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ROLL CALL:

Members Present: Joe Fleischner, Dan Nelsen, Brian Schaechter, Nelson Russell, Steve Bedell, Jim Staszak, Paul Ottavinia, Pat Walsh, David Koptyra, Howie Weiss (7:14)

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

Professionals Excused: Edward Buzak, Esq.

COMMITTEE REPORTS

MR. STASZAK: Committee reports. Mr. Schaechter anything from the Mayor?

MR. SCHAECHTER: The Mayor has nothing to report.

MR. STASZAK: Council?

MR. WALSH: No reports this evening.

MR. STASZAK: Environmental committee.

MR. RUSSELL: We meet Wednesday.

MR. STASZAK: Wednesday thank you. Ordinance committee Joe?

MR. FLEISCHNER: The only thing with the ordinance I don't know Jim you saw there was a memo.

MR. STASZAK: Yes.

MR. FLEISCHNER: Chuck you could comment on the sign ordinance that was over at the Council please?

MR. MCGROARTY: Yes, Catherine actually became aware of the fact that when a year ago when we created a couple of those new zone districts, we didn't create specific sign regulations for them. And so we had the active recreation which is at the former swim club, the tennis court facility over there and two other zone districts. And we realized that the sign is for the commercial zone which was really designed for highway would be too large and inappropriate and so the ordinance is just to establish a different sign standard for that zone and the commercial/residential free zone which is down at Bartley-Chester Road.

MRS. NATAFALUSY: Bartley-Chester, Main.

MR. MCGROARTY: Bartley-Chester and then the third district is down on Route 46 towards Hackettstown Kevin Dorton owned the property if you remember in that area. So the bottom line was we suggested a sign of 40 square feet versus the larger signs that you'd see in the commercial districts. The reason why it was . . . the process was accelerated was because we anticipated we'd be seeing a site plan for the active recreation site and then in their future we wanted to get the regulations in place.

MR. STASZAK: Okay.

MRS. NATAFALUSY: That is going to Council next Tuesday for first reading and then it will be back here next probably Thursday for recommendation.

MR. STASZAK: Okay very good. Street naming that's Howie. Open space committee.

MR. WALSH: Nothing this evening.

DISCUSSION MATTER

MR. STASZAK: Okay. The first matter tonight is a discussion matter Ordinance 34-2012 Amend Subsection K R-5ML Residential District within Article VII of Chapter 400 of the Mt. Olive Township Code. Catherine this is the . . .

MRS. NATAFALUSY: The ordinance to amend the Land Use Ordinance to incorporate the building option plan into our ordinance.

MR. STASZAK: So we avoid the issues that we had at the last meeting?

MRS. NATAFALUSY: Right. You have a copy of the ordinance I sent it to you last Friday. So this is really the Planning Board recommending the Council adopt it if you so please.

MR. STASZAK: Okay any discussions or questions or discussions or comments? Do we have to open it up to the public?

MS. COFONI: No.

MR. STASZAK: So just a vote for

MRS. NATAFALUSY: Just a roll call to recommend adoption.

MR. MCGROARTY: Well strictly speaking you're looking at it to be sure it's not inconsistent with the Master Plan. Really that's what your official responsibility is. So there's, the question is, and Catherine is right I mean essentially it comes down to a recommendation, but really you're looking at it to see is there anything in this ordinance which would be contradictory to any policies in the Master Plan and if so why and so on. But this is an existing zone district.

MR. STASZAK: That would have come up last time when we voted on it to amend it and to (inaudible). Okay again anyone have any comments or questions? Catherine roll all please?

MRS. NATAFALUSY: Do you want a motion?

MR. STASZAK: Oh I'm sorry.

MR. RUSSELL: I'll move that we recommend to forward it to Council.

MR. WALSH: Second.

MR. STASZAK: And Mr. Weiss is here and I'll step down.

MRS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Brian Schaechter - yes
Nelson Russell - yes
Steve Bedell - yes
Jim Staszak - yes
Paul Ottavinia - yes
Pat Walsh - yes
David Koptyra - yes

DEVELOPMENT MATTERS

APPLICATION #PB 12-20 – JOHN & TERRIS GARBARINI – (Block 5410, Lot 24)

MR. WEISS: Okay I've been told that we're now ready for the discussion matter?

MRS. NATAFALUSY: We just finished that.

MR. WEISS: So you told me something that wasn't true.

MR. STASZAK: Oh I'm sorry.

MR. WEISS: Okay give me one second we're going to then proceed right to our first developmental matter. PB 12-20 John & Terris Garbarini a variance to exceed permitted amount of building coverage at 51 Crenshaw Drive, Block 5410, Lot 54. If you would please come up to the table and the attorney will swear you in and we'll go through a process of asking you some questions.

(TERRIS GARBARINI SWORN IN FOR THE RECORD)

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

MS. GARBARINI: Terris Garbarini 51 Crenshaw Drive, Flanders, NJ.

MS. COFONI: And could you just spell your last name please?

MS. GARBARINI: G-A-R-B-A-R-I-N-I.

MR. WEISS: Thank you Mrs. Garbarini I'm going to catch up with you in one second.

MS. GARBARINI: Sure.

MR. WEISS: Okay so the plan in front of us then tells us that you wanted to construct a shed on your property at 51 Crenshaw and the reason you're here before us is that you need a variance because your lot coverage is exceeded past the 20 percent allowable.

MS. GARBARINI: Yes.

MR. WEISS: So I think what I need you to do is tell us what you want to build, why you want to build it and then go from there.

MS. GARBARINI: We would like to build an 8 by 12 vinyl shed I have a picture of it if you'd like to see it for storage. We can't fit our cars in the garage we've got everything in the garage we just need more storage. So that's the main reason why we need it.

MR. WEISS: If you'd like you can present the picture of the shed for the Planning Board. And we'll mark that A-1.

MRS. NATAFALUSY: Okay.

MR. WEISS: Okay so tell us a little bit about the property that you have now. We understand that your home is in Flanders Crossing which is an R-4 quarter acre and you have about 10,000 square feet of property. According to the plan that we have you already have been approved for a deck that's been added on I guess was it by you or a prior owner?

MS. GARBARINI: By us.

MR. WEISS: You added it on?

MS. GARBARINI: Yes.

MR. WEISS: Okay does anybody have any questions?

MRS. NATAFALUSY: Do you want me to give a little

MR. WEISS: Yeah, yeah I will I know we have a Planning Board review I just want to make sure that everyone is on board with that.

MR. WALSH: Do they tell us at some point or does somebody tell us at some point how much allowable and how much over it is that kind of thing?

MR. WEISS: Yeah we should maybe go to that because it's in Catherine's report.

MRS. NATAFALUSY: It's in my report but I will

MR. WALSH: Catherine the setbacks for the shed?

MRS. NATAFALUSY: 5 feet. They conform to the setbacks for the shed its 5 feet from the rear and the side property lines. The Garabini's received a variance back in 2000 to construct a deck and with the construction of that deck that brought them over on building coverage, 20 percent is the max. they are about 23 percent. Actually I did calculations today and just the house alone on the property brings them to 19 percent coverage so anything they did on that lot would bring them over the maximum of 20

percent. So here's some photographs that Mrs. Garabini brought in to show the location of where the shed is going. Basically that's it, it conforms to setbacks I'll just put for the record its Lot 24 in tax Block 5410 otherwise known as 51 Crenshaw. The property is situated in the R-2 zone district in the clustered residential development known as Flanders Crossing. And as I said before a variance was obtained back in 2000 to construct the deck and at that time it also I believe the variance were for rear yard and side yard setback as well as coverage. So with this current proposal their already over, they got a variance but now it exceeds even more than what is permitted.

MR. BEDELL: How much over would it be? If they're at 23 now . . .

MRS. NATAFALUSY: They're at 25 with the shed.

MR. BEDELL: 23 to 25?

MRS. NATAFALUSY: Well it was really 23.6 with the deck and then it brings this up to 25 now.

MR. WALSH: Is every lot in this community 20 percent or is this one different in any other way?

MRS. NATAFALUSY: Excuse me?

MR. WALSH: I was just wondering if this lot had a different percentage allowable.

MRS. NATAFALUSY: No every lot in that zone district is allowed 20 percent coverage.

MR. NELSEN: Catherine just quick calculations, I'm getting its 96 square feet which would be less than 1 percent is that right? 1 percent of the total?

MR. WEISS: Oh if you're looking at it that way at the overall property.

MRS. NATAFALUSY: They're still over.

MR. NELSEN: Right but this would be almost a percent.

MRS. NATAFALUSY: Well that's what I'm saying with the deck it's 23.6 percent, with the shed it brings it close to 25 percent that's why they need the variance.

MR. WEISS: You know I think the Planning Board has usually never spent a lot of time worrying about sheds. Obviously it sounds like a simple thing I think the bigger picture is that when you do the math the property owners now goes about 25 percent over the standard. They're allowed 20 percent coverage they have 25, add 5 on the 20 is 25 percent of the allowable lot coverage. And that's the only concern I just want to make sure that we're aware of that I don't know if we need to have a lot of testimony from the homeowner. A question for you, behind your home that's a vacant, not vacant that's

MR. STASZAK: The driving range?

MS. GARBARINI: That's all woods the driving range is actually to the right of us it's pretty much woods.

MR. WEISS: So that's the Siemans property that's behind there?

MRS. NATAFALUSY: Yes it's the Siemans property.

MR. WALSH: May I just ask why was the variance for the deck given? Was there a reason?

MS. GARBARINI: Because we have a drop down from our house so you had to build something there. What was there when we bought the house was a deck about the size of this table which you couldn't even put a grill on. And because our lot drops down we had to build something that was safe and big enough for you know to sit on so we had to get a variance if we went anything above this size.

MR. WALSH: I got you.

MRS. NATAFALUSY: Well there's also . . . I don't do you remember the unit in Flanders Crossing that because of the construction of that unit it brought the houses back farther.

MS. GARBARINI: I think that's mine the Pebble Beach.

MRS. NATAFALUSY: So anybody that wanted to build, we had a number of variance applications back in early 2000 whatever that needed to get variances because their houses were set back so far on the property line they could not build any kind of a . . . any deck of a decent size without a variance.

MR. WALSH: Oh okay.

MR. WEISS: Go ahead Steve.

MR. BEDELL: Do many of your neighbors have sheds, similar sheds, larger sheds, similar size lots?

MS. GARBARINI: Absolutely.

MR. WEISS: Here's the concern.

MRS. NATAFALUSY: The shed meets the setbacks it's just the coverage.

MR. BEDELL: It's just the coverage yeah.

MR. WEISS: Again we've given, we've granted variances for lot coverage in excess of more than 25 percent I suppose, the concern is we're the Planning Board and we're looking for certain proofs so I'm going to help you help us. Okay we need some positive and negative criteria and I haven't heard . . . the negative criteria would be the testimony that I'm sure you'll tell us where you'll say that it won't affect the overall look of the neighborhood. You've already said your neighbors have sheds so a shed on your property won't district from the neighborhood those are good things and based on what you just told me is that your neighbors all have a shed and you having a shed won't cause any kind of substantial detriment to the community. That's correct.

MS. GARBARINI: Yes. And there's no one behind us.

MR. WEISS: I'm sorry?

MS. GARBARINI: There's no one behind us where the shed is going to be and we're putting up a pleasant looking shed which is going to be custom made which is going to match the house and it's going to . . .

MR. WEISS: I think we have satisfactorily, Chuck tell me if I'm wrong, have met maybe the criteria that it sounds like this shed won't be offensive to the Flanders Crossing community. I'm just struggling on some positive criteria as to you know why your building a shed. Do you have . . . I mean the steep slope was the reason you built the deck.

MS. GARBARINI: We need additional storage you know a regular . . the size of our garage fits two cars you can't fit a snow blower and other things in there along with two cars.

MR. WEISS: You can get rid of the kids.

MS. GARBARINI: No not mine. It's just that we need storage to be honest with you we need storage. You can't put a lawnmower and a bicycle and normal everyday household items in your house.

MR. WEISS: I know and unfortunately and that's where we're going to work through this together that doesn't help us when we deal with Land Use. I don't think it is and maybe somebody can help me help Ms. Garbarini.

MR. WALSH: Mr. Chairman this is impervious coverage we're talking about correct which is mainly because of water, drainage into the ground. Have decks always been counted? Not just in Mt. Olive . . . I don't know who the expert here that would be able to answer this I mean decks count as impervious coverage?

MR. MCGROARTY: No building coverage.

MRS. NATAFALUSY: Building coverage.

MR. WALSH: When I hear coverage I always think impervious because water has to seep into the ground or am I

MR. MCGROARTY: You're right, you're right but there's two standards one is building coverage and one is total impervious.

MR. WALSH: Okay and what would the difference be between you know what would building coverage you know in other words you just you don't want to cover the whole lot so you have a restriction as to how much is just covered.

MR. MCGROARTY: Right. The theory is building coverage is "X" amount which means the principal building, the house in this case and all of the other accessory structures such as the deck and shed and so on. And impervious coverage is going to be "Y" which is a little bit more because it accounts for the driveway, the sidewalks and patios and the like. So there are two different standards and the idea of building coverage capping that at a certain point is to just avoid overcrowding and you know over intensification on the property.

MR. WALSH: Thank you I'm the new guy and I appreciate that.

MR. WEISS: I just had a little conference with our attorney and again we're struggling on something you're probably having trouble understanding why we're struggling when it comes to positive criteria. You don't have an irregular sized shaped lot but you do have a home that into itself takes up most of the impervious coverage.

MRS. NATAFALUSY: The building coverage.

MR. WEISS: I'm sorry the home takes up most of the coverage so you're really in a bad position where you can't really build anything based on the standards that are set so you would need a variance based on the unusual condition where the home represents almost the majority of the coverage on the lot.

MRS. GARBARINI: Yes.

MR. WEISS: I think you're agreeing with me.

MS. GARBARINI: Yes I am.

MR. WEISS: Yeah that's good testimony and I think that being said I would say that the applicant has certainly provided both positive and negative criteria. If anybody agrees or disagrees, I see nothing from the Planning Board. Anybody from the public have any questions? Seeing none I can entertain a motion.

MR. NELSEN: I'll make a motion to accept PB 12-20 and it's also going to allow her to get her car off of the driveway, her snow blower put away and her husband a place to stay on occasion.

MR. SCHAECHTER: I'll second that.

MR. WEISS: Any conversation? Seeing none roll call.

MRS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Brian Schaechter - yes
Nelson Russell - yes
Steve Bedell - yes
Jim Staszak - yes
Paul Ottavinia - yes
Pat Walsh - yes
Howie Weiss - yes

MR. WEISS: Congratulations.

MS. GARBARINI: Thank you.

MR. WEISS: You'll get a resolution of this meeting in about a month and once you pick that up . . .

MRS. NATAFALUSY: We'll schedule a resolution for November 8th.

MS. COFONI: Yes.

MR. WEISS: You can check back with Catherine's office on the 9th and then have a copy.

MS. GARBARINI: Okay thank you.

MR. WEISS: All right have a good evening.

APPLICATION #PB 12-21 – THE LAND CONSERVANCY OF NEW JERSEY – (Block 8100, Lot 3)

MR. WEISS: Okay next application PB 12-21 The Land Conservancy of New Jersey minor subdivision with variances at 357 River Road, Block 8100, Lot 3. Good evening we meet again.

MS. MCDONALD: Good evening Mr. Chairman Gail McDonald attorney for the applicant The Land Conservancy and I have one witness to call tonight David Epstein who is the President of The Land Conservancy of New Jersey.

MR. EPSTEIN: Thank you very much for having us here tonight. The Land Conservancy owns nearly 400 acres in Mt. Olive that we have acquired in partnership with the township to preserve water quality, open space and provide recreational opportunities for

MR. WEISS: Mr. Epstein I'm going to interrupt you and let's swear you in before you say anything else.

(DAVID EPSTEIN 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 please.

MR. EPSTEIN: David Epstein (E-P-S-T-E-I-N) my address is 175 19 Boonton Avenue, Boonton, New Jersey 07005.

MS. COFONI: Thank you.

MR. EPSTEIN: We have purchased these 400 acres in partnership with Mt. Olive Township to preserve open space, to preserve water quality, and to provide recreational opportunities for township and other residents. The properties, there's four of them at the moment are located down by Shop Lane and River Road, a second one up by Route 46 and Wolfe Road very close to where we are tonight. And we have been adding to these 400 acres hopefully we'll own 1,000 acres when all is said and done. Last month we were here for a subdivision for two little additions you were kind enough to approve that. Two years ago we were in to subdivide this particular property you were kind enough to approve that, unfortunately we ran into an issue with the bank, the bank did not give us would not allow the loan to be subordinated we worked for two years to get that to happen. They finally, they're located in Spain the headquarters by the way so you can imagine the difficulty we had going all the way to the top but we did get them to agree to subordinate the loan. Unfortunately our subdivision approval had lapsed in that time. So we're back before you tonight with the identical subdivision request. We are subdividing 15.769 acres from Lot 3 in Block 8100 it is or open space preservation. The entire property, almost the entire property is wetlands. It is entirely wooded the property has a conservation easement on it already so it is not usable by the existing owner of Lot 3 for any additional lot coverage or anything of that sort. What we're here really to do is to give you this application you should have in front of you the subdivision map that was prepared by the surveyor Ferriero Engineers December 30, 2009 the revisions were February 8, 2010 and approved by you August 19, 2010. This will be used for open space the reason that we're asking for variances is because the requirements for that lot coverage for that lot area that they're retaining is about 5 acres we're leaving them with more than 1 acre which is far bigger than every house in that neighborhood adjacent to them and none of the land that we're taking is usable for their purposes as a lot but has tremendous open space and natural features. There's a stream of wetlands that run through it that we want to preserve. And that's really why we're here tonight to ask

for your approval once again and we apologize that it's taken this long and we had to come back a second time.

MR. WEISS: Ed was it possible to subdivide this property leaving the existing property with 5 acres?

MR. EPSTEIN: It was.

MR. WEISS: Was that ever considered?

MR. EPSTEIN: It was but it would have left them with some very environmentally important land. There's a stream that runs through there we've done a tremendous amount of restoration on the property up on Shop Lane this stream right now could support native brook Trout. We want to restore it when we get it. There really isn't a way to leave them with 5 acres and not leave them with part of the stream and we want to own the entire stream.

MR. WEISS: That's a good answer. Is this property contiguous to the property that was once Rezimer over on Shop Lane?

MR. EPSTEIN: It isn't but one day it will be. We are acquiring other properties that will be adjacent to this and will connect Rezimear with the property down on Wolfe Road where we will have the community garden that the township got the grant for recently. We want to have a hiking trail that connects these one day, there will be fishing opportunities for the garden but not on this property this is a very sensitive property that will have a trail through it one day.

MR. WEISS: Okay. Anything else Mr. Epstein?

MR. EPSTEIN: No.

MR. WEISS: Anybody on the Planning Board have any questions for Mr. Epstein? Seeing none anybody from the audience have any questions? Seeing none thank you Mr. Epstein. Ms. McDonald did you have anything else?

MS. MCDONALD: Nothing further thank you.

MR. WEISS: Dan?

MR. NELSEN: I remember this application from the last time it was before us and they gave a lengthy presentation and it makes sense. Thank you.

MR. WEISS: And again you were here recently just were you subdividing

MR. EPSTEIN: Measch and Vreeland you were kind enough to agree to that we were going to be back with another one in a month or two. We keep adding to these properties it will be great open space and recreation opportunities for people in the town.

MR. WEISS: What is the total acreage when it's all done do you project?

MR. EPSTEIN: 1,000 acres. It will be a great thing the township has contributed a lot of funding a lot of expertise and time we've really enjoyed working with everyone in the town and we just ask for your forbearance in going through this particular one once again. Thank you.

MR. WEISS: Chuck or Gene did you have anything?

MR. BUCZYNSKI: Just real quick I think the Board in your packets have my previous letter which is May 2010 and also on this project that they already submitted the deeds the deeds have been approved already so we don't have to go back and forth on those I mean they are really ready to go to get this filed.

MR. WEISS: Okay Chuck?

MR. MCGROARTY: I have nothing Mr. Chairman.

MR. STASZAK: Tiena they just couldn't get an extension of their

MS. COFONI: No unfortunately this is something that we've run into not just in Mt. Olive but in other municipalities as well. Unless you meet certain pretty specific criteria meaning you're barred directly or indirectly from perfecting your subdivision through not getting a governmental approval you really don't have any flexibility to grant an extension so they run into this problem. If they are you know delayed for other reasons they end up having to come back in.

MR. WEISS: Okay anything else? So I will take it Ms. McDonald that that will conclude your hearing?

MS. MCDONALD: Yes thank you.

MR. WEISS: Then we'll request a motion.

MR. STASZAK: I'll motion 12-21.

MR. NELSEN: Second.

MR. WEISS: Any conversation?

MR. WALSH: Just thank you Mr. Epstein for all of your hard work for New Jersey.

MR. EPSTEIN: Thank you.

MR. WEISS: Okay seeing no conversation then roll call.

MRS. NATAFALUSY: Joe Fleischner - yes
 Dan Nelsen - yes
 Brian Schaechter - yes
 Nelson Russell - yes
 Steve Bedell - yes
 Jim Staszak - yes
 Paul Ottavinia - yes
 Pat Walsh - yes
 Howie Weiss - yes

MR. WEISS: Thank you again.

MS. MCDONALD: Thank you.

MR. FLEISCHNER: Mr. Chairman I know the next is a use variance and Pat actually can't vote and Brian, could I just take 30 seconds a question it would be in essence new business and interject?

MR. WEISS: Yes that's a good point Joe.

MR. FLEISCHNER: Today there was an interesting article in the Chronicle regard to water where we have so many dry fire hydrants. I actually have one at the end of my driveway 38 years no water but a nice fire hydrant. And of course unfortunately we had the tragedy of a fire which had there been water it really wouldn't have made a difference. But I think what concerns me is back when the Planning Board I guess approved this it said back in 1995 there was questions, and I wasn't on the Board then, but maybe Gene or Chuck could comment on it there was going to be some sort of water tower and they were talking about . . .

MR. BUCZYNSKI: Not part of this application. The water tower was part . . . there was some discussions going on in the last couple of weeks and I sent an email I think to Sean clarifying it because a memo went out to somebody and mentioned about a water tower was proposed to this site. It never was it was proposed for the Greentree subdivision which is by Indian Springs Road and I think its Cardinal Lane. There was a water tower that was always anticipated to service several developments in the area. The Greentree application gave the town, conveyed to the town a lot on the top of the hill for a future water tank. When Green Hills North and South were approved they were not approved relative to a water tank but they mention for the future expansion of the water system so that's why they had dry lines. Because there's a town ordinance if there's 15 lots or more they're required to install dry lines for that development.

MR. FLEISCHNER: And Gene that's where I'm kind of moving because so many people have paid in the price of their homes this all gets added in for water lines and maybe we need to look at the ordinance that says, and I know our building within the township is somewhat hindered now because of the Highlands Act, but if someone is going to be putting in more than 15 or 20 homes somewhere I think it should be a requirement that a water tower goes in. Because why should we make someone pay more for their house to put in dry lines. I have sewer lines in the middle of my street for 38 years and still no sewers.

MR. BUCZYNSKI: You're not going to get a lot of developers to put a water tower in for 15 lots.

MR. FLEISCHNER: Then they don't come to Mt. Olive.

MR. BUCZYNSKI: Well they could just do individual wells though which is what they did on this project.

MR. FLEISCHNER: I know that but I don't think we should tell someone you have to pay more for your house to put in lines that we know are never really going to happen. I mean and that's the point I raise I mean that makes no sense, that's absolutely ridiculous. You know pay for something that we know is not going to happen and it's the responsibility I think of the Planning Board to say you know what guys well then if you don't want to put water there . . .

MR. BUCZYNSKI: Regarding this particular development I mean there was never thoughts that it was not going to happen and it still could happen now those many years since the development was approved. But when it's approved it's approved for wells it's sold for homes with wells not homes with a central water system.

MR. FLEISCHNER: I understand that but I think the point I'm trying to make is maybe we need to rethink the way we approve certain houses when it gets to a certain number and say we're not going to approve for wells it's approved to put in a water system that's what it's approved and if you don't want to do it then somebody else needs to do it. Because I think it's not fair for people to pay for something that you know you're never really going to get. And I just think it's really its just ridiculous to (inaudible).

MR. BUCZYNSKI: Also what's tough with that ordinance to is that developments such as this that's probably I would say about 20 years old that if they put a water system in right now those lines would have to be tested and they might not be acceptable and they won't pass pressure.

MR. FLEISCHNER: I understand right.

MR. BUCZYNSKI: That's the worst thing about having these pipes in with a large system.

MR. FLEISCHNER: I mean in essence the point I'm making is the Planning Board over the years in reality should not have approved all of these homes without a central water system. They should have said you're going to have to bite the bullet that's what it is. Instead we look to approve things that it just doesn't make any sense to us. That's all I wanted to say.

MR. NELSEN: Gene given the reality of the Highlands are we really looking at anymore subdivision developments?

MR. BUCZYNSKI: Well we're not going to be looking at extensions of the water systems that's for sure under the Highlands.

MR. NELSEN: Right and there's not going to be any more subdivision I believe.

MR. BUCZYNSKI: Never say never.

MR. NELSEN: Well unlikely then.

MR. BUCZYNSKI: We might have some small developments we don't have anything like over 15 lots probably.

MR. WEISS: All right I guess we just keep that in the back of our mind the next time we have a big development. Okay as e mentioned earlier Joe was correct we have a use variance which means

Pat and Brian thank you have a good night so you're excused. Dave I could tell you to that with seven members you're also free to go because . . .

MRS. NATAFALUSY: He could stay.

MR. WEISS: But you're welcome to stay.

MRS. NATAFALUSY: He won't be voting.

MR. WEISS: Okay Dave said he can contribute to the conversation?

MS. COFONI: Yes.

MR. WEISS: You'll be able to contribute Dave just won't be able to vote. Okay any other use variance business before we start? Okay just a couple of things before we start, unlike other applications for the benefit of (inaudible) and anyone else that's unaware of it. Normal applications is a simple majority but a use variance the applicant needs five of the seven in the affirmative to pass. And I'm sure the attorney Mr. Dunn will give a pretty good summary of their obligation of a use variance which is slightly different than a regular application so Paul I think this is your first use so it's really the process won't be any different just the ending. We'll allow Mr. Dunn to summarize what he needs to accomplish. So with that Mr. Dunn?

APPLICATION #PB 12-17 – WATERLOO ROAD DEVELOPMENT CO., LLC

MR. WEISS: So with that I'll introduce the application as PB 12-17 Waterloo Road Development Co., LLC requesting a use variance for preliminary and final site plan located at 20 Continental Drive Block 106, Lot 1 and Block 107, Lot 1. Welcome.

MR. DUNNE: Thank you Mr. Chairman members of the Board Edward Dunne of Valentino and Dunne of Ledgewood appearing on behalf of the applicant Waterloo Development Co. This is Ken Kaplan one of the owners of Waterloo Development Co. he'll be my first witness so I'd like to have him sworn.

(KEN KAPLAN SWORN IN FOR THE RECORD)

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

MR. KAPLAN: It's Ken Kaplan (K-A-P-L-A-N) and it's 20 Continental Drive in Mt. Olive it's under Waterloo Development.

MR. WEISS: Okay Mr. Dunne how many witnesses are you going to bring up this evening?

MR. DUNNE: We have a total of three including Mr. Kaplan.

MR. WEISS: Okay perfect.

MR. DUNNE: We expect about 45 minutes. Do you have an easel that we could use?

MR. KAPLAN: Why don't we just stand it up on here.

MR. DUNNE: You know what I'll have Mr. Kaplan hold that up for you I just want him to point out to you what it . . . Mr. Kaplan you are connected to Waterloo Development Co. is that correct?

MR. KAPLAN: Correct.

MR. DUNNE: And you are one of the owners and officers of the company?

MR. KAPLAN: Yes.

MR. DUNNE: And what about New York Folding Box one of the tenants there you're also a principal in that company?

MR. KAPLAN: Correct.

MR. DUNNE: And you've been here a couple of times haven't you?

MR. KAPLAN: Yes.

MR. DUNNE: In fact you currently have preliminary and final approval for the current development on that property is that right?

MR. KAPLAN: That's right.

MR. DUNNE: At least as to Phase I. Could you hold up this plan for the Board and I'd like you to give an overview if you can of the current uses that are on the property at this time.

MR. WEISS: Mr. Kaplan can you tell us exactly what we're looking at by maybe by title of that plan we're going to mark that exhibit A-1.

MR. KAPLAN: Yeah this is Lot 1, Block 7 this is Phase I which is inside the circle here.

MR. WEISS: And so would you say at the bottom of that piece of paper it says . . .

MR. DUNNE: Page 4 of 7.

MR. WEISS: Page 4 of 7 and that would be titled just to make sure that we're right, preliminary and final site plan Phase I?

MR. KAPLAN: Yes.

MR. WEISS: Okay.

MR. DUNNE: All right Mr. Kaplan describe the buildings that are currently within Phase I of the existing approval for the site and their uses. If you just go around . . .

MR. KAPLAN: Sure. The large building is where New York Folding Box is, attached to that is the offices for New York Folding Box. This skinny building here is where we have some fire truck storage and some other truck storage and over here is where we had come in for Kirk Allen where they store the trucks too along with over here. And I have a law office in here along with the offices for New York Folding and also Kirk Allen has an office in this small part over here as well.

MR. DUNNE: All right the area that is intended to be the subject of this application represents a change from the existing approved use to what is proposed is that correct?

MR. KAPLAN: Correct.

MR. DUNNE: Could you just point out generally the area where that would be?

MR. KAPLAN: That's right here this shaded area.

MR. DUNNE: Okay and what is that area currently being used for?

MR. KAPLAN: That's part of our storage area for our flat stock.

MR. DUNNE: What do you mean by flat stock?

MR. KAPLAN: Flat boxes we make folding cartons and we have to store them and hold them for customers so we have 24,000 square foot that we put the boxes in before they get shipped out.

MR. DUNNE: All right. And where will that operation be moved to?

MR. KAPLAN: Well this is only taking up 3,000 square foot of the 24,000 because basically that's this whole area here was for the flat stock. But right now you know the flat stock is never really completely full you know things go in and out so fast so . . .

MR. WEISS: If I can interrupt I think just for the record when we're referring to "this" it's really the northwestern corner of the large building do you agree?

MR. KAPLAN: Correct.

MR. WEISS: Okay because this and that isn't going to show up real nicely on our transcripts. So we'll refer to the area that you're talking about as the northwesterly corner of the existing steel masonry warehouse (inaudible).

MR. DUNNE: If I understand you correctly, the storage aspect of that small portion of the building is going to be moved into the larger portion of the building.

MR. KAPLAN: Correct.

MR. DUNNE: Okay. Now previously as part of the approvals here all of the described offices, the warehousing of the fire trucks, the Kirk Allen Trucking operation, the storage of the outdoor landscaping is all part of the existing approvals is that correct?

MR. KAPLAN: That's correct.

MR. DUNNE: Okay so what aspect what part of this building is proposed to be changed exactly? Do we have a plan of that? I believe its right here. I'm now referring to a plan called Alteration Floor Plans and Elevation sheet 1 of 1 prepared by Chester Ploussas, etc. dated June 21, 2012. And Mr. Kaplan drawing your attention to the floor plan area which is the subject of this application . . .

MR. WEISS: Mr. Dunne I'm sorry would you mark that A-2 with today's date on it?

MR. DUNNE: Sure.

MRS. NATAFALUSY: That was submitted as part of the application.

MR. WEISS: It just looks slightly bigger than . . . I have that.

MRS. NATAFALUSY: That's the full size but we just (inaudible).

MR. DUNNE: Yeah we submitted both reduced size and large.

MR. WEISS: Okay well we'll refer to it as A-2.

MR. DUNNE: Now would you please point out the area that is proposed to be leased to the proposed tenant.

MR. KAPLAN: Okay that would be . . . actually on the building would be the southwest corner of the building. That this area right here is the warehouse itself that we're actually cordoning off from our area and then we actually come through the wall into the smaller office building where our offices are and they take up a small portion of that right here. Okay and this here is all our warehouse going out this way and this is our office going over this way and there's a little bit more going out this way.

MR. DUNNE: Okay so the area that's to be rented is . . . can you outline that area for the Board so they can see the . . . you don't have to use a pen you can just use your finger and outline around this section.

MR. KAPLAN: Sure. Where they're keeping?

MR. DUNNE: Yeah.

MR. KAPLAN: Okay it would be like this.

MR. DUNNE: Okay so I see it includes a little office area down near the front is that right? A storage area and it looks like bathroom facilities is that part of this proposal also?

MR. KAPLAN: Correct they're actually existing bathrooms that, because we have so many we really don't need this many, there was three in the small office so we cut out one for them and they're going to add one.

MR. DUNNE: And is it your proposal that the bathroom facilities that are part of this rental will be exclusive for the rental or will be share by New York Folding Box?

MR. KAPLAN: No they're exclusive for the rentals.

MR. DUNNE: Okay so you're going to wall that off so that you can't go from one unit to the other.

MR. KAPLAN: Correct.

MR. DUNNE: All right. Other than these changes which is closing off a wall and making a bathroom isolated inside are there any other changes that you know of that the tenant is proposing for this use?

MR. KAPLAN: No.

MR. DUNNE: Well those little office spaces aren't marked there now.

MR. KAPLAN: What do you mean these?

MR. DUNNE: Yeah those two.

MR. KAPLAN: Oh I'm sorry these two offices in this hallway.

MR. DUNNE: Okay, all right. Are there any external changes proposed for the building at all?

MR. KAPLAN: Yeah there are going to be two other . . . there's going to be in the front on the southwest corner there's going to be a large bay door and a small pedestrian door.

MR. DUNNE: So physically you'll see two additional doors.

MR. KAPLAN: Correct.

MR. DUNNE: And are you adding any parking areas, parking spaces?

MR. KAPLAN: Yes. Over to this . . . to the east side of their space coming around there's going to be additional parking for that. I'll have space for it.

MR. DUNNE: And I'll have Mr. Ploussas testify to the details of the parking when he's called to testify to that. Now this interior component of rental space it's a warehouse isn't it?

MR. KAPLAN: Correct.

MR. DUNNE: Can you describe the interior of it? Is it open space or . . .

MR. KAPLAN: Yeah its wide open it's like . . . well you can see on the elevations it's like a shed style roof with . . . some with ceilings that are about 20 feet high and then the highest ceiling is about 38 feet high, 40 feet high.

MR. DUNNE: Did your perspective tenant for whatever reason think that was particularly suitable for him for his use, high ceilings?

MR. KAPLAN: Oh yeah for the fact that they're called red shed and the building is red and it's got the shed look to it they thought that was just wonderful.

MR. DUNNE: Aside from the cosmetics . . .

MR. KAPLAN: From what I understand that it's in their operation that it helps them because they can put in these ropes and rings that they're not able to at the place that they're currently in right now.

MR. DUNNE: Okay is there also some physical attribute to the geography of the site which the tenant felt was particularly suitable for their use. Yeah are bordering the Morris Canal and there is a walking path or a running path whatever you like to do out there that's kept up by the State and you can

access it from our property. So you know this company is a fitness company and they're into running distances so they can access this path year round and you know further their business you know with this fact and they would be able to run it's quite a distance which is nice. Okay the Morris Canal is right . . .

MR. NELSEN: It's on page 2 of 7.

MR. KAPLAN: Okay on 2 of 7 you can see on the north side of the site there is Old Morris Canal right at the top of this shaded area on the block, lot and block marked. So from our property they would come right through our property down to the bottom there is actually a small access that lets them go around the Canal and then they can run the whole length of the Canal actually from here on all the way down to the end. And then actually there's a Green Acres area that's a cut through as well that brings you out to Continental and then they can turn around and come right back and it's a little better than a half a mile in one direction. So it's a beautiful run, beside you have the Musconetcong on the right and you have the Morris Canal on the left which is really nice for them.

MR. DUNNE: And this is a maintained trail is it not?

MR. KAPLAN: Oh yeah.

MR. DUNNE: And your tenant advised you that that worked right into his plan as far as access to running.

MR. KAPLAN: Oh yeah.

MR. DUNNE: I have no other questions of this witness if the Board may have questions.

MR. WEISS: Anybody have any questions for Mr. Kaplan?

MR. STASZAK: How many uses are on the property now?

MR. KAPLAN: How many?

MR. STASZAK: Yes because you have the folding company, fire truck storage, Kirk Allen and this would be the fourth?

MR. KAPLAN: And we have the lawyer.

MR. STASZAK: The lawyer, five.

MR. DUNNE: It's flex use space for office space so it's considered office space.

MR. STASZAK: But you have a lawyer there also?

MR. DUNNE: Yeah but it's permitted as part of the . . .

MR. STASZAK: I understand that I'm just . . .

MS. COFONI: You're saying number of tenants.

MR. STASZAK: Tenants yeah, how many tenants do you have?

MR. KAPLAN: We have the lawyer, Kirk Allen, the fire truck, SMC that's a trucking outfit they basically store trucks there, and that would be it. And these would be hopefully the next people.

MR. STASZAK: And how many would that be?

MR. KAPLAN: That's four.

MR. STASZAK: Four tenants?

MR. KAPLAN: Yes.

MR. STASZAK: Okay.

- MR. NELSEN: Mr. Kaplan are you one of the principals of this fitness?
- MR. KAPLAN: Oh no I have nothing to do with it.
- MR. WEISS: Nelson?
- MR. RUSSELL: Yeah I notice there are no shower facilities in the bathrooms. This is a training facility.
- MR. KAPLAN: You know that was kind of a mistake there should have been showers shown in the plan and it was an over sight and we just said we'd go in and we'd bring it up if you know we'd like to have showers put in there, two showers. One in the men's room and one in the woman's room there's room for it for sure in the bathrooms but
- MR. DUNNE: Well it's up to the Board of Health whether they can approve showers or not so if a tenant can get approval from the Board of Health to put showers in they will, if they can't they won't.
- MR. KAPLAN: Right.
- MR. WEISS: Joe?
- MR. FLEISCHNER: Did I read in the materials sent that the Board of Health said the septic is not adequate?
- MR. WEISS: Yes I would imagine Mr. Dunne will address that somewhere this evening.
- MR. DUNNE: Well we're working with the Board of Health to get that approved and there's experts going back and forth on it but if there's any grant of this application here I'd ask that it be conditioned on satisfactory resolution of the issue before the Board of Health because we're not resolved yet. I know our expert is submitting data back and forth with your experts and we're trying to get this approved. That septic system was approved for a very large complex.
- MR. KAPLAN: Yeah there was 263 people that used to work on that site before we moved in and we have , I've got 15 in the factory, I've got 3 in the office, my brother David who is the lawyer and Kirk Allen and his 2 secretary's I mean that's all that's on the site. But that site has enough septic for 263 people.
- MR. FLEISCHNER: I only raised it because it was information that was submitted.
- MR. DUNNE: Yeah we're dealing with it as best we can.
- MR. BUCZYNSKI: As far as his application the affect I mean if they can't agree with the calculations they can always do alterations to the system. They'll get something done so the septic system is workable.
- MR. WEISS: And Tiena has confirmed with me that it's not an unreasonable request and it's quite routine to allow the applicant to be contingent upon approval by the Board of Health. So that's fine.
- MR. DUNNE: All right thank you. Any other questions for Mr. Kaplan?
- MR. SCHAECHTER: What kind of fitness is it? Is it personal training
- MR. DUNNE: I have the tenant here who will testify to the program it's quite unique so I'm waiting to present him as soon as Mr. Kaplan is finished.
- MR. WEISS: All right seeing no other questions let me open it to the audience. If anybody from the public has any questions for Mr. Kaplan based on the testimony delivered tonight and seeing no one I will close it to the public. Thanks Mr. Kaplan.
- MR. KAPLAN: Thank you.

MR. WEISS: And Mr. Dunne we'll turn it over to you.

MR. DUNNE: Thank you Mr. Chairman. Patrick Neill please.

(PATRICK NEILL SWORN IN FOR THE RECORD)

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

MR. NEILL: Patrick Neill (N-E-I-L-L) business address is 50 Route 183 North in Netcong, New Jersey 07857.

MS. COFONI: Thank you.

MR. DUNNE: Now Mr. Neill you are the subject of the application in effect because you're the proposed tenant is that right?

MR. NEILL: Correct.

MR. DUNNE: And everybody is waiting to hear what this is all about so I'm going to ask you to describe it in a minute but what's the name of your company?

MR. NEILL: The name of my company is Red Shed Cross Fit.

MR. DUNNE: So when you saw the red shed did this seem like it was meant to be?

MR. NEILL: I've driven by that facility many times and often wondered what was going on in there and for some background of how I started I started my business in my red shed, I have red garage and I was doing some training of my own in there and I happen to be a fitness professional my whole career. I was laid off from my job I started my own business doing my own thing and started my red shed and then it evolved into getting more cliental that I could fit in my garage and I moved to Netcong and now you know I strive to serve my clientele and the facilities I have now just don't really allow me to serve them to the best of my ability. And being in a warehouse environment would be ideal for us to really serve our clients and give them the best service that I could give them in the terms of the fitness that we provide.

MR. DUNNE: Now your type of fitness which we will get into in a minute is kind of new isn't it?

MR. NEILL: It's relatively new it originated in the west coast it's moved its way over here to the east coast. You might have seen the Cross Fit games on ESPN it's a worldwide affiliation it's a worldwide competition but it's more or less a lifestyle it's very community based and its bursting on the scene now it is becoming more popular.

MR. DUNNE: Okay. The facility that you're looking at is that something that you find particularly suited to your individual type of program?

MR. NEILL: Absolutely.

MR. DUNNE: Can you first of all describe why it is.

MR. NEILL: We like to do things that are very gymnastics based like climbing ropes, ring type activities; you need high ceilings for that to hang climbing ropes and rings from. Pull up stations you need high ceilings for that. We also do movements that require us to have high ceilings because we do throw medicine balls and other objects and we need to have you know a ceiling height that's at least 14 feet or higher in order to be able to do that properly.

MR. DUNNE: Okay looking at facilities for moving from your current location I guess in Netcong were you able to find anything else that's as suitable as this is for your particular use?

MR. NEILL: No.

MR. DUNNE: I'm sure the Board is curious about how many people you would serve at a given time in your training program.

MR. NEILL: Well to go along with the question you were asking earlier we are semi-private so we do small group training. We also could do a one on one training if that was necessary. But what we do is have one coach per 4 athletes, we have 1 hour sessions and we work anywhere from 4 to 8 sessions a day.

MR. DUNNE: Okay and so the number of people that are going to be there during a given session which lasts about an hour would you say?

MR. NEILL: Yes.

MR. DUNNE: Would be 5.

MR. NEILL: Yeah.

MR. DUNNE: Okay and the hours of operation, how many days a week do you think you would be open?

MR. NEILL: We would be open 6 days a week Monday through Saturday.

MR. DUNNE: This is not your full time job is it right now?

MR. NEILL: No it is not.

MR. DUNNE: In fact your other trainers also have other jobs is that also true?

MR. NEILL: That is correct.

MR. DUNNE: Your hours of operation on the busiest day, the maximum day that you would have for people being on the site let's talk about that. What days of the week would be your busiest days right now?

MR. NEILL: Monday and a Friday.

MR. DUNNE: Mondays and Fridays, when do you open your doors for purpose of starting your training on Monday?

MR. NEILL: 6:00 a.m.

MR. DUNNE: How many sessions do you have in the morning?

MR. NEILL: We have 3 sessions in the morning.

MR. DUNNE: And what time are they?

MR. NEILL: 6:00, 7:00 and 8:00.

MR. DUNNE: Okay and starting at 4:00 do you have sessions in the afternoon too?

MR. NEILL: Yes.

MR. DUNNE: How many?

MR. NEILL: Four so we have 4:00, 5:00, 6:00, 7:00.

MR. DUNNE: Okay and you do that on both Monday and Friday?

MR. NEILL: Yes.

MR. DUNNE: And on the other days of the week you have reduced hours?

MR. NEILL: Yes we do.

MR. DUNNE: Is it your hope that the other days of the week can reach this level in the future?

MR. NEILL: Absolutely.

MR. DUNNE: And what is your anticipated, or what's your current enrollment in Netcong?

MR. NEILL: We're right about 50 members right now.

MR. DUNNE: And these come for these sessions how many times a week?

MR. NEILL: It varies, some people come two days a week, some people come three days a week, some people drop in and only come once a week, maybe a couple times a month, and some people come every day.

MR. DUNNE: Okay and you're not open on Sundays?

MR. NEILL: No.

MR. DUNNE: You have how many trainers?

MR. NEILL: We have 4 trainers including myself.

MR. DUNNE: So each of you takes different shifts for different groups?

MR. NEILL: Correct.

MR. DUNNE: Now this is not the type of operation like Planet Fitness that has lots of equipment inside is that right?

MR. NEILL: No it is not. We do not have fitness machines or fitness equipment it is more along the lines of like a high school weight room without any of the plate loaded equipment. It's all barbells with the weight plates which are all rubber coated they call them bumper plates. We do have kettle bells, we have medicine balls, we have parametric boxes that we use for jumping exercises, we will have climbing ropes and we have gymnastics rings, pull up stations and that's pretty much it.

MR. DUNNE: Now what makes this training unique?

MR. NEILL: Well this training is, it's high intensity training but it's based on your ability. So it's very individualized, it's infinitely scalable. If I have any particular training session, I can have four of you going through it at the same time and you can all four of you be at different levels of strength, skill and ability and we can go through this same workout together because we can scale all of the movements to your particular ability. And it's just based on the intensity so I provide the environment, you provide the intensity and it's just it changes lives. You understand how to reach your full potential it's pretty functional and we've had a lot of success with it.

MR. DUNNE: Now there aren't too many of these facilities around I suppose are there?

MR. NEILL: Not in New Jersey no not in this area.

MR. DUNNE: You did tell me though I think there was one in Randolph.

MR. NEILL: There is.

MR. DUNNE: Can you describe the type of structural structure or the type of facility that's there?

MR. NEILL: He is in a 4,000 square foot warehouse facility right across the street from where the inspection is so that . . . and I don't know if you're familiar with that development but there is a big gymnastics and I think there might be an ice rink in there or something. He boxed off a 4,000 square foot facility in there.

MR. DUNNE: And he has the height and the warehouse effect for the same type of reasons you want to do there?

MR. NEILL: Absolutely yes.

MR. DUNNE: Is that common in your type of training to have that type of set up?

MR. NEILL: Very common.

MR. DUNNE: This use is permitted in adjacent zone in fact the zone runs through part of this property that's where it's permitted, recreational, exercise, health, fitness activities. Do you think that this particular type of intense use is compatible with retail use for example?

MR. NEILL: Not really.

MR. DUNNE: And tell me why.

MR. NEILL: Just for the nature of the exercises that we perform, the types of equipment that we have in our facility doesn't lend itself to exercising in a room that's surrounded with sheetrock. It doesn't provide the space and openness to move freely for warm up exercises, speed and quickness drills and if you do have four people training at one time and we are going in and out of the facility and it's in a retail area it can be dangerous to other people that are in that adjacent area. So I mean being in an open space is really ideal.

MR. DUNNE: Now there's a physical geographic facet of this structure too involving an outdoor trail. Did you walk that?

MR. NEILL: Actually I did not walk that but Steven Brielle did yes.

MR. DUNNE: And from the description that you received of it did that make this particularly attractive to you because you had that outdoor capability of running on trails outside right adjacent to your site?

MR. NEILL: Yes.

MR. DUNNE: Okay is that part of the fitness program that you do?

MR. NEILL: Yes.

MR. DUNNE: You don't have any big gymkhanas or big competitions that take place at this site correct?

MR. NEILL: No.

MR. DUNNE: You're not planning on having any big audiences come for any shows or anything like that.

MR. NEILL: No.

MR. DUNNE: I have no other questions of this witness.

MR. WEISS: Mr. Neill I have a question for you. People who work out in your facility are they members or can they walk in off the street and come in for the day?

MR. NEILL: They are members so we are a private facility.

MR. WEISS: And how long is a membership?

MR. NEILL: It's month to month.

MR. WEISS: Month to month, so again my question is you don't necessarily attract walk-in off the street for the day I want to work out for an hour.

MR. NEILL: The only walk-ins are people visiting from other Cross Fit facilities. So if somebody is traveling in this area on business and they're visiting family and they're coming from another Cross Fit facility they will seek us out and they will come in for a drop in.

MR. WEISS: Anybody else? Jim?

MR. STASZAK: You said previously that the maximum number of people that will be there is four plus a trainer?

MR. NEILL: Yes.

MR. STASZAK: Now those four is it by appointment?

MR. NEILL: Yes.

MR. STASZAK: And one of the things that I heard before is that there are drop in membership members that just drop in?

MR. NEILL: No if somebody is coming from another facility they contact us ahead of time and then we would schedule them to come in. So it wouldn't be a regular member that would be scheduling.

MR. STASZAK: When you were discussing it with Mr. Dunne you were discussing your membership you said that some people work out you know every day, some people work out every other day, some people just drop in.

MR. NEILL: I don't think I said that.

MR. STASZAK: Okay.

MR. WEISS: Thinking they'd drop in once a month.

MR. STASZAK: Yeah or drop in that's why I asked if there's appointments.

MR. NEILL: We do have a ten punch card so we have people that buy a ten pass card and those people come in occasionally so I would consider that, they're not on a regular schedule they drop in when they can.

MR. STASZAK: What I'm getting at there could be more than four customers.

MR. NEILL: We only take four in one session.

MR. STASZAK: Okay so they wouldn't be allowed to come in and work out.

MR. NEILL: Yeah they'd have to schedule that in advance and if that spot is taken up they'd have to just bump him to another spot.

MR. WEISS: Steve?

MR. BEDELL: You could have two or more trainers at once.

MR. NEILL: We could.

MR. BEDELL: So there could be like three trainers and each trainer has four people with them.

MR. NEILL: Well we wouldn't do that because that would be taking away from the environment of space. You want to have coach to athlete ratio and we don't want to have a lot of distractions either so we try to limit what else is going on when there's a session occurring.

MR. STASZAK: So what is the maximum number of people that would be in there at one time?

MR. NEILL: Well if we had all of the trainers because there's four of us and say there was trainers meeting in the office and we had a class going on that would be 8 people total.

MR. DUNNE: If you had four trainers meeting who would be teaching the class?

MR. NEILL: Well just say three people are meeting and I'm coaching a class that would be 8 people.

MR. DUNNE: How often would that ever happen?

MR. NEILL: It's rare we all are working.

MR. WEISS: Dan?

MR. NELSEN: I have a question just so that you don't limit yourself now when the discussion is taking place and it's going on the record, if your business succeeds and becomes popular and takes off most people who enter a business want that business to grow somewhat so before you limit yourself to one trainer one session at a time perhaps you might want to give yourself a little flexibility there and not quite limit it like that because maybe you'll want two trainers and

MR. NEILL: Instead of having two sessions occurring at once possibly having more than four people in a session. That's where I would see that expanding but I wouldn't

MR. NELSEN: Right so if that's the way you would expand it but rather than I'm just saying for numbers now you're going on the record as saying there will never be more than one trainer and four people. And I think you're . . .

MR. FLEISCHNER: He didn't say that.

MR. DUNNE: Let me clear I up if I can. Is there a limit in your mind to the number of people who would be component to train at one given time by one trainer? Because you're talking about intensive training.

MR. NEILL: Right.

MR. DUNNE: So what the gentleman is getting at is you don't want to limit yourself to a certain number of people if you're really thinking you're going to have more. So tell the Board what you're trying to do as far as the maximum number of people you would train at a time to be sure it's the proper training because there's a limit on that.

MR. NEILL: Right that's why we keep it four to one because you want to have a smaller coached athlete ratio so you can pay more attention to each individual athlete. So you know expanding that and even doubling that is not something that I'm interesting in doing. If we have to expand maybe hours in order to accommodate more people then maybe that's what we'd look but we have to keep the we have to serve our clients better and the best way to do that is to keep that coach to athlete ratio on the smaller end. Instead of having one coach and 20 athletes where your just kind of an instructor in front of a class we would make this more of a one on one feeling of training where it's very semi-private.

MR. NELSEN: You couldn't do one coach, two coaches and 8 athletes at the same time.

MR. NEILL: If that presented itself to us and that opportunity was there that's probably a better scenario.

MR. NELSEN: Right well that's what I'm saying so be careful about limiting yourself now. Then what you're saying because if something goes down in your resolution it's not quite in stone but it's

MR. WEISS: I suppose we can bring it into that conversation by basically saying Mr. Neill is good at what he does and I'm sure he'll maintain his business at a level that will give his clients the standards that they're looking for otherwise Mr. Neill will be out of business. So if he wants it for 20 people in a class it will probably hurt his business. I don't know if we need to go down this path. So I think Mr. Neill has said he's looking to keep class sizes small to maintain a stability in an exercise class and I think that's good enough I really do believe that's good enough for the Planning Board. Paul?

MR. OTTAVINIA: For the record I have some familiarity with Cross Fit I have a family member who is a trainer she's been doing it for a year. Just so the Board knows it's not a fly by night voodoo type of fitness it's well established, very popular. As I hear everything I had one concern because again I know that I have some familiarity with what you guys do and I know very often you go outside and you exercise outside whether it's moving a tractor tires, etc., etc. I look at this building and I'm familiar with it you know you've got Kirk Allen rolling in with you know 20,000 pound dump trucks rolling in and out of that lot you know I'm looking at a possible safety issue there with you know people running through the lot or even exercising in the lot is there going to be a designated area? I would just say is there a

designated area if they're going to do exercises outside so that there wouldn't be any possible chance of an accident. That's just what I'm saying.

MR. NEILL: That's the reason we want to get this 3,000 square feet so we wouldn't have to do exercises outside say flipping a tire, now we have enough space to do that inside where we're safe. I'm very aware of the trucks going in and out of there that was something that was a concern of mine from the beginning. But getting into that open space now we can do everything indoors we don't have to take it outside.

MR. OTTAVINIA: But getting to the running trail because that's what we were talking about, you don't have to go by Kirk Allen Trucking you can go over to the other side of the building.

MR. WEISS: It did sound like, and I don't want to speak for Mr. Kaplan, but it did sound like he was saying they use the other side so they won't even be at this end of the building.

MR. OTTAVINIA: Yeah I'm aware that Kirk Allen does use the other side but just want to make sure.

MR. NEILL: That's right.

MR. WEISS: Any other questions for Mr. Neill? Tiena?

MS. COFONI: Is there any time when members would be allowed to train there without a coach there?

MR. NEILL: No.

MR. MCGROARTY: Mr. Chairman?

MR. WEISS: Sure go ahead.

MR. MCGROARTY: Mr. Neill you said Monday and Friday or Monday through Friday?

MR. NEILL: We're open?

MR. MCGROARTY: Yeah.

MR. NEILL: We're open actually Monday through Saturday.

MR. MCGROARTY: Monday through Saturday.

MR. BEDELL: I think Monday and Friday were the busiest days I think you had said?

MR. NEILL: Yeah Monday and Friday are the busiest days the rest of the days we have reduced hours.

MR. DUNNE: We can give you the hours that are currently used for the other days but he hopes to expand to include all the days except Saturdays at the full schedule he has for Mondays and Fridays. So that's the hope to expand that way.

MR. RUSSELL: Could you see starting say an aerobics class?

MR. NEILL: No.

MR. DUNNE: He said ropes, climbing ropes.

MR. WEISS: I guess it would be fair to say that your hours of operation will be from 6:00 in the morning until 7:00 at night plus or minus. And that would be certainly fair enough if you had to . . . right now if Tuesdays you're only open from 10:00 to 5:00 and one day you want to expand from 6:00 to 7:00 or whatever official hours you give us that's fine that gives you that room to grow. We don't need to get caught up in what's going to happen on Tuesday versus Wednesday you seem to be open from 6:00 to 7:00, whether it's 5:30 to 7:30 that seems to be in line of what your telling us. Any other questions for Mr. Neill?

MR. NEILL: It's 6:00 to 8:00 because the last session is at 7:00. It goes to 8:00.

MR. WEISS: One session at 4:00, a session at 5:00, a session at 6:00.

MR. NEILL: And a session at 7:00 it ends at 8:00.

MR. BUCZYNSKI: So put 5:00, 6:00, 7:00.

MR. WEISS: Okay that's fine we're not going to get caught up on that. Okay we'll just make sure we note it properly for you. Any other questions for Mr. Neill? Seeing none, anything from the audience from Mr. Neill based on the testimony he delivered? And seeing no one from the audience Mr. Neill thank you for your testimony. Mr. Dunn I guess you'll bring up Mr. Ploussas?

MR. DUNNE: I will yes thank you sir. Mr. Ploussas please come up.

(GREGORY PLOUSSAS SWORN IN FOR THE RECORD)

MS. COFONI: Could you please state your name spelling your last name and giving your business address for the record please.

MR. PLOUSSAS: Gregory Ploussas (P-L-O-U-S-S-A-S) I'm a partner with the firm of Chester Ploussas Lisowsky Partnership, our office is located at 100 Matawan Road in Matawan, New Jersey.

MS. COFONI: Thank you.

MR. DUNNE: Mr. Ploussas could you describe your professional credentials for . . .

MR. WEISS: We can stop you there we've all heard Mr. Ploussas, we've seen him I think we'll accept Mr. Ploussas as an engineer.

MR. DUNNE: He's also a planner.

MR. WEISS: And a planner. But tonight you're testifying as a planner.

MR. PLOUSSAS: Both.

MR. WEISS: All right we'll take you on as both. Does anybody have a problem with that? Thank you Mr. Ploussas.

MR. DUNNE: Mr. Ploussas you've been involved as an engineer with this project since we first appeared before the Board what a couple of years ago I think on the initial preliminary phasing plan is that correct?

MR. PLOUSSAS: Yes.

MR. DUNNE: And you've been involved in several amendments that have taken place since then on the preliminary and final approvals of Phase I.

MR. PLOUSSAS: Yes.

MR. DUNNE: And it's changed tenants over time?

MR. PLOUSSAS: Yes.

MR. DUNNE: You heard the testimony of Mr. Kaplan, does that correctly reflect the current allocation of tenants in the property as you know it to be?

MR. PLOUSSAS: Yes.

MR. DUNNE: All right now you've made some plans for the current tenant, the proposed tenant for this site. Could you describe the changes that are being proposed between what is approved and what is proposed?

MR. PLOUSSAS: Okay first let me give the Board some background about this site. I'm sure as some of you know it's the old Dynapac building which is redeveloped. It was a Brownfield site and has been cleaned up. Officially it's known as Lot, Block 106 and Lot 1, Block 7. Lot 1, Block 106 contains 29.9 acres and Lot 1, Block 7 contains 2.8 acres. The majority of the site is in the G-I General Industrial zone which is Lot 1, Block 106 the 29.9 acres. There's a little sliver in the front of the project which is Lot 1, Block 7 which is the old railroad right-of-way that was bought and that is in the FTZ-4 zone. The zone directly across the street is FTZ-4 which I guess is on the west side, on the east side is zone P for Public lands basically the Morris Canal, the Musconetcong River and the wetlands there that were described, to the north of the project the first two lots are zoned G-I but after that it's zoned FTZ-4. And to the south of the project on the other side of the Waterloo-Valley Road it's G-I zoning and there's several I would call them flex warehouse buildings there. Existing we have an existing office building that Ken described where he and his brother and Kirk Allen are and that's 5,252 square feet. Then there's the warehouse and assembly area itself, the warehouse is 28,845 square feet and the assembly area is 62,439 square feet. So the principal building which is the building that we're talking about has a total square footage of 96,536 square feet. Red Shed is proposing to occupy the I guess it was described as a portion of the southwest corner of the building which is 2,574 square feet and out of the office building they're going to be occupying 442 square feet. If you want you can review the architectural plans that my office did on sheet 1 of 1 I think it was introduced as A-2 and you can see over in the right hand area a partial floor plan of what's going on in the office area. The Red Shed facility is taking two of the existing offices, the existing lavatory that's there and they're adding an additional lavatory with a laundry room and two changing rooms. And as far as the warehouse area they're taking the 2,574 square feet out of the front area there and as they've described according to the equipment they'll be putting in there with a small storage and small office. Should the Board approve this application and these alterations are completed the square footages in the building will change slightly. The warehousing will be reduced 2,271 square feet, the assembly will stay the same which is 62,439 square feet, Red Shed will occupy 2,574 square feet in the warehouse as Ken described and then you have the office building still the same square footage just an additional tenant is 5,252 square feet and that comes out to a total building of 96,536 square feet. Currently 192 parking spaces will be required for all of the uses on the site. Last approval that this Board granted they also granted design waivers for the amount of parking spaces and the size of the parking spaces. We are proposing 9 foot by 18 foot parking spaces; the ordinance requires either 9 by 20 or 10 by 18. And again that design waiver was granted previously. We are adding 17 new spaces so that we are now proposing to . . . we will have 135 spaces on the site, previously we had 118. And the 17 spaces we're adding were basically in front of the Red Shed facility its paved areas that were not being utilized that we're restriping and a little area in front of the office where we're actually extending the pavement for 5 or 6 feet. What we'll do is we'll have approximately 28 parking spaces in the vicinity of the Red Shed fitness facilities plus another 7 in front of the office. So we'll continue to request design waivers from the Board for that. As part of the application on the architectural plans you'll see that the applicant is proposing three new additional signs. A 21-1/2 foot by 3 foot sign for New York Folding Box up at the top of the building, a small sign on top of the door for the Red Shed Fitness Facility 4 foot 2 inches by 3 foot 8 inches and a sign over the existing office door 4 foot 2 inch by 1 foot 10 inches. I believe these signs comply with your sign ordinance and then no waivers or variances are needed.

MR. DUNNE: There's issue about the light.

MR. PLOUSSAS: There was a question I believe in Chuck's report about the lighting whether the lights have been installed per the previously approved application, and they have. I did speak with Gene Buczynski he had some concerns about the pavement thickness for what we were proposing he asked us to increase it which we did and revised the plans. And he also had concern about separating the newly striped parking area from the drive aisle where the trucks are being used. And what we worked out with him is there is an existing pipe or rail fence that's partially up now over the retaining wall that's in the front of the Red Shed facility. We'll just be extending that to cover the entire parking area.

MR. DUNNE: All right now this is a use variance?

MR. PLOUSSAS: Yes.

MR. DUNNE: Is this a use that's permitted in the zone which is part of this property?

MR. PLOUSSAS: Yes this is a permitted use in the FTZ-4 zone which is in the front here, unfortunately the building is not on it and to the north and to the west of it. The FTZ-4 zone allows as principal uses in the C-1 and C-2 zone and that zone allows health and fitness centers.

MR. DUNNE: So clearly properties to the west are compatible with this use since it's permitted in that zone is that correct?

MR. PLOUSSAS: Yes.

MR. DUNNE: And use variances require special reasons which are generally defined to be those reasons that serve the reasons for zoning which are described in the Land Use Law.

MR. PLOUSSAS: Yes.

MR. DUNNE: In fact Mr. McGroarty identified those in his memo as correctly A through O. Did you see that this use supports purposes of zoning?

MR. PLOUSSAS: Yes it does.

MR. DUNNE: Can you describe which ones you believe it does support.

MR. PLOUSSAS: Yes if I look at Chuck's memo on page two 4.2 I believe under the Municipal Land Use Law for the purposes of zoning that A) this application would fall under municipal action to guide the appropriate use or development of all lands in the State in the manner which will promote the public health, safety, morals and general welfare. I believe the use of the building as a fitness facility will address that or advance that portion of the Land Use Law. Also Item G says to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space both public and private according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. This is currently a commercial space it's not adequate used (inaudible) years to fill this space. It will create jobs it will also boost the ratable for the municipality. And also lastly and to encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land. Now this is a redevelopment site and a Brownfield site so it is an efficient use of redevelopment and also we are in a Highlands Planning Area and the Highlands Regional Master Plan which has been adopted by the Highlands encourages the use of existing sites when available as opposed to expanding and using other sites that don't have any development and also the use of Brownfields. So I believe those three areas of the Municipal Land Use Law are advanced and towards the positive criteria I believe this site is particularly suited for the use as you've heard from the applicant. He needs a building with certain criteria, and this is an existing building that's there. Again it's a reuse for the negative criteria I believe that there will be no substantial detriment to the public good or substantial impairment to the zone plan. It currently, on the site it's zoned for the same use and across the street is zoned for the same use. And knowing the general area as we've done most of the engineering for the International Trade Center on both sides of the street it would fit right into the character of the area.

MR. DUNNE: The only observable changes to the existing use according to the testimony so far would be two doors and an additional sign or two is that correct?

MR. PLOUSSAS: Yes.

MR. DUNNE: So as far as the traveling public is concerned or observers it would not even a noticeable change.

MR. PLOUSSAS: No.

MR. DUNNE: I have no other questions of this witness.

MR. WEISS: Anybody from the Planning Board?

MR. FLEISCHNER: Just one quick question. Currently what percentage of the parking is actually used today on that site? Available spots versus actual uses?

MR. PLOUSSAS: Very little because Ken Kaplan only has 15 employees in the warehouse and 3 in the office; Kirk Allen has in his busy season I understand 2 secretaries and himself so that's 3; 18 is 21. His brother David who comes once in a while is 22; the building in the back where the fire engines are stored and the trucks nobody comes to the site. So he's actually using 20 to 25 spaces its well over parked.

MR. FLEISCHNER: I just wanted it on the record.

MR. WEISS: You know Chuck we referred to your report so maybe let's if you feel that there's anything you'd like to talk about or refer to. I went as Mr. Ploussas was talking I kind of followed along as I was reading and do you have anything else?

MR. MCGROARTY: One question Mr. Chairman just about the signs. Greg I had asked if you know about the material, the color, the material

MR. PLOUSSAS: Yeah I did print the color on here. Unfortunately I didn't bring the revised plan with me. The revised plan that I submitted after I got your letter has the colors on there and the sign material.

MR. MCGROARTY: And are they going to be lit, external, internal?

MR. PLOUSSAS: No just whatever lighting is on the building now will light them.

MR. WEISS: All right so the signage for the Red Shed is going to be white letters with brown border.

MR. PLOUSSAS: Right.

MR. WEISS: And the New York Folding Box is going to be white letters with brown border.

MR. PLOUSSAS: Yes and basically there's a sign out there now in the front as you enter that's the same colors.

MR. WEISS: Okay.

MR. KAPLAN: The building is maroon so the sign that's going up will be white background and have maroon letters on it.

MR. WEISS: I'm sure this detail will be on the plan Greg?

MR. PLOUSSAS: Yes.

MR. WEISS: Thanks for that clarification Mr. Kaplan but it will be corrected. Thanks Chuck anything else?

MR. MCGROARTY: No I have nothing else.

MR. WEISS: Do you agree with Mr. Ploussas' assessment about the negative and positive criteria?

MR. MCGROARTY: Yeah I do I think this fits perfectly.

MR. WEISS: Gene there was no report by you correct?

MR. BUCZYNSKI: No there wasn't. Greg and I had talked before the meeting so that he made the changes I asked him.

MR. WEISS: And I didn't see one and Greg alluded to the fact that there was a report or conversation. So just for the record there's no report.

MR. BUCZYNSKI: No technical report.

MR. WEISS: Just for the record there's no report. That's fair enough it's hardly an engineering application. Does anybody else have any questions for Mr. Ploussas? Seeing none I'll open it to the audience if anybody from the audience has any questions for Mr. Ploussas based on the testimony given this evening? Seeing no one from the audience I'll close it to the public. Thank you Mr. Ploussas.

MR. PLOUSSAS: Thank you.

MR. WEISS: Mr. Dunne?

MR. DUNNE: Yes thank you. That concludes our case Chairman. By way of court summary I submit that the evidence establishes that this proposed use first of all is unique and would not have been anticipated by the governing body when they developed these zones because it's looking for a particular type of structure which is not generally available in the zone that it might be zoned for. The tenant looked around for a warehousing type structures, couldn't find that and this particular size structure and its location fit well with this proposal. Not to mention the uniqueness of having the running trail right there adjoining to the site which makes it perfect. Special reasons obviously it's important to promote recreation as part of the overall zoning purposes and this is a unique type of a project and I respectfully suggest that there's no negative effect in the zone plan, Master Plan from this use. It's not even going to be observable from everybody from a traffic and public, there's no interference with operational hours or large crowds or traffic or anything like this and it does provide a new level of training which is not generally available it's something unique and something new. So I respectfully submit that the Board grant this use variance application and permit this to proceed. Thank you.

MR. WEISS: Thank you.

MR. MCGROARTY: Mr. Chairman?

MR. WEISS: Yes go ahead Chuck.

MR. MCGROARTY: I just have one suggestion. Just anticipating if there is a motion to approve in that report it just suggested because this is a different type of facility that . . . and again subject to guidance from Tiena, that the approval would be specific to this kind of facility and that it will not be automatically converted to a sort of conventional fitness center by way of similarity. Which would otherwise be the case if a use variance were granted without coming back to this Board. Because of course then you're opening it up to a larger body of the general public and there's parking, etc. That would be a suggestion I would offer.

MR. WEISS: All right I just want to add one thing. I know that for most applications we get a very nice stern report from Chuck and Chuck I got to tell you this one was excellent because you kind of took the time to re-educate us on the requirements of the use variance. And I think for the members of the Planning Board this might be one of those reports you print and save and refer to it. Because seriously Chuck the general direction for the Planning Board is in here and it could make it very easy for us to understand what our role is. So I actually have notes, I think Mr. Buzak gave it to us three years ago it gets banged up but I keep it in front of me on use variances and use it as a checklist. And I think your report might just take the place of my old notes from three years ago. Anything else? Before we were to make a motion I would turn to Tiena to see that any motion would contain the following conditions.

MS. COFONI: Yes that any showers to be added to the existing laboratories which would be one in each bathroom would be subject to approval by the Board of Health. The applicant must obtain Board of Health approval for the septic and that the approval would be specific to this type of fitness center and I'll phrase it a little more specifically. I think that's it I don't know Chuck if you had another one in your report?

MR. MCGROARTY: I guess Gene would be involved in reviewing on-site improvements the parking, etc.

MR. BUCZYNSKI: That's normal I wouldn't be reviewing it probably the in-house inspector would review the minor changes.

MRS. NATAFALUSY: Would there be any developer's inspection fees or anything required?

MR. BUCZYNSKI: With the zoning permit? You're going to have a zoning permit correct?

MRS. NATAFALUSY: Yeah.

MR. BUCZYNSKI: The zoning permit and the required inspection fees will determine that.

MRS. NATAFALUSY: Okay.

MR. MCGROARTY: And I have nothing else Tiena.

MR. WEISS: Do we need for the . . . or will it be in the revised plan the hours of operation?

MR. MCGROARTY: Mr. Chairman, members of the Board I mean you can decide that I don't know if you really need it. I mean sometimes you have . . . you impose them, sometimes you don't but I guess you decide if it's really necessary. I mean does it matter if this goes to 10:00 in the evening out there or it's not near a residential area it's almost going to really . . .

MR. WEISS: I'm seeing pretty much a negative so let's leave the hours open to the discretion of the tenant.

MS. COFONI: I just have it marked as a point of information but there's no condition or anything with regard to that.

MR. WEISS: Okay so those conditions as read by Tiena, will somebody make a motion?

MR. FLEISCHNER: I'll move we approve PB 12-17 with the appropriate conditions as listed by our attorney.

MR. NELSEN: I'll second it.

MR. WEISS: Thank you Mr. Nelsen. Any conversation?

MR. BEDELL: Can we just add I'm not sure and I may have missed but the remarks that Chuck made prior to if another tenant comes in?

MR. WEISS: She did.

MR. BEDELL: All right I thought I may have missed it I just wanted to make sure.

MR. WEISS: Yeah Tiena said she'll put the right legalize on that one. That being said no further conversation Catherine roll call please?

MRS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Nelson Russell - yes
Steve Bedell - yes
Jim Staszak - yes
Paul Ottavinia - yes
Howie Weiss - yes

MR. WEISS: Gentlemen good luck to you welcome to Mt. Olive.

MR. DUNNE: Thank the Board very much for giving us this opportunity I appreciate the time.

MR. WEISS: Ladies and gentlemen I have no other business on the agenda. Any other business? Paul.

MR. OTTAVINIA: Just from talking Mr. Fleischner about the water thing up at, up on Oxford Drive. And the only reason this kind of popped into my head is because I general contracted my own house was you know it seems to me like a simple solution to a lot of that would be sprinkler systems inside houses. You know and it might sound like a crazy idea but it's something to be explored is that something that as a town we can pass an ordinance and make people who are building houses . . . you know new construction in town you have to put sprinkler systems inside the house. From an engineering standpoint is that viable, not viable . . .

MR. BUCZYNSKI: If you can get a well to provide proper water pressure.

MS. COFONI: I think we'd run into the fact that it's probably more of a Uniform Construction Code issue it's not really within our jurisdiction. It's certainly not the Planning Board but I don't know that the town were to actually adopt an ordinance like that because that's like a construction, building/construction type issue that's really not . . .

MR. OTTAVINIA: Or fire prevention.

MS. COFONI: Yeah it's probably outside of something that we would legislate on the local level.

MR. OTTAVINIA: I mean it could very well though you know solve a lot of the problem you know if everybody has got their own you know sprinkler system in the house you know possibly . . . You know I mean commercial buildings are required to do it.

MR. MCGROARTY: Yeah and in some cases now some, and I don't know if it's in New Jersey, but they don't even use the water anymore they use the chemical.

MR. OTTAVINIA: Foam?

MR. MCGROARTY: Yeah. So they design it into the system.

MR. FLEISCHNER: Is that something that is possible? I mean we're looking out really for the sake . . .

MR. BUCZYNSKI: That's more the Construction Code Official.

MS. COFONI: Yeah I don't know how we would put that in an ordinance. That's really like how you construct the building you know the thickness of the walls, the footings, that's kind of one of those things that . . .

MR. WEISS: But I suppose the message is loud and clear that the next time we address a home whether it's a single home or a small development or a cluster we make sure we address it. How fire is going to be fought and whether it's (inaudible) a well or a sprinkler system or . . .

MR. BUCZYNSKI: Well what we've done too I mean unfortunately the way that was approved the town was very active at the time to try and put a central water system in in the Indian Springs Area. And then we got other developments that we put in underground tanks so they could have enough water for the first hit of fire. That's in several other developments that's what they've done after that per the request of the Fire Marshall where they could just draft right onto the underground tank. That's in several developments so that was the alternative afterward, but those two, way back when, and I think the town at the time really thought they were going to be able to push an application together for a central water system. So they had the other development there also Bonnet Woods that was an active development off of Smithtown Road and everybody was leaning towards the water system and then when Greentree came in they had the site and part of the reason, I'm not sure what happened but it fell apart and nobody really pursued it. And then American Water Company came in and they were going to get them to put a water tank in and it just kind of never festered into what the vision was years ago.

MR. FLEISCHNER: We had good vision but poor execution.

MR. BUCZYNSKI: There you go.

MR. WEISS: We're half way there.

MR. FLEISCHNER: Half way there.

MR. WEISS: Any other new business to discuss? Chuck, Gene, Catherine?

MR. MCGROARTY: Nothing thank you.

MR. WEISS: Tiena?

MS. COFONI: No.

MRS. NATAFALUSY: Meeting next Thursday I'll send the packet out tomorrow.

MR. WEISS: I'll be a little bit late again.

MR. NELSEN: Next Thursday?

MRS. NATAFALUSY: Next Thursday, ARD is on for an extension request and we've got one other application, a variance the other variance had to be carried.

MR. BEDELL: Just ARD again?

MRS. NATAFALUSY: Phase II.

MR. WEISS: Motion to adjourn?

MR. STASZAK: Motion.

MR. WEISS: All in favor?

EVERYONE: Aye.

MR. WEISS: Good night everybody thank you.

(MEETING ADJOURNED AT 8:50 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department