple sign it's just letting the community know that we're there.

MR. STASZAK: No one else has a comment or a question? I'll open it to the members of the public; members of the public have any comments or questions on this application? Seeing none we'll close it to the public.

MAYOR GREENBAUM: I think that Chuck has some issues in terms of questions about the signs.

MR. MCGROARTY: Well I believe you were telling us that it would be similar to the type of signs the township has in terms of the color and the design of that?

MS. DIMONDA: Correct.

MR. MCGROARTY: Illumination? It won't be internally lit.

MS. DIMONDA: No. None.

MR. MCGROARTY: No illumination okay. And so the photos there do you have . . . what I was going to suggest is I don't think it would be obstructing any views coming out but perhaps it would be best to let Gene know where . . .

MR. BUCZYNSKI: The exact location.

MS. DIMONDA: Approximately 26 feet from the western property line.

MR. MCGROARTY: From the front, from the curb.

MS. DIMONDA: And approximately 16 feet back from the curb.

MR. BUCZYNSKI: Okay that should be fine.

MR. MCGROARTY: Thank you.

MR. STASZAK: Any more comments, questions?

MR. BEDELL: Yeah when you have special events you know like on the sign for the church you have a spot for you know events coming up times and dates.

MS. DIMONDA: Right.

MR. BEDELL: Is there any kind of attachment underneath where you can put something like that that's not shown on here?

MS. DIMONDA: What do you mean?

MR. STASZAK: Are you going to put any banners underneath it?

MR. BEDELL: Yeah like is there a place to put banners underneath it or if there's nothing underneath it are you going to attach something else to show whatever kind of events you have coming up on such and such date on such and such time? Or it's just this and that's it period. There's no attachments to it, nothing can be attached to it?

MS. DIMONDA: Oh no. But can there be?

MR. BEDELL: That's why I'm asking yeah.

MS. DIMONDA: That would be great. Thanks for the idea.

MR. BEDELL: I'm just asking.

MS. DIMONDA: I don't know whether or not something like that would be allowed if we wanted to put like a register now and we would have it made out of the same material.

MR. BEDELL: And it's not my sign you know

MS. DIMONDA: But I mean if it's not going to

MRS. NATAFALUSY: You have to get a temporary sign permit every time for something like that.

MS. DIMONDA: Oh okay. Then that's something that we can look forward to.

MRS. NATAFALUSY: It's not included in the ordinance. Banners are but something like that . . .

MR. MCGROARTY: Wait, wait no. If you're getting a variance for the sign . . . this is an interesting development but you'd have to add it now you can't get a permit to add to a sign once you've got a variance for the sign.

MS. DIMONDA: Okay.

MR. MCGROARTY: It will be if you get the variance so I think the question is if you're going to add to the sign I really suggest you work that out now.

MS. DIMONDA: Okay.

MS. ADAMS: Now is the time.

MS. DIMONDA: What would that entail? Just saying yes we want to put two hooks on it?

MR. BEDELL: I just asked . . . I want to make sure there's nothing else. Like if you look at the church sign they can put notes under it. That was just a question I had if there was an attachment or your planning on it at some point I just wanted to raise the question.

MS. DIMONDA: Okay.

MS. ADAMS: If we could do it now that would be good.

MAYOR GREENBAUM: I actually am not in favor of that.

MS. DIMONDA: Okay.

MAYOR GREENBAUM: For the following reason, first of all it's a second sign on the property and one of the reasons that I'm in favor of it is that it's fairly simple and it doesn't detract from the neighborhood. If you had to put something up on a temporary basis I'm sure that you could use the sign which the church has that talks about enroll now or if you were having a special event. So I don't really see the need to change what you're actually getting a variance for.

MS. DIMONDA: Okay.

MAYOR GREENBAUM: And I would be in favor of voting for the variance that you're requesting but not in favor of something additional which wasn't thought about before you came here and done on the fly. I don't think that's a good way to do zoning variances.

MS. DIMONDA: No problem.

MR. STASZAK: Any other comments? Then we'll open it to the public again one more time, seeing no public comment let's close it again. Can I have a motion?

MR. RUSSELL: I'll move that PB 11-34 be approved.

MR. NELSEN: Second.

MR. STASZAK: Catherine roll call please.

MRS. NATAFALUSY: Dan Nelsen - yes
Mayor Greenbaum - yes
Nelson Russell - yes
David Scapicchio - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
Brad Zwigard - yes

MR. STASZAK: Thank you ladies.

MS. ADAMS: Thank you.

MS. DIMONDA: Thank you.

EXTENSION REQUESTS

APPLICATION #PB 02-07 – TOLL NEW JERSEY V, LP (MORRIS HUNT)

MR. STASZAK Okay moving forward extension request PB 02-07 Toll Brothers of New Jersey Morris Hunt. Counselor?

MR. SELVAGGI: Good evening Michael Selvaggi from Courter, Kobert and Cohen I guess we'll go off the agenda we'll start with the Morris Hunt application request. As you know under Section 53 of the Land Use Law there are certain time constraints that are imposed upon preliminary and then subsequently final site plan approvals. Recognizing that the time of Statutory protection is . . . may be expiring soon in November we had written to Catherine and made the request . . . excuse me I said Section 53, 52 and in the Morris Hunt application the resolution was originally adopted in March of 2011 was our extension from last time. And we were here last year and got a one year extension of which again is allowed under the Municipal Land Use Law. We're coming back in advance of the expiration of that prior extension and the standard is you know if you're working towards the completion addressing the outstanding conditions and we do have a representative on behalf of Toll Brothers who should probably be sworn just to fill you in on what's going on out there although I'm sure many of you know.

MR. FULTZ: I'm David Fultz from Toll Brothers, Senior Project Manager.

(DAVID FULTZ SWORN IN FOR THE RECORD)

MS. COFONI: If you could state your full name, spelling your last name and giving your business address for the record.

MR. FULTZ: My name is David Fultz (F-U-L-T-Z) I'm a Senior Project Manager for Toll Brothers at Morris Chase.

MR. SELVAGGI: And what about Morris Hunt?

MR. FULTZ: That's actually John Peck.

MR. SELVAGGI: All right you should actually testify on this one. I do want to treat them separately Tiena because they are legally two different applications.

(JOHN PECK SWORN IN FOR THE RECORD)

MS. COFONI: Okay could you state your full name spelling your last name and giving your business address for the record.

MR. PECK: Yes John Peck (P-E-C-K) 11 Sovereign Drive, Flanders, New Jersey 07836.

MR. SELVAGGI: And John what's your relationship with Toll Brothers?

MR. PECK: I'm Assistant Vice President.

MR. SELVAGGI: And what does that entail visa vi the Morris Hunt project?

MR. PECK: I oversee that project.

MR. SELVAGGI: Okay how long have you been in that capacity?

MR. PECK: At Morris Hunt?

MR. SELVAGGI: Yeah.

MR. PECK: About 3 years.

MR. SELVAGGI: And Toll Brothers is actively working out there correct?

MR. PECK: We are yes.

MR. SELVAGGI: And what are some of the things that you've done and why haven't you finished I guess is perhaps the easiest way of addressing this?

MR. PECK: Well as the Board is aware it's an ongoing community of new homes at Morris Hunt. We have sold 7 homes in the last four months and 11 homes in the last twelve months. I believe at this time we have 40 home sites left available for sale out of a total in the community of 83 but you'll recall that initially 23 homes were constructed prior to us reopening in February of 2010. So that's essentially where we are right now.

MR. SELVAGGI: Okay and the history, and I'd be happy to submit it without going through in a lot of detail, I don't know if it was Ed or Tiena from last year had done a resolution which I'd be happy to offer it up, did an excellent job detailing the history here which again as far back as 1989 and again I would have the record just reflect that I do believe it is part of your record anyway since it's there. And John so where we are now all of your other permits, outside agency approvals are still valid and enforceable?

MR. PECK: Yes.

MR. SELVAGGI: And you filed the final map?

MR. PECK: Yes.

MR. SELVAGGI: Okay and building permits have been obtained, your working on that.

MR. PECK: Yes building permits are obtained on a monthly basis now or as we make sales and CO's and settlements are occurring routinely as well.

MR. SELVAGGI: Okay and the total number of unsold pads out there?

MR. PECK: I believe right now it's 40.

MR. SELVAGGI: Okay. You know under the . . . I mean I can go on and get into more detail I mean essentially it's our position that you know that adequately kind of explains where we're at. The extension affords or offers protection from any future zone change as it relates to this property. I know nothing is contemplated but certainly we don't want to take that chance. The extension would be for an additional year which would run out to February of 2013.

MR. RUSSELL: Actually I believe that property has been rezoned.

MR. SELVAGGI: Well yes yeah.

MR. STASZAK: Gene?

MR. BUCZYNSKI: Yeah just for the record maybe John could give the Board an idea of maybe the percentage of the municipal improvements that have been installed to date? You know roughly just so that they have an idea.

MR. PECK: Oh wow . . .

MR. BUCZYNSKI: Just roughly.

MR. PECK: I'm going to say that . . . well I can tell you what's remaining. What hasn't been constructed yet to date is there's one small cul-de-sac that goes in off of the high part of Morris Hunt and there's an additional extension of Sovereign Drive that goes out and connects again in another spot to Flanders-Netcong Road. Those two roads are curbed but there's no pavement on those roads and those home sites haven't yet been released for sale only because we're releasing for sale as we build ourselves out of the community which is typical. Everything else has been completed, infrastructure, utilities all of those things in fact we anticipate top coating the Phase I of the community later on this fall.

MR. STASZAK: Mr. Mayor?

MAYOR GREENBAUM: My recollection is that when Morris Hunt was first built that because the Morris Chase water system had not yet been constructed it was the first 23 or 28 houses were built with wells.

MR. PECK: Yes.

MAYOR GREENBAUM: And that construction necessarily had to stop at that point because any additional houses on wells would have required Toll Brothers to become a purveyor of water and so there was a lengthy period of time where no houses were built at all because the Morris Chase shared water system had not been constructed. What has the zoning changed to at this point?

MRS. NATAFALUSY: I was just going to say something it's R-1 Morris Hunt was approved as R-1 and has never been changed.

MAYOR GREENBAUM: What is the contemplated timeframe for completion of Morris Hunt?

MR. PECK: That's kind of a difficult question. We're in a better position this year than when I appeared last year in front of you. I believe last year we had sold 8 in the previous 12 months and now we're at 11 but 7 of those 11 came in the last 4 months. So I don't know whether it's a market shift I mean it's difficult to get optimistic at this stage of the game. But at today's pace Mr. Mayor it would be approximately four years to sell the remaining 40 homes.

MAYOR GREENBAUM: Okay and at this point Toll Brothers is actively marketing Morris Hunt. I know for some period of time you weren't.

MR. PECK: Well we weren't when we couldn't construct any more houses past the 23 that were on the individual wells that's correct. But we've been actively marketing since February of 2010 when we reopened the model home, when we opened Morris Chase and so on and so forth.

MAYOR GREENBAUM: From my perspective Mr. Chairman it serves no purpose but to grant another one year extension based upon the circumstances that have been presented, that they're actively working on the site.

MR. STASZAK: Thank you. Dave?

MR. SCAPICCHIO: Yes is the public water system now fired up?

MR. PECK: Yes. The 23 wells that were initially installed for those first grouping of homes that the Mayor referenced for Morris Hunt have been abandoned and those homes are now hooked into the system as well.

MR. SCAPICCHIO: Are the two fire hydrants that are on Flanders-Netcong Road are they fired up? You know I travel that every day I live on that street and I don't think they are but . . .

MR. PECK: If they're near the entrance that's active to the community then I would say yes.

MR. SCAPICCHIO: They are but there's two of them.

MR. PECK: And there's one as soon as you turn on to Sovereign on the right hand side.

MR. SCAPICCHIO: But I still think they're painted that odd color that says they're not active.

MR. PECK: I'll have to check into that and I will get back to you.

MR. SCAPICCHIO: Okay.

MR. PECK: Or I can let Gene know tomorrow.

MR. SCAPICCHIO: But they should be fired up.

MR. PECK: To me absolutely. I mean if there's a fire hydrant there I would be shocked if there wasn't water, that's to me not a good situation.

MR. SCAPICCHIO: Okay.

MR. PECK: I'll look into it and we'll let Gene know tomorrow.

MR. STASZAK: Dan?

MR. NELSEN: I have a question. Did you say Sovereign Drive is connecting in another spot to Flanders-Netcong Road?

MR. PECK: Yes.

MR. NELSEN: I wasn't aware of that, where exactly is that?

MR. PECK: It's down past where Fieldview Drive goes off to the right off Flanders-Netcong as your going towards the dead end. Are you aware of that there's a road called Fieldview Drive? Just past that on the left if you look in you can see where our road is going to come out. It's not accessible right now but you can see it. If you're looking for it its apparent yes.

MR. STASZAK: Okay Tiena?

MS. COFONI: I just want to make sure I'm not . . . I don't have the numbers wrong. Am I right that there's a total of 83 and out of the 83 you sold 43 and 40 are left to be sold?

MR. PECK: Yes.

MS. COFONI: Okay I just want to make sure I had those numbers right.

MR. PECK: Yes.

MR. STASZAK: Steve comment?

MR. BEDELL: No I'm good.

MR. STASZAK: Chuck or Gene anything further?

MR. BUCZYNSKI: No.

MR. MCGROARTY: No.

MR. STASZAK: Any comments by Board members at this time? Seeing none I'll open it to the public. Seeing no public here I'll close it to the public. I'll entertain a motion for a one year extension.

MAYOR GREENBAUM: I'll move it.

MR. RUSSELL: I'll second it.

MR. STASZAK: Catherine?

MRS. NATAFALUSY: Dan Nelsen - yes
 Mayor Greenbaum - yes
 Nelson Russell - yes
 Dave Scapicchio - yes

MR. SCAPICCHIO: And just a note for the record Catherine asked me whether or not I'm within 200 feet, I've never gotten noticed I live on Flanders-Netcong Road but yes.

MRS. NATAFALUSY: Jim Staszak - yes
 Scott Van Ness - yes
 Steve Bedell - yes
 Brad Zwigard - yes

MR. SELVAGGI: Thank you very much.

APPLICATION #PB 01-04 – TOLL BROTHERS / MORRIS CHASE – PHASE I

MR. SELVAGGI: Now because what we tried to do last year was get Morris Chase and Morris Hunt on the same chronological order and you, about a year ago took action so the Morris Chase application or project is also in need of a one year extension. Dave who

MR. STASZAK: Just for the record we closed out application PB 02-07 and we're moving on to PB 01-04 Toll Brothers Morris Chase Phase I major subdivision and final major site plan approval Block 4400, Lot 79. Okay.

MR. NELSEN: Mr. Chairman I'm going to recuse myself on this one.

MR. STASZAK: Mr. Nelsen is recusing himself in this matter.

MR. SELVAGGI: And again for the record Michael Selvaggi from Courter, Kobert and Cohen on behalf of Toll Brothers. David Fultz who was sworn in earlier has responsibility for overseeing the development of this particular project. Dave you participated and sat here for the Morris Hunt discussion.

MR. FULTZ: Yes.

MR. SELVAGGI: If you can what is the current status of the development known as Morris Chase Phase I?

MR. FULTZ: Okay well we have two actually separate selling communities at Morris Chase. We have a total of 105 single-family homes, 171 townhomes. The townhomes have sold a little more quickly than the single-families, total we have sold 50 and settled 29. At the single-families we've sold 15 and we settled 7 to date. So like John our pace has been about . . . I guess we're doing about one a month. We did 4 of the single-families in the last four months we've done 7 at the townhomes in the last four months.

MR. SELVAGGI: Okay and what in response to perhaps a question that the Board engineer will ask, I mean where are you with respect to the site improvements on the property?

MR. FULTZ: Similar to John we have a substantial amount of the municipal improvements installed. We still do have sections that are reserved in the back of the community of Pfrommer and Ruggerio Lanes they will be . . . those improvements will be installed when the release of the home sites for sales are done.

MR. SELVAGGI: Any anticipated timeframe for that?

MR. FULTZ: Again it's dictated by the current market so as sales progress with the inventory that we have we'll move into those sections.

MR. SELVAGGI: Okay but all sewer, water infrastructures is in?

MR. FULTZ: That's all complete yes.

MR. SELVAGGI: Okay and

MR. FULTZ: We still have some paving that we have to do that's really roads; we have to get the roads in on those sections.

MR. SELVAGGI: Okay and all of your other outside agency approvals DEP, County those are all still valid?

MR. FULTZ: Yes.

MR. SELVAGGI: Okay again I think it's you know very often you guys have questions about it but that's the succinct summary of where we're at.

MR. STASZAK: Gene?

MR. BUCZYNSKI: Fine.

MR. STASZAK: No questions?

MR. BUCZYNSKI: No questions at all.

MR. STASZAK: Chuck do you have anything?

MR. MCGROARTY: No.

MR. STASZAK: Mr. Mayor?

MAYOR GREENBAUM: Yeah I had a question. Do you know what's happening with Phase II at this point in time? I know it's not necessarily Toll Brothers, or is it?

MR. PECK: If I can the last time we were here I believe the developers or owners of Phase II were here also?

MAYOR GREENBAUM: Okay.

MR. PECK: That's the last I've seen or heard from them. They did contact Dave a couple months ago and asked if we were interested in going halves on an aerial which Dave wasn't interested in at the time. And so that's all we know there's been no other contact.

MAYOR GREENBAUM: Do you guys know where we are with Phase II?

MRS. NATAFALUSY: I haven't heard from them since they were here last year.

MR. BUCZYNSKI: No.

MR. SELVAGGI: Yeah and we've had no communications, our office either from anybody on their behalf.

MAYOR GREENBAUM: Yeah the last time I saw them they called me an idiot that was the extent of my conversation with them.

MR. BUCZYNSKI: Now they'll call you Mayor.

MAYOR GREENBAUM: Yeah.

MR. STASZAK: Sergeant Van Ness?

MR. VAN NESS: It's kind of non-related but there are some traffic signs on Route 206 that have magically appeared that say Morris Chase on them as a part of town which is obviously not the case it's a development. I would like a copy of the permit to put those up or the plan to take them down. Here's my card and I look forward to hearing from you during the week.

MR. STASZAK: Those would be the signs down by the professional building on Route 206?

MR. VAN NESS: Yes they're actually on the . . . they're designed as State signs green with white lettering they're not State signs though.

MS. COFONI: I'm sorry on what road? They're on Route 206?

MR. VAN NESS: They're on Route 206.

MR. STASZAK: I remember this coming up once before.

MR. VAN NESS: If it doesn't need to be part of this I'm okay with that I can handle it independently but I have you as a captive audience. I don't need to make it an issue with the ordinance.

MRS. NATAFALUSY: Well we can handle that as well as with the signs that they put up on weekends. I've talked to Mr. Fultz about that already as well.

MR. VAN NESS: But I'm happy to leave it outside of the realm of this ordinance and deal with it like that.

MS. COFONI: Okay.

MR. SCAPICCHIO: Is there an issue with those signs on the weekends Catherine?

MRS. NATAFALUSY: Yeah they put up signs every weekend.

MR. SCAPICCHIO: I mean I see them and personally I mean I know what the ordinance says I personally don't have a problem with them.

MRS. NATAFALUSY: They don't have any permits it's off-site signs with no permits.

MR. SCAPICCHIO: So they need to get a permit taken out for that.

MRS. NATAFALUSY: They're off-site signs and really not permitted.

MR. SCAPICCHIO: Okay.

MRS. NATAFALUSY: Morris Chase signs this direction and stuff so

MR. SCAPICCHIO: Can I ask a question Catherine? But don't a lot of realtors do the same thing? You know open house on Sunday or Saturday are they also . . .

MRS. NATAFALUSY: Open house signs right, right usually like a directional. This is like from Chester up to

MR. SCAPICCHIO: Are the real estate signs you know for sale, open house Sunday 1:00 to 5:00.

MRS. NATAFALUSY: They're allowed on the day of or like Dave and I have talked about this.

MR. PECK: If I may our arrangement with an outside vendor that puts those signs up, we have them go out Saturday morning they're brought back in Saturday night, they go back out Sunday morning, they're brought back in Sunday night. We're doing that at great expense double the cost because it was our understanding that given the realtor signs and garage sale signs and political signs and all of the other signs that pop up and then go back down you know sign up for little league and all of those things if we only have them up during business hours when we're open on the weekends that that would be the least egregious and possibly something that we could work out. It is absolutely imperative to us somewhere between 35 and 45 percent of our traffic on a weekend is from directional signs. Now maybe they find out about us from the internet or the Star Ledger or what have you but those signs bring them to our doorstep so they're a critical part of our operation for marketing. So we're trying our best to do the right thing and balance that act and I'm open for guidance.

MR. STASZAK: Catherine you said open house signs are allowed during the hours of operation?

MRS. NATAFALUSY: It says open house signs for real estate sales shall be permitted to be located off-site provided that the sign is only posted on the day of the open house and only between the hours of 9:00 a.m. and 6:00 p.m.

MR. PECK: And I believe we're in conformance with that.

MRS. NATAFALUSY: So you're having an open house on Saturday and Sunday.

MR. PECK: Yes.

MRS. NATAFALUSY: Okay.

MR. PECK: We have people in our model homes Saturdays and Sundays in fact every day but Saturdays and Sundays are "the" day for us. They are open houses to sell homes.

MRS. NATAFALUSY: So they won't be out on a Friday night.

MR. PECK: They will not be out on a Friday night.

MRS. NATAFALUSY: And if they are I will

MR. PECK: Now if they are then we're not getting what we're paying for and we need to know that and we will absolutely correct that right away.

MRS. NATAFALUSY: Okay.

MR. PECK: My word on it.

MR. SELVAGGI: So you don't put the signs out personally?

MR. PECK: We used to, Dave and I used to do that we don't have to do it anymore and we'll look into these right away and make sure that they're

MR. VAN NESS: Thank you it's been up quite a long time.

MR. PECK: It has, they have yes.

MR. VAN NESS: But now that I have you as a captive audience I thought I'd approach the subject.

MR. STASZAK: Steve you have a question?

MR. BEDELL: Yeah I don't know if it's a question or a comment maybe for the Board. But if the sign is going up 9:00 in the morning Saturday and your taking it down 6:00 Saturday night to go back out Sunday morning, you know shouldn't we if you want . . . I might suggest let him leave it up from 6:00 p.m. to 9:00 a.m. Saturday night to Sunday morning I don't see the big deal. Personally that's me you know (inaudible) that's your prerogative but that's just my comments.

MR. STASZAK: That's not before us.

MRS. NATAFALUSY: It's in violation of the ordinance.

MR. BEDELL: Okay I understand that I'm just making a comment that's all.

MR. PECK: And we've never sought any relief like that because we're mindful of an ordinance and . . .

MR. STASZAK: Just comply with the ordinance and you'll be fine.

MR. PECK: And we're doing our best.

MR. STASZAK: Okay any other comments? From the professionals? Board members? This time I'll open it up to the public? There's a gentleman stepping up to the microphone.

MR. NELSEN: Dan Nelsen 89 Clinton Avenue. I'd like to know did you go halvesies on the aerial?

MR. PECK: No.

MR. NELSEN: Thank you.

MR. STASZAK: Any other members of the public? Seeing none we'll close it to the public. I'll entertain a motion for PB 02-07.

MAYOR GREENBAUM: So moved.

MR. VAN NESS: I'll second it.

MR. STASZAK: Roll call please Catherine?

MRS. NATAFALUSY: Mayor Greenbaum - yes
Nelson Russell - yes
David Scapicchio - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
Brad Zwigard - yes

MR. SELVAGGI: Thank you very, very much we appreciate it.

MR. STASZAK: Okay I'll entertain a motion for adjournment.

MR. VAN NESS: Motion to adjourn.

MR. STASZAK: All those in favor?

EVERYONE: Aye.

MR. STASZAK: Opposed? Thank you.

(MEETING ADJOURNED AT 8:00 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department