

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, John Mania, Nelson Russell, Mayor David Scapicchio, Jim Staszak, Scott Van Ness, Steve Bedell, Brad Zwigard, Howie Weiss

Members Excused: Joe Fleischner

Professionals Attending: Eugene Buczynski, P.E., Edward Buzak, Esq., Catherine Natafalusy, Planning Administrator

Professionals Excused: Chuck McGroarty, Planning Consultant, Tiena Cofoni, Esq.

APPROVAL OF MINUTES

October 13, 2011 Public Meeting

Motion: John Mania
Second: Mayor David Scapicchio

Roll Call:

John Mania - yes
Nelson Russell - yes
Mayor Scapicchio - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
Howie Weiss - yes

October 28, 2011 Public Meeting

Motion: Nelson Russell
Second: John Mania

Roll Call:

John Mania - yes
Nelson Russell - yes
Steve Bedell - yes
Howie Weiss - yes

COMMITTEE REPORTS

MR. WEISS: Committee reports Mr. Mayor?

MAYOR SCAPICCHIO: Just two brief we are very close to signing a land lease agreement with a company called Syncarfa to construct a solar field on Combe Fill North. It's a 25 year lease that will generate revenue in the amount of about \$300,000 a year for the township. The second issue is we applied for some open space funds through the County and the State for the 57 acre BASF out parcel and the County approved \$250,000 towards that purchase. That's it.

MR. WEISS: Thank you Mr. Mayor. John Council?

MR. MANIA: None.

MR. WEISS: Thank you. Nelson Environmental Commission?

MR. RUSSELL: We meet Wednesday.

MR. WEISS: Jim Ordinance Committee?

MR. STASZAK: Nothing at this time.

MR. WEISS: Street Naming Committee I have nothing and we don't have any representative for Open Space and I'm not sure if anybody was interested in taking that position. We'll look to reconvene that in January then. So we have no Open Space Committee report. Nelson maybe until

that's opened just keep your ears opened if there's anything that comes across the Environmental Commission from the Open Space Committee you'll share that with us.

MR. RUSSELL: Will do.

MR. WEISS: Thank you.

DISCUSSION MATTER

APPLICATION #PB 10-24 – MORGAN PROPERTIES – Block 4600, Lot 11

MR. WEISS: The first discussion matter is PB 10-24 Morgan Properties Block 4600, Lot 11 under developer's agreement we need to discuss waiving a condition. Gene?

MR. BUCZYNSKI: Morgan Properties yeah in the resolution of approval it called for a developer's agreement it's a very small site plan it's an existing building and there's very little amount of improvements. There's an existing parking lot after making some minor expansion to that parking lot I think it can be better handled just by a zoning permit and submit an estimate for the amount of inspection escrow rather than going through the whole process of a developer's agreement and delaying the project another month, month and a half. So we just (inaudible) see if the Board agrees and to just waive that requirement.

MR. WEISS: I think you would know best Gene, your recommendation is its okay to waive it?

MR. BUCZYNSKI: Yeah we've done it before on the small applications I think it makes sense.

MR. WEISS: Does anybody have any input contrary to what Gene said? I see no resistance from what Gene said we'll go ahead and approve. Do we need to vote on that?

MR. BUZAK: I don't think you need to do that I think we have a consensus of the Board.

MR. WEISS: Yeah the record will show that there was no objection to Gene's recommendation that we waive the conditions so we make that a brief discussion matter Gene.

MR. BUCZYNSKI: That's it.

MR. WEISS: Perfect. Let's move on then.

DEVELOPMENT MATTERS

APPLICATION #PB 11-26 – KEVIN QUINN

MR. WEISS: Our first development matter this evening is PB 11-26 Kevin Quinn Block 8100, Lot 25 located at 212 Drakestown Road. Here for a variance which is encroaching within the front yard setback on the accessory structure. Mr. Quinn what you'll do is you'll come up to the podium there's a microphone and there's a Bible we'll swear Mr. Quinn in. What you'll do is you'll raise your right hand and put your left hand on the Bible and Mr. Buzak will swear you in.

(KEVIN QUINN SWORN IN FOR THE RECORD)

MR. BUZAK: You can sit down make yourself comfortable please state your name and address for the record spelling your last name.

MR. QUINN: Kevin Quinn (Q-U-I-N-N) 212 Drakestown Road.

MR. BUZAK: Thank you Mr. Quinn.

MR. WEISS: Mr. Quinn we all here up on the Planning Board we have copies of your application and report what I'll need you to do is basically why don't you explain to the Planning Board why you're here tonight, what it is you want to do and give us as much background as you can about why you're here.

MR. QUINN: To I guess recertify my previous variance approval which was for a shed. So I didn't make the shed because I'm going back and forth between the different sizes in the buildings and

the expenses involved with each building. So I've been going back and forth between a shed, a single-car garage or a two-car garage. So with this one I thought I could cover all bases by applying for a two-car garage which will be the maximum size in that same spot that the shed was approved for. So I don't know if it works that way or not or I have to come back. If I get a two-car approval and then I come back and I say I want a one car because the two cars are too expensive. You know the buildings and the land development then I guess I have to reapply but I thought maybe if I state the maximum size building then that would cover, because it's in the same spot that the shed was approved for.

MR. WEISS: Do you happen to have . . . I know we have a copy of it but do you have a copy of your survey on you?

MR. QUINN: I don't know for sure.

MR. WEISS: I guess if we're going to talk about where the shed is located . . . We all have it I'm not sure if everyone has a copy of that report. I'm just going back and forth between two different reports.

MRS. NATAFALUSY: Mr. Chairman here's some photographs of the property.

MR. WEISS: These photographs are part of the application right Catherine?

MRS. NATAFALUSY: Yes.

MR. WEISS: Is everybody looking for a copy of the survey? It was mailed as part of the packet. Okay so you're seeking relief from front yard setback on the shed.

MR. QUINN: Yes.

MR. WEISS: Explain where you want to put the shed.

MR. QUINN: Right where the old variance was approved for, the exact same spot only it would be wider obviously than the original approval. Wider and a little deeper, I'm figuring the maximum amount is 24 by 32. 24 wide . . .

MR. WEISS: Tell me a little bit about that last variance. You said you had a previous variance. This particular variance you're looking for relief of approximately 22 feet into the front yard setback. How did that compare to the previous variance?

MR. QUINN: Well I went through this whole procedure I guess months ago and all of the variances were approved for that shed which I forget what size it was I was looking for, I didn't know if it was . . . I think it was 16 by 24 or something like that and that got approved as far as . . .

MR. BUZAK: No I'm a little bit confused Catherine. Was there . . . did I miss something here?

MRS. NATAFALUSY: Not before this Board he was before the Zoning Board of Adjustment in 2009.

MR. BUZAK: Oh I'm sorry I thought he said a few months ago.

MR. QUINN: Yeah I did one of these.

MRS. NATAFALUSY: No.

MR. QUINN: I did a meeting like this.

MR. BUZAK: I thought you said a few months ago and I'm trying to . . .

MR. QUINN: Well maybe a year ago or almost a year ago?

MRS. NATAFALUSY: 2009.

MR. QUINN: Oh okay well that's more than a year ago.

MR. BUZAK: Time flies.

MR. QUINN: How time flies that's correct.

MR. BUZAK: I was trying to figure out you know where that was.

MR. WEISS: Okay so with that variance at the time are the parameters the same would you say?

MR. QUINN: Exactly, exactly except for the width of the building and the length of the building.

MR. WEISS: Did you have something to add to that Catherine?

MRS. NATAFALUSY: The variance in 2009 was 77 feet from the front lot line.

MR. QUINN: Which is on the back edge of the tarmac.

MRS. NATAFALUSY: Right now he's situated 78 feet so it's just about the same.

MR. WEISS: Just about the same okay.

MRS. NATAFALUSY: Yeah he's a little closer now than he was.

MR. WEISS: Scott?

MR. VAN NESS: Is your goal to replace the existing shed?

MR. QUINN: Yes.

MR. VAN NESS: That barn shape shed?

MR. QUINN: Yes it's a 12 by 14 now and there's not enough . . .

MR. VAN NESS: And you want to put a garage there?

MR. QUINN: Either a one car or two car yes.

MR. VAN NESS: And the front of that building will be the same location as the front of that shed?

MR. QUINN: Exactly the same yeah right on the edge of the tarmac, the back side of the tarmac. Because the land slopes away of about 15 degrees . . .

MR. VAN NESS: You can see the angle on that one picture.

MR. QUINN: Yeah if you push it to far back down hill it just it doesn't look right aesthetically it would be ridiculous.

MR. VAN NESS: Okay thank you.

MR. WEISS: Are there any issues Ed that we should be concerned about? I mean it seems like the variance was granted (inaudible) before us. Just to remind you again Mr. Quinn you're here because you're changing the dimensions of the shed.

MRS. NATAFALUSY: Well he's here because that variance expired.

MR. WEISS: On top of the fact that it expired you're making it . . .

MR. QUINN: Because I started inquiring about larger buildings and the cost of larger buildings.

MR. BUZAK: I keep getting confused here. I just saw the photographs that were passed around had the shed.

MR. QUINN: That's the shed that's there now.

MR. BUZAK: Right and then you're saying that in 2009 you got approval for a . . .

MR. QUINN: A larger shed.

MR. BUZAK: A larger shed than the one that's there.

MR. QUINN: That's right.

MR. BUZAK: How did that, did you get a variance for the shed that is there?

MR. QUINN: No there was no talk of a variance I just told the town you know I was going to put it up and I . . .

MR. BUZAK: You put it up.

MR. QUINN: Yeah it's just a slide in shed it's . . . you slide it off the trailer truck and you put it there. And if there was a variance needed for that I didn't know that.

MR. BUZAK: Okay when was that installed do you recall? And add two years to whatever you say.

MR. QUINN: I've had it probably about 5, 6 years now I guess.

MR. BUZAK: Okay.

MR. WEISS: Was that installed through a zoning permit?

MRS. NATAFALUSY: Not that I'm aware of. Not if he needed a variance.

MR. WEISS: You're talking about the original shed right?

MRS. NATAFALUSY: Yes.

MR. WEISS: Okay well I guess that's not really the issue at hand tonight correct?

MR. BUZAK: Right.

MR. BUCZYNSKI: Because he's going to remove it anyhow.

MR. QUINN: I'd remove it yeah.

MR. WEISS: That's got to be a condition.

MR. BUZAK: But you got the variance for a larger shed which you never constructed.

MR. QUINN: Yeah I didn't think a variance was needed for that small one it was only 12 by 14 that's like a regular garden shed because it's so small. But I started inquiring with the town about anything larger than that and that's when they told me I needed a variance.

MR. BUZAK: Well as the Chairman said we're not really concerned about the original one but I think the point is that you received a variance two years ago for a larger shed, smaller than the application today but at the same essentially the same setback from the street.

MR. QUINN: Exactly the same setback yes.

MR. BUZAK: Okay that's the important factor here I think.

MRS. NATAFALUSY: Can I ask a question? Why does it have to be a two-story detached garage is there a reason?

MR. QUINN: Storage.

MRS. NATAFALUSY: Storage? Okay.

MR. QUINN: Yeah the house is small there's a lot of clutter the garage is small you know so . . .

MR. WEISS: I think the key to this application is the proposed improvements are a percent of the total coverage which is allowable correct?

MRS. NATAFALUSY: Yes and any further improvements will require a variance.

MR. WEISS: And therefore that brings you to the maximum lot coverage which means anything that you put on your property after this will require you to come back to this Board. As long as you're aware of that.

MR. QUINN: Larger?

MR. WEISS: Anything else on your property.

MR. QUINN: Oh sure. Well I wouldn't do anything without doing that anyway.

MR. WEISS: Well you might not be allowed to because you've now maxed out your lot coverage.

MR. QUINN: That's fine.

MR. BUZAK: Is the width of the existing shed approximately 12 feet wide . . .

MR. QUINN: Now?

MR. BUZAK: Yeah.

MR. QUINN: 12 by 14.

MR. BUZAK: The new garage will be 24 in width.

MR. QUINN: Yes if I build it if it's not too expensive because there's not only a garage . . . I want to put a nice building, a metal building there so it's not only the cost of that but the cost of the leveling of the land.

MR. NELSEN: When was this survey done? Because the shed that we're looking at here in the picture doesn't seem to line up with the driveway that shows there.

MR. QUINN: No the drawing is a little different than the actuality of it.

MR. NELSEN: Yeah that's . . .

MR. QUINN: The drawing is just somebody just put it in there . . . threw it in there.

MR. WEISS: It looks like there's a date of 1978 across the top Dan.

MR. BUZAK: The bottom right says 2000. 1/31/00.

MR. BEDELL: I guess what we're referring to I if you look at this survey, the shed is basically on the grass there's no blacktop in front of it. But if you look at the picture there's blacktop in front of the shed.

MR. QUINN: That's the edge of the blacktop the back edge.

MR. BEDELL: Yeah but if you look at the survey I'm looking at here the shed is about . . .

MR. QUINN: The survey is not exactly accurate the picture tells the better story.

MR. BEDELL: Yeah that's what I thought okay.

MRS. NATAFALUSY: You've increased the width of the driveway (inaudible).

MR. WEISS: Go ahead?

MAYOR SCAPICCHIO: Howie should we get an updated survey? I mean I don't have a problem with the application and the request but shouldn't there be an updated survey that shows the location?

MR. BUCZYNSKI: Well is the shed in the same location as on the plan it's just that the driveway has been expanded?

MR. QUINN: No the driveway is the same as when I moved in it's just that where they drew it on the plan may be a little off.

MAYOR SCAPICCHIO: On the survey you mean.

MR. QUINN: On the survey.

MR. BUCZYNSKI: But it's going to be removed Mayor I mean the shed is going to be removed.

MR. QUINN: Yeah it won't be there. If you look at the diagram of the back edge of the blacktop I'm trying to make the new building be on the right edge to match the right edge of the blacktop and then come you know toward the building.

MR. NELSEN: It looks like the shed is where the proposed garage will be.

MR. QUINN: That's exactly right.

MR. WEISS: That's a good point you're taking down the shed.

MR. QUINN: I'm trying to allow for the largest building I can put there based on cost.

MR. WEISS: Okay. Scott?

MR. VAN NESS: Are you going to put a foundation in or are you just going to raise the ground?

MR. QUINN: Well no I'm going to have to put what do you call it the QP.

MR. VAN NESS: But you're not going to do a cinder block foundation?

MR. QUINN: No I'll have a retaining wall from the people I've been talking to.

MR. VAN NESS: And the height of the building that you're considering, the largest building you're considering?

MR. QUINN: I think this one is 19 feet I think it's a foot higher than the other one. The other one was 18 feet the last one approved.

MRS. NATAFALUSY: In the plans you gave me it was 21 feet, 21-1/2 feet.

MR. QUINN: This one here?

MRS. NATAFALUSY: The plans you gave me in October.

MR. QUINN: Okay 21 okay.

MR. VAN NESS: What's the limit on that?

MRS. NATAFALUSY: There isn't a height limit in the RR-AA zone it's limited by the setback from the rear and side property lines because it's 1-1/2 times the height.

MR. QUINN: Yeah it should be far enough away from the side property to

MR. VAN NESS: How far from the side property do you think it is?

MR. QUINN: I don't know if the plan gives you an idea but it's a pretty good distance. It's not huge but it's more than I think 21 feet.

MRS. NATAFALUSY: I calculated 36 feet from the one side lot line.

MR. VAN NESS: Okay thank you.

MR. WEISS: John?

MR. MANIA: If this is going to be a garage are you going to put a poured concrete floor in there?

MR. QUINN: Yeah.

MR. MANIA: On top of the QP?

MR. QUINN: Whatever is the right way to do it that's the way I'm going to do it. You know whatever is the right way to do it the proper way to do it that's the way it's going to be done.

MR. MANIA: I would think that if you're putting a garage in you'd have to pour footings.

MR. QUINN: Sure it should be a 4 foot slab but

MR. MANIA: Yeah there's going to be footings and a concrete floor.

MR. QUINN: Yes well this building which I was looking at for which I applied for comes with a slab. That company that puts that building in puts

MR. MANIA: A pre-fab slab?

MR. QUINN: No a poured slab in with it. So they know it's going to be a garage and they would have to make it right and apparently they've been working with the town for Morton Buildings is the name of the

MR. MANIA: Well there will be an inspector out there to check the footings and so forth.

MR. QUINN: Yeah I don't know if you know the name Morton Buildings from Phillipsburg but he said he's done

MR. WEISS: Go ahead Steve.

MR. BEDELL: I'm just making sure I'm seeing this right it looks like the dimensions are it says 32 feet long by 24 feet wide is that correct?

MR. QUINN: That's the maximum I allowed for yeah.

MR. BEDELL: That's the max but how

MR. QUINN: For me but due to cost and everything else yeah.

MR. BEDELL: How long do you propose this shed, how deep is the shed going to be?

MR. QUINN: 32 feet.

MR. BEDELL: It is going to be 32 feet deep.

MR. STASZAK: It's not a shed it's a garage.

MR. QUINN: Or I could get it 24 feet, I could get it . . . I could make it as deep as I want I'm just applying for the maximum that I thought I might want. Instead of coming back if I change it to 20 feet I have to come back and do this process all over again to say I want a shed for 24 by 30 feet you know instead of

MR. MANIA: So you may be making it smaller is what you're saying.

- MR. QUINN: Yeah most likely because of the cost.
- MR. WEISS: Based on the 32 foot wide garage he's got the space for it.
- MR. BEDELL: Yeah I know but think about the other neighbors out on the street I mean it's a residential neighborhood.
- MR. WEISS: Is there anybody from the public here? So that kind of . . .
- MR. BEDELL: Yeah.
- MR. WEISS: He's entitled to build such a piece of
- MR. QUINN: Will there be the concern for the neighbors?
- MR. WEISS: That's right.
- MR. QUINN: What's the concern for the neighbors?
- MR. BEDELL: It's just not a normal structure for a residential area on a residential piece of property a garage for basically two buses.
- MR. QUINN: Well I've been looking at others and I've even stopped and gone in them, talked to the homeowners and I see one almost exactly like the one I'm talking about here.
- MR. BEDELL: Okay. It's just not a normal structure that's all I'm saying this is not a normal . . .
- MR. QUINN: I see a lot of the two-car garage, a couple of them I can think of with second floors on them.
- MR. BEDELL: Yeah but not 32 feet deep that's where I'm coming from that's all.
- MR. QUINN: Well there's one at least 30 feet deep because he's got the room for the vehicles plus he has a wall and a room behind it like a workshop so it sounds a lot larger.
- MR. WEISS: Steve I think the bottom line is that the 32 foot deep garage doesn't put him over It's Mr. Quinn's prerogative and I don't think that conversation needs to be had.
- MRS. NATAFALUSY: Although he has . . . if you look at the floor plan its 32 feet in width and 24 feet deep. The application he submitted is reversed now that I look at it.
- MR. QUINN: It's supposed to be 24 by 32.
- MRS. NATAFALUSY: The floor plans that he submitted show it as 32 feet wide and 24 feet deep.
- MR. WEISS: And that's what you just said 32 feet wide.
- MR. QUINN: Yeah I wanted to keep the 15 feet away from the house to make it unattached.
- MR. WEISS: Ed?
- MR. BUZAK: I'm sorry I'm still trying to get the orientation. As you look at it from your driveway is it 24 feet wide which I would consider from left to right as I look at it width.
- MR. QUINN: How I got the measurement was I went 15 feet from the corner of the house
- MR. BUZAK: I don't care where you put it I'm just asking assuming that it's a 24 by 36 by 32 structure is it going to be oriented when you stand in your driveway and look at it, will the 24 feet be from right to left?
- MR. QUINN: You can say that.

- MR. BUZAK: Or will the 32 feet be from right to left.
- MR. QUINN: 24 feet right to left.
- MR. BUZAK: 24 feet.
- MR. QUINN: Yes.
- MR. BUZAK: Okay so what you have in the survey is correct.
- MR. QUINN: 24 wide by 32 deep at the most. It may not be 32 maybe I'll go for a 20 by 30 you know.
- MR. BUZAK: No I understand that but your seeking approval for the 32 feet.
- MR. QUINN: Right the max allowable and the max that can fit there is what I'm thinking that's all.
- MR. BUCZYNSKI: What got confusing was the floor plan that is shown shows the garage doors to be on the 30 foot wide side not the 24 foot wide side.
- MR. QUINN: Right that's not accurate.
- MRS. NATAFALUSY: So it's not that.
- MR. MANIA: It's the opposite.
- MR. BUZAK: Mr. Quinn in order to obtain a variance from the Board you need to demonstrate that there's some peculiar situation or unusual situation with your land for example that would prevent you from moving this garage structure back the 100 foot setback that's required. Can you tell the Board from your perspective, what's the difficulty in doing that?
- MR. QUINN: It's about a 15 degree decline from the edge of the blacktop the land goes down so that the farther back you go the higher you have to have a retaining wall and the further back you go it drops even further than 15 degrees. So by the time you get 10, 11, 15 feet back you're going to have a retaining wall like 20 feet high back there you know and all of that has to be filled in and all of that costs money and it wouldn't look right because it's set back from the blacktop and the only way it looks aesthetically pleasing is if it's right on the edge of the blacktop. My view you know I mean that's the way . . . I want it to look nice I don't want it to look like it's just thrown there you know. So you'd have to have a driveway . . .
- MR. WEISS: So you have a steep slope on your property that prohibits you from moving the shed elsewhere on the property.
- MR. QUINN: That's exactly right.
- MR. WEISS: And by putting it where it is it makes it more aesthetically pleasing.
- MR. QUINN: That's exactly right to make it look normal and fitting with the house.
- MR. WEISS: It would be more normal . . .
- MR. QUINN: That's right, that's right like I see other houses they're at the back of their blacktops. You know they don't have a driveway to their garage or shed they have it more or less near the house.
- MR. WEISS: I just want to help your testimony go in the right manner. Correct Mr. Buzak?
- MR. BUZAK: Yes.
- MR. WEISS: So again on the other side putting it where you're recommending seems to be a better choice because it's more aesthetically pleasing.
- MR. QUINN: Exactly.

MR. WEISS: Than if you moved it elsewhere.

MR. QUINN: That's right.

MR. WEISS: Thus removing any negative impact on the neighbors.

MR. QUINN: Right.

MR. WEISS: Would you agree?

MR. QUINN: Yes.

MR. BUZAK: Do any of your other neighbors have similar freestanding garages?

MR. QUINN: Well there's only one neighbor that's closest to me, the other one is about the size of two lots away.

MR. BUZAK: All right how about the one that's closest to you?

MR. QUINN: He's the only one there he only has a small shed that's it way off in the distance.

MR. BUZAK: Okay no garage.

MR. QUINN: Well he has it attached to the house. He has no freestanding garage.

MR. BUZAK: Does his lot slope similarly?

MR. QUINN: No it's more flat, his backyard is flat it looks like it was built up.

MR. BUZAK: What is behind you?

MR. QUINN: A farm that slopes down to a pond.

MR. BUZAK: A pond.

MR. QUINN: Right.

MR. BUZAK: Is that on your property the pond?

MR. QUINN: No it's the farm behind me.

MR. BUZAK: How far is the house, approximately how far is the farm house from your lot line or from your house?

MR. QUINN: About 100 yards maybe there's woods and you have to go through the woods and you can see the house now because the woods aren't full but I guess about 100 yards maybe a little more.

MR. BUZAK: You have almost an acre of land right?

MR. QUINN: That's correct.

MR. BUZAK: How about to the right, is that where, as you're facing the garage to the right is that the house that's closest to you?

MR. QUINN: That's right.

MR. BUZAK: And you said this but I missed the testimony about how close is that house to your property line?

MR. QUINN: Well I don't know exactly what the measurement is but it seems to be far enough away where it will allow for the height of the building. If in fact I get a two-story building . . .

now the builder is telling me that I'd be better off with a one story building because it costs too much to get a two-story building. So that's what I'm leaning toward. But the max is 21 feet if I do get a two-story building but at this point I'm leaning toward a one-story.

MR. BUZAK: All right but can you give me the distance even

MR. QUINN: I don't know what exactly it is. If you can tell from the drawing I don't know but

MR. WEISS: As discussed it was 36 feet I think Catherine told us.

MRS. NATAFALUSY: From the lot line I scaled it.

MR. WEISS: Oh.

MR. BUZAK: Okay so this garage will be 36 feet.

MRS. NATAFALUSY: From the side lot line.

MR. BUZAK: Do you know where the neighbor is is what I'm trying to get to.

MRS. NATAFALUSY: No.

MR. BUZAK: Okay. Thank you. Is that the minimum side yard Catherine?

MRS. NATAFALUSY: It's 1-1/2 times the height of the structure.

MR. WEISS: No, no in this zone what is the side yard setback.

MRS. NATAFALUSY: 1-1/2 times the height of the structure.

MR. WEISS: But for a principal structure.

MRS. NATAFALUSY: Oh for principal structure I'm sorry, 50 feet.

MR. BUZAK: All right so that house is probably 50 feet, minimum 50 feet from the side line

MR. QUINN: Oh the house yeah. It's a good distance yeah.

MR. WEISS: Well I think that we heard testimony about the negative and positive criteria on this application have we not Mr. Buzak?

MR. BUZAK: I think we have.

MR. WEISS: Anybody have any questions for Mr. Quinn? I think we've exhausted is there anybody from the public have any questions for Mr. Quinn based on the testimony we've heard tonight?

MR. BUZAK: Or comments.

MR. WEISS: Or comments. Seeing none let's close it to the public and let's see if we can entertain a motion.

MR. STASZAK: I make a motion we approve PB 11-26.

MR. MANIA: I'll second it.

MR. WEISS: Jim and John thank you very much if there's any conversation. If we were to approve it there's a few conditions and I saw Mr. Buzak writing them down let's review what those conditions are Mr. Quinn. Certainly Mr. Buzak will read them to us.

MR. BUZAK: Actually Mr. Chairman I didn't have any conditions I think that in thinking about it however it would seem to me that we should if the Board is comfortable with it we should make it

clear in the resolution that this is the maximum size that would be permitted and that the applicant is permitted to reduce the size of the structure effectively in that same location. And this way then he doesn't have to come back if he decides that he's going to reduce the size of it for whatever reason he may have.

MR. MANIA: And also as the Chairman indicated previously that maxes out the property.

MR. BUZAK: We will affirmatively state that.

MR. BEDELL: How about the removal of the shed it may be in there but

MR. BUZAK: Good point.

MR. VAN NESS: And I only have one thing as well if you wanted to come back for an additional variance of some type in the near future or in the future beyond this approval that an updated survey should be recorded.

MR. WEISS: I guess its standard fair that the construction of this garage will meet all construction policies by our Construction Office to meet all the zoning and permits and follow the instruction of the Construction Official.

MR. QUINN: He's said he's done other buildings in Mt. Olive.

MR. WEISS: No, no we're talking about from our end. Our Construction Official it must meet the standards established in town.

MR. QUINN: I go with the regulations.

MR. WEISS: Perfect.

MRS. NATAFALUSY: We'll also include that he just has to get a zoning permit prior to. This way we're clear on what the size is being built and the Construction Code Official will then know too.

MR. BUZAK: Very good.

MR. WEISS: All simple things. So now we have a couple of conditions Jim, John are you okay with these?

MR. STASZAK: Yes.

MR. MANIA: Yes.

MR. WEISS: So motion made and seconded. Any other conversation? Seeing none Catherine let's roll call.

MRS. NATAFALUSY:	Dan Nelsen	- yes
	John Mania	- yes
	Nelson Russell	- yes
	Mayor Scapicchio	- yes
	Jim Staszak	- yes
	Scott Van Ness	- yes
	Steve Bedell	- yes
	Brad Zwigard	- yes
	Howie Weiss	- yes

MR. WEISS: Good luck Mr. Quinn.

MR. QUINN: Okay thank you.

APPLICATION #PB 11-33 – DONALD & MARYELLEN HELLYER

MR. WEISS: Okay let's move on to our next application. Catherine it's supposed to be PB? It says PN.

MRS. NATAFALUSY: Right.

MR. WEISS: I believe its PB.

MRS. NATAFALUSY: Yeah it's a typo.

MR. WEISS: Okay we can live with that. PB 11-33 Donald and Maryellen Hellyer Block 6700, Lot 2 which is 683 Bartley Road we have a variance for encroachment with the rear and side setbacks on an accessory structure. Good evening. What we'll do is your both going to testify we'll swear you both in.

MRS. HELLYER: I'm going to.

MR. WEISS: Mrs. Hellyer.

MR. BUZAK: Well why don't we swear both of you in and this way then in case (inaudible) we don't have to do this again.

(DONALD & MARYELLEN HELLYER SWORN IN FOR THE RECORD)

MR. BUZAK: Please sit down make yourself comfortable and just for the record can you state your name and address spelling your last name.

MRS. HELLYER: Donald and Maryellen Hellyer (H-E-L-L-Y-E-R) 683 Bartley Road, Chester, New Jersey we're the last house in Mt. Olive.

MR. WEISS: Chester mailing address but you're a Mt. Olive resident.

MRS. HELLYER: Yes we're a Mt. Olive resident.

MR. WEISS: So Mrs. Hellyer obviously you saw before you . . . you're going to explain to the Planning Board exactly why you're here, what brings you here tonight, what we would question and perhaps why your requesting such and we'll kind of fill in the blanks we'll ask some questions and we'll see where it goes from here.

MRS. HELLYER: Okay we bought our house 16 years ago and it had a garage that was probably there for 50 years. On September 28 there was a flash flood that went down Bartley Road and our garage was washed away, and our shed, and our fencing, and our shrubs. The whole backyard was washed away. All we want to do is put a new garage up but with the setback laws as they've been explained to me a garage won't fit on our property unless we can put it back where it was.

MR. WEISS: Okay Catherine the shed that was there was it something that's been in place well before the zoning parameters were in?

MRS. NATAFALUSY: I couldn't tell you when that shed . . . it was off of their property if you look at the . . .

MRS. HELLYER: There was an old shed that actually was there before us and probably the lady before us put the, chicken coop is what it was . . .

MR. HELLYER: It was an old ruder house.

MRS. HELLYER: It was a ruder house that she turned into a shed. She bought that property in 1951 I believe and she put that on there some time then and it actually was not even on the property it was actually set back on what is the railroad property now or whatever it was on County property, whatever it was. That was never even on our property that you can see that from the old survey it was set way back.

MR. BUZAK: The old survey says that it's a one car framed garage and shed.

MRS. HELLYER: Yeah that's the way they taxed it. I can show you a picture of what it used to look like.

MR. BUZAK: Can you bring that up here and we'll mark that as an exhibit.

MRS. HELLYER: That's what it used to look like.

MR. BUZAK: Okay gotcha.

MRS. HELLYER: And they taxed it as . . . because I got an assessment and it said I two sheds I actually questioned it and said I have two sheds and they said they only taxed this part as a garage and this piece because it had like barn doors as a . . .

MR. WEISS: Well let's reference these pictures.

MR. BUZAK: All right we'll mark these, let me just take these if you don't mind . . .

MRS. NATAFALUSY: She did submit photographs with the application.

MR. BUZAK: Mr. Chairman let's mark yours A-1 and it consists of two pictures, I have A-2 and we'll mark the third one A-3 with today's date.

MR. WEISS: You have A-2?

MR. BUZAK: Yes.

MRS. HELLYER: Yes the second one it just shows where the garage ended up over in . . .

MR. WEISS: All right so let's do this, you can sit back down in front of the microphone and just remember the papers might be covering the microphone. Okay so we've established that you had a shed that got washed away.

MR. BUZAK: What I was going to do is perhaps they can explain each of these photographs to us for the record. All right let me show you what's been marked A-1 which consists of two photographs. Can you tell us what the top photograph is?

MRS. HELLYER: Right the top photograph is taken from the beginning of our driveway which looks down, this is our house and that's where the shed was and that's about where our property line is.

MR. BUZAK: Okay and this A-2 is actually the same set of pictures is that right?

MRS. HELLYER: That's the same set of pictures. This is an after.

MR. BUZAK: Let me pass this on to the Board A-2 is the same as A-1. And the bottom photograph of A-1?

MRS. HELLYER: That's what our garage looks like now.

MR. HELLYER: That's the blacktop, the bottom that's what was left.

MR. BUZAK: That's what was left after the flood. Okay let me show you what we've marked A-3.

MRS. HELLYER: And this is something that I attached, this is the empty lot next to us and that's where the top of the garage ended up.

MR. BUZAK: This is after the storm.

MRS. HELLYER: This is after the flash flood right. And this is, if you know where Andrew Halls the end of Andrew Halls property is the old foundry building? This would go past his building on his side of the street that's where the sides ended up.

MR. BUZAK: Very good I'll let you hold A-1 and I'm going to give the Board A-3 which is what Mrs. Hellyer just described.

MR. WEISS: Okay so let's keep this moving. We can make it rather simple by asking a couple of questions.

MRS. HELLYER: Okay.

MR. WEISS: Following suit of what Mr. Buzak asked earlier. So you're asking for, you're requesting a variance for front yard setback because it's a little bit too close to the front yard setback. It's also, you're requesting a rear and side yard setback for the same reason. So we understand what you're requesting so perhaps you can explain to us why you have to put the shed where you propose to put it rather than somewhere else on the property.

MRS. HELLYER: The garage?

MR. WEISS: Yes.

MRS. HELLYER: Well there really isn't any other place to put it. That's where our driveway is if you go over that way it would be over in our lawn and I don't think there's room further back there. We have a shed which is, it should have said it on the variance. We bought a shed a portable because we had nothing to put our stuff in.

MR. HELLYER: My snow blower which I had to buy new.

MR. WEISS: We have a question. Dan?

MR. NELSEN: I'm just looking at these pictures and I'm looking at where the previous shed was, garage and you said it was washed away with that storm?

MRS. HELLYER: With the flash flood? Yes.

MR. NELSEN: Are you putting it right back in that same point?

MRS. HELLYER: The garage?

MR. NELSEN: Yes.

MRS. HELLYER: Yes. Not the shed.

MR. NELSEN: But the garage was washed away also.

MRS. HELLYER: Yes.

MR. NELSEN: And you're going to put it right back there?

MRS. HELLYER: Yes.

MR. HELLYER: Yes.

MR. VAN NESS: If I may? This has never in the history of probably anybody here has happened before.

MRS. HELLYER: Happened. It had been through many other floods and nothing had ever happened.

MR. VAN NESS: I was actually there for that and we've never seen anything like it in my entire career here as well.

MRS. HELLYER: We're lucky we weren't there.

MAYOR SCAPICCHIO: Actually somebody on that road got washed down they got out of their car and they got caught in the doorway of one of the houses and . . .

MRS. HELLYER: Right. We were in South Carolina thank God so we didn't have to see it.

MR. NELSEN: Maybe our engineer could perhaps help you out with something to ensure that wouldn't happen again.

MRS. HELLYER: Well when we do this one we're going to do . . . I don't know as I said that one as I said was there for many years. We're going to do proper footings and we're going to come up about a foot with poured concrete.

MR. NELSEN: Okay.

MR. WEISS: So similar to the application you just witnessed prior you're going to build this according to the proper construction Codes.

MRS. HELLYER: Yes I work for a construction company.

MR. WEISS: Okay so that's not an issue I mean we'll make sure that that's taken care of. So you can't put the garage

MRS. HELLYER: We really can't put it any place else.

MR. WEISS: Anywhere else because of the restrictive nature of your property.

MRS. HELLYER: Right.

MR. BEDELL: There are no neighbors in your backyard correct?

MRS. HELLYER: In our backyard? No the railroad and then Toys R Us are behind that.

MR. BEDELL: Okay.

MR. HELLYER: So we can't go any further back.

MRS. HELLYER: So we can't go any further back and there's no neighbors on the one side and the other neighbor

MR. BEDELL: So you're not disturbing the neighbor behind you because there are no neighbors behind you.

MRS. HELLYER: No our neighbor on the other side doesn't care.

MR. WEISS: And again if you were to place it somewhere else on the property that would meet these setbacks it would not be sensible because you're telling us that it wouldn't be anywhere near your driveway and therefore a garage sitting in the middle of your yard makes no sense.

MRS. HELLYER: Right and I don't think our property is set almost anywhere that sits in these setbacks. Our property on the other side of our property is only 114 feet from front to back so even if you put it way over there where we couldn't even have a driveway because there's a wall there. It wouldn't fit anyplace.

MR. WEISS: And on top of that I think you said you're replacing the shed?

MRS. HELLYER: We did replace a shed.

MR. WEISS: Tell us where that new shed is now.

MRS. HELLYER: It's marked on the drawings.

MR. WEISS: I see where yeah I'm sorry.

MR. HELLYER: It's not exactly where the other one was its further

MRS. HELLYER: We put it on our property this time.

MR. WEISS: I see where it is okay.

MRS. HELLYER: We made sure it was on our property.

MR. WEISS: Catherine does the shed conform?

MRS. NATAFALUSY: No the shed she needs a variance for the front yard setback as well.

MRS. HELLYER: For the setback as well.

MRS. NATAFALUSY: It's proposed to be 93 feet from the front lot line as opposed to 100.

MR. WEISS: Oh going back and forth okay. Okay so the same story then so we've established that putting the garage anywhere else is not sensible, you're restricted by the size of your property and putting the garage in the middle of your yard doesn't make sense to the neighborhood it just doesn't make sense at all.

MRS. HELLYER: No.

MR. WEISS: So where your suggesting it goes is logical.

MRS. HELLYER: It's either there or we have no garage at all.

MR. WEISS: Okay and so let's talk about the shed. The same thing is there another spot on your property where the shed can go that would meet some of these . . .

MRS. HELLYER: Well again we could move it down the property further but it would be inconvenient for us to put it down further and I still don't think there's enough room for the setback.

MR. HELLYER: It would be the same thing.

MR. STASZAK: No matter where you put it

MRS. HELLYER: No matter where I put it there would be no room for the setback.

MR. WEISS: It's not going to help okay. So regardless of where you put this shed it's not going to matter you still won't be able to find a satisfactory area based on the narrowness and perhaps the small

MRS. HELLYER: Yeah we have a very little lot its small and we put it where it was because right now it's convenient.

MR. WEISS: Mrs. Hellyer I'm asking these questions because the burden of proof falls on your shoulders to explain to the Planning Board why you have a hardship. So I'm kind of helping you tell us why there's a hardship and it seems like you've done an excellent job explaining why these things can't be done. So does the reason for the garage not being able to be moved is the same story as the reason why the shed couldn't be moved anywhere else regardless of where you put the shed on the property you wouldn't be able to meet the setback.

MRS. HELLYER: Right.

MR. WEISS: Does anybody else have any questions?

MRS. HELLYER: Now we are sitting this garage within our property line. It wasn't originally the old shed was back then I guess they had no rules.

MR. WEISS: Correct. Mr. Buzak is there any other questions that you might want to ask Mrs. Hellyer?

MR. BUZAK: I have none Mr. Chairman.

MR. WEISS: I didn't think we did. Anybody else? Does anybody from the public have any questions for the Hellyer's, any comments based on the testimony? Seeing none so anybody else? I'll entertain a motion.

MAYOR SCAPICCHIO: I'll make a motion that we approve Planning Board application 11-33.

MR. NELSEN: Second.

MAYOR SCAPICCHIO: And I hope you don't see a flood there again.

MR. WEISS: Any conversations? Roll call.

MRS. NATAFALUSY: Dan Nelsen - yes
 John Mania - yes
 Nelson Russell - yes
 Mayor Scapicchio - yes
 Jim Staszak - yes
 Scott Van Ness - yes
 Steve Bedell - yes
 Brad Zwigard - yes
 Howie Weiss - yes

MR. WEISS: Good luck to you Mr. & Mrs. Hellyer.

MRS. HELLYER: Thank you.

MR. HELLYER: Thank you.

MR. WEISS: There will be a resolution probably the second week of January.

MRS. HELLYER: Well we won't do it until the Spring.

MR. WEISS: So you'll pick it up and then you'll go from there. You'll get a zoning permit?

MRS. HELLYER: Yes.

MRS. NATAFALUSY: I'll mail it to you.

MRS. HELLYER: Okay.

APPLICATION #PB 11-29 – TOLL NJ II LP

MR. WEISS: Okay let's keep the meeting moving. We move on to PB 11-29 Toll NJ II LP Amendment to final plat Morris Chase Section I on Pfrommer Avenue Block 4405, Lots 1, 2, 3 & 12 and Block 4407, Lots 1, 2 & 3. Mr. Selvaggi welcome.

MR. SELVAGGI: Welcome and Happy Holiday's to everyone. Mike Selvaggi from Courter, Kobert & Cohen on behalf of Toll NJ II LP I have one witness who will definitely testify and we'll have a backup if necessary I don't think this should take a long time but Mr. Buzak if both gentlemen could be sworn I would appreciate it.

MR. BUZAK: Will each of you raise your right hands. Do each of you swear that any testimony you will give tonight will be the truth the whole truth and nothing but the truth so help you God?

MR. PECK: I do.

? I do.

MR. BUZAK: Please be seated Mr. Selvaggi will introduce you and you can state your name and business address at the appropriate time.

MR. NELSEN: Excuse me Mr. Chairman I'm going to have to recuse myself I'm a neighbor of the project.

MR. WEISS: Thank you Dan. Dan Nelsen excusing himself.

MR. SELVAGGI: Okay the application itself is an amendment to the final plat for Phase I of the Morris Chase development this is the single-family lot section. The purpose of bringing the relief is subsequent to the filing of the final plat a title issue was noted there was a mistake in the final plat and

this amendment is intended to address and correct that as Mr. Buczynski also noted in his report. In terms of how that was detected and what the impact is

MR. BUZAK: Sir can you introduce yourself spelling your last name for the record?

MR. PECK: Yes I'm John Peck (P-E-C-K) I am an Assistant Vice President at Toll Brothers the developer of Morris Chase.

MR. BUZAK: Thank you Mr. Peck.

MR. SELVAGGI: And Mr. Peck how long have you been involved with the Morris Chase project?

MR. PECK: Approximately 3 years now.

MR. SELVAGGI: Okay and you're directly responsible for overseeing the construction sale of the units?

MR. PECK: Yes.

MR. SELVAGGI: Okay and in that capacity I assume that you're intimately familiar with the section of Morris Chase development where Pfrommer Avenue is as well as Ruggiero Way.

MR. PECK: Yes.

MR. SELVAGGI: And in the last several months what did you note or discover in overseeing the construction and development of this area of the project?

MR. PECK: Over the past several years the improvements have been ongoing throughout the community roads have been paved and utilities have been installed. As you know we're open for sale now in a large section of the community. This past Spring I believe it was, we had an eye towards further improving those areas that had yet to have roads constructed so that at some point in time when it became necessary we can release more home sites for sale. As part of that work our surveyor had detected that we've got what's known as a gore or a bust that affects an outbound property line against properties that front on Mt. Olive Road. And in order to correct that mistake which was in the approved plans and on the filed plats we have proposed this resolution which affects only our properties, none of which are sold yet. These home sites have not been released for sale and that's what brings us here this evening to try to make a correction to this prior to this spring and unknown error.

MR. SELVAGGI: And the fact is it's a solution but in fact from a title perspective it's the correct

MR. PECK: Correct it's making a correction it's not a thing we desire to do it's something that's become necessary in light of this error.

MR. SELVAGGI: In making this correction does it impact any of the lots that would create variance conditions, undersized lots, setback problems?

MR. PECK: No.

MR. SELVAGGI: In fact what's the only perhaps, I don't want to say negative, but what's the one implication that might be inconsistent with the approved plans? Besides the configuration of the lot itself?

MR. PECK: Well if you look at the dark line around the bulb of the cul-de-sac, and I think you might have the plan in front of you as well, the redesign bulb of the cul-de-sac would still have the required size of pavement, size of cul-de-sac and right-of-way. What it would not have in this small section right here where we abut that outbound property line is the additional 10 foot utility easement. But as you can see that additional 10 foot utility easement is unnecessary because the utilities to serve this home site would stop at the bulb of the cul-de-sac anyway. So they wouldn't go all the way around in any event.

MR. SELVAGGI: So if you can just the utilities will run then I guess it will be on the

MR. PECK: The utilities are going to run here and hit this home site and can simply stop here for this home site, they don't need to go all the way around this cul-de-sac because these other properties front currently existing uses on Mt. Olive Road.

MR. SELVAGGI: Now you had an opportunity to review Mr. Buczynski's report did you not?

MR. PECK: Yes.

MR. SELVAGGI: Mr. Buczynski has some recommendations in terms of plan revisions and the like. Is there any problems with implementing those recommendations?

MR. PECK: No none whatsoever.

MR. SELVAGGI: In fact have you done so?

MR. PECK: We already have yes.

MR. SELVAGGI: Okay. And has Mr. Buczynski seen those?

MR. PECK: He has not we've got them with us tonight but we haven't submitted them yet.

MR. SELVAGGI: That's pretty short and to the point.

MR. WEISS: I guess we should also add that the changes that were made to the lot sizes were changed but ultimately all of the lot sizes are still conforming.

MR. PECK: Yes.

MR. WEISS: No variances needed for any lot change again even though some of them are made large and smaller they're all conforming still.

MR. PECK: Correct.

MR. WEISS: I noticed that in the report. Let me just make sure Gene doesn't have any concerns with what we talked about. Gene I just want to make sure that you're okay with the testimony that Mr. Peck just gave.

MR. BUCZYNSKI: That's fine as long as they're going to address the items on the report you know after (inaudible) regarding this. It's pretty simple.

MR. WEISS: Of course they address them affirmatively and the plans will be submitted to you tonight?

MR. PECK: Yes.

MR. BUCZYNSKI: Well just submit it to Catherine.

MR. PECK: Okay.

MR. WEISS: Ed?

MR. BUZAK: Mr. Selvaggi I just wanted to make sure I understand, is it fair to say that these revised lots will conform and be consistent with the title work related to this property is that correct?

MR. SELVAGGI: Absolutely, yes.

MR. BUZAK: Secondly can you tell us about what Mr. Buczynski calls the gore that has now been created as a result of shifting the line I guess to the north. I recognize that you are making your lots smaller so that does not have an impact on you. Is there any idea of . . . is there really a gore or is that under the title work part of the adjacent property?

MR. SELVAGGI: Here's what happens is in two of them you look at it and you say well gee Lots 8, 9 and 10 would appear to be getting bigger but the deed descriptions for 8, 9 and 10 are accurately depicted on, forgetting the dotted line that solid line so this . . .

- MR. BUZAK: So there was no gore at all it was just a mislocated line on the map.
- MR. SELVAGGI: Absolutely.
- MR. BUZAK: If properly located it would be where the dark line is now.
- MR. SELVAGGI: That's right.
- MR. BUZAK: So there's no addition or subtraction of property essentially other than on a piece of paper.
- MR. SELVAGGI: Yes.
- MR. BUCZYNSKI: Just a second if I have it correct you're saying Lots 8, 9 and 10 the side lots lines you really go all the way up to the dark line?
- MR. SELVAGGI: The dark line yes. And in fact the final map that was recorded created problems for those lots.
- MR. BUZAK: Exactly.
- MR. BUCZYNSKI: Right.
- MR. SELVAGGI: And so this you know 8, 9 and 10 unwittingly had these title defects which they were made aware of and this will actually correct it. So those individuals will be able to go on living their lives.
- MR. BUCZYNSKI: Including the revised plan you're going to submit the revised deed descriptions right?
- MR. PECK: Yes we have those as well.
- MR. BUCZYNSKI: Very good.
- MR. BUZAK: And there's no need to have a revised deed description for 8, 9 and 10 because those deeds should already reflect the proper location.
- MR. WEISS: I don't know Mike maybe you can help me I'm not sure who else . . . I don't understand the word gore. What does that refer to?
- MR. SELVAGGI: Well gore essentially is any time that if you take the deed descriptions for two lots it should match up like a puzzle piece. You have a gore when one of them is incorrect and there's an overlap is another fancy way of saying it. So in this instance here what ended up happening was we were taking, Toll Brothers was taking more land that wasn't theirs. So that dotted line as it extends to the north on 8, 9 and 10 and along the east side of Lot 10 Toll Brothers through the filing, its incorrect filing of the filed plat was taking property that didn't belong to them. So if Lot 10 was ever sold a good title investigator or surveyor when he was matching up the adjacent lots should say wait a minute something is awry here because the boundary lines should match up. And probably the easiest way of looking at it on Lot 10 to the east, that north 103029 that section there, there should be a corresponding set of numbers similar exactly the same for Lot 10. It wouldn't have been that way it would have been different. So that's when we say gores.
- MR. WEISS: Okay thank you Michael. Anybody else have any questions? Let me at this point open it to the public if anybody has any questions or comments from the testimony we heard tonight? Seeing none I'll close it to the public.
- MR. BUZAK: I have one question. Mr. Selvaggi will this be done through the filing of a revised sheet? Just one sheet.
- MR. SELVAGGI: Yes.
- MR. BUZAK: Okay.

MR. WEISS: Okay Mr. Buzak were there any conditions that you noted?

MR. BUZAK: I think the conditions are that the new deed descriptions for the seven lots shall be submitted to the Planning Board engineer for approval, the applicant has to comply with all other requirements set forth in the October 28, 2011 letter from Van Cleef Engineers. Those are the only two I had other than the standard ones.

MR. WEISS: And we're good with that general commentary that the conditions will be met as noted in the October 28 letter?

MR. BUZAK: Yes.

MR. WEISS: This is more of a technical application. Does anybody have any comments on it? I will entertain a motion at this point.

MR. MANIA: Mr. Chairman I move for the approval of PB 11-29 with the conditions set forth by our esteemed attorney.

MAYOR SCAPICCHIO: I'll second that.

MR. WEISS: Thank you John, thank you Mayor. Comments? Seeing none Catherine roll call.

MRS. NATAFALUSY: John Mania - yes
Nelson Russell - yes
Mayor Scapicchio - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
Brad Zwigard - yes
Howie Weiss - yes

MR. SELVAGGI: Gentlemen thank you very, very much. Happy Holidays to everyone.

APPLICATION #PB 11-27 – TOMASA JALLAD

MR. WEISS: Okay next application on the agenda is PB 11-27 Tomasa Jallad requesting a variance for front yard setback at 134 Flanders-Drakestown Road Block 7100, Lot 66. We've just been notified by Mr. Martin that the applicant wants to adjourn the hearing as she seeks legal counsel. And we certainly don't have any objection to that Mr. Martin. For the record Mr. Martin is the architect/planner for this application and have I said your name right Mrs. Jallad?

MRS. JALLAD: Yes.

MR. WEISS: Mrs. Jallad is requesting legal counsel, that being said we should look ahead to our schedule. We don't really have to do much else.

MR. BUZAK: Well I think two things, we have to get the schedule to find out when we're going to do it we'll have to announce to the public because we know there are interested parties here on the application.

MRS. NATAFALUSY: Yes and this application expires at the end of January if we're not going to hear it into February I'm going to need an extension from Mrs. Jallad to a date.

MR. BUZAK: The Board has to act within a certain period of time and if we don't act there's what's called a default approval. You get an approval even though we haven't acted. In order to prevent that from happening we need you to extend the time within which we can hear the application so that you can obtain legal counsel and we can schedule this. So let's see where we're going and schedule it for.

MRS. NATAFALUSY: The first meeting in January, well actually you have the calendar for next year that we have to adopt in January, but the first meeting if reorganization is January 12 and then we have matters scheduled for January 19

MR. WEISS: Catherine could we have . . . I know we have January 12 as a reorganization but do we have anything scheduled for that meeting?

MRS. NATAFALUSY: No we just do reorganization that meeting.

MR. WEISS: I think last year we did have a hearing on that date.

MRS. NATAFALUSY: Okay it's up to the Board. If we hear it January 12 then we don't need an extension tonight.

MR. WEISS: So the questions are what kind of time do you think you'll need? What we're going to work on for you right now is January 12th.

MR. MARTIN: Okay I think January 12 is probably sufficient time for you to obtain legal counsel.

MR. BUZAK: I'm going to suggest to you if I might given the holidays that we're now going to get and trying to find an attorney and have him prepared that may be a little stretch for you. It's up to you I don't really care I'm just saying that . . .

MR. MARTIN: Can I make a suggestion?

MR. WEISS: Please.

MR. MARTIN: I would suggest that my client is going to obtain legal counsel sometime between now and January 12th if the attorney is unable to be prepared the first thing that we'll do is send you a letter extending time and requesting an adjournment beyond the date. Is that acceptable?

MR. BUZAK: Well we know that we have some interested parties and we were going to announce tonight when that next hearing would be in order to . . . we'd like to try to set it when we can probably have it you know what I'm saying as opposed to . . . or else you'd have to renote which I think is sort of unnecessary for you.

MR. MARTIN: Can my client simply offer the extension of time as a verbal to the Board now?

MRS. NATAFALUSY: I have a form for her to sign if we can extend it even to the end of February that would be sufficient for tonight.

MR. WEISS: Like Mr. Buzak said it might be smarter just to get a date that we know that we can live with. Catherine how about the 19th?

MRS. NATAFALUSY: The 19th we've got two Toll Brothers extension of final major subdivision and we've got a variance application. We can put it on that night if you want.

MR. WEISS: That might be smarter.

MR. MARTIN: January 19th?

MRS. NATAFALUSY: Yeah.

MR. WEISS: It sounds like the two before you were about the same pace that we kept tonight so it wouldn't be . . . it would be third on the agenda but . . .

MRS. JALLAD: I'm not worried about that I got time.

MR. WEISS: Okay so let's adjourn this meeting until January 19.

MRS. NATAFALUSY: Carry it with notice to January 19th.

MR. WEISS: Carry it with notice, no further notice.

MR. BUZAK: 7:30 at the municipal building this room. There will be no further notice.

MR. WEISS: Okay and before we before we break I think there was a concern by the public. If you could just go over to that microphone you'll state your name and last name for the record and you'll let us know.

MS. RUBRIGHT: Thank you Mr. Chairman my name is Susan Rubright I'm an attorney with Brock Ikler is Roseland, New Jersey. I'm here tonight on behalf of an adjoining property owner Carl and Elizabeth Soranno. We have an issue with the 19th we are the adjoining property owner, we have some concerns with regard to the structure that is 9 inches off of the Soranno's property line. It's very important that Mr. & Mrs. Soranno be available for that hearing they will be on vacation I think they're coming back two or three days after the 19th. We've been available on the 10th of November, we're available tonight, frankly you know I understand that it's the applicant who has a difficulty and now wants to obtain an attorney however we are very interested as the adjoining property owner with the structure that's 9 inches as I said off the property line. And if the Board would indulge us we would appreciate it since this is just coming up tonight to possibly have it at a time when we're able to, when my clients are able to be here. Because I am going to have testimony with regard . . . I would like to present testimony with their testimony plus they are interested.

MR. WEISS: Okay give me a second. Let me do this the meeting after that is February 9 is that acceptable to you to have the meeting, to have the hearing after that which is February 9th.

MS. RUBRIGHT: Sure.

MR. WEISS: Wonderful. So we'll move this then to February 9th.

MS. RUBRIGHT: Thank you Mr. Chairman. If I might while I have the floor get some clarification with regard to what the application is about. The planner's report made reference to this structure that is on the property line however the application doesn't seem to include it and I just want to make sure that we're all clear. My understanding from my review of the Opra Request that I filed and that Mrs. Soranno had filed as well is that there's a currently two violations that pertain to that structure and my question is does the Board, will the Board hear that application with two outstanding violations for a structure that's on the property number one. And given the questionable nature based on what the Construction Official has indicated in the notices of violation an unfit structure. Is that something that should be wrapped up or should they notice for whether they're considering that to be a preexisting nonconforming structure and should there not be a hearing on that a separate hearing either before or after the application with regard to the new garage and the residential structure on the property. I'm just trying to get an understanding and kind of the scope of what this is really about.

MR. WEISS: Okay you raised some interesting questions but the application was deemed complete and I think the best course of action will be proceed allowing the applicant to address the issues and of course opening it to the public to give everyone an opportunity to question issues like you've just mentioned. But based on what I'm being told apparently the application has been deemed complete, the application as presented is what we're going to hear. All testimony regarding those issues will be heard and of course any open issues that are not satisfactory to any objectors should certainly be raised during that hearing.

MS. RUBRIGHT: Okay all right I appreciate the direction thank you.

MR. WEISS: Okay.

MRS. NATAFALUSY: Okay so now we are carrying this matter to February?

MR. WEISS: It will be carried until February 9th.

MRS. NATAFALUSY: No further notice.

MR. BUZAK: Again no further notice 7:30 p.m.

MR. WEISS: Just before we do that Catherine how does the February 9th schedule look?

MRS. NATAFALUSY: We don't have anything on that night.

MR. WEISS: So then you'll be first on February 9th.

MR. MARTIN: Okay February 9th and the extension was signed?

MS. JALLAD: I did.

MR. MARTIN: Okay so we're good on the time and

MRS. NATAFALUSY: Yes she signed an extension to February 29, 2012.

MR. MARTIN: All right so between now and then my client is going to obtain legal counsel and then any other legal issues will be handled by legal counsel. Thank you very much.

MR. BUZAK: We'll see you here on the 9th of February.

MR. MARTIN: Thank you.

MS. JALLAD: Thank you very much.

MR. WEISS: All right at this point let me open it to the public if anybody has any questions, concerns or issues? Seeing none I'll close it to the public. Catherine?

MRS. NATAFALUSY: The only thing I have is I did send the Board a list of meeting dates that will be the resolution that we adopt in January. I made sure that there were no holidays no you know no religious holidays. So that's it I just want to make sure the dates are good.

MR. WEISS: Go ahead Dave.

MAYOR SCAPICCHIO: Can we entertain changing the time to 7:00?

MR. WEISS: Dave I think that's going to have to happen at the reorganization meeting.

MAYOR SCAPICCHIO: Okay.

MR. WEISS: But it's an interesting point it's something we've spoken about every year, every January meeting and I know it's very close we're talk about moving to 7:00 and I see based on Dave's concern that it's going to come up again on January 12th so the question is going to be will we accept the meeting dates as Catherine proposed and will we look to change the starting time to 7:00. I'm not sure where we're thinking on that. Ms. Jallad?

MR. BUZAK: Can you just stay for one more minute here? Sorry. We've given notice that this application is going to be heard February 9th at 7:30 p.m. so if there's some thought that we may be changing this meeting, the initial time, if this application cannot be heard at 7:00 it would have to be moved on the agenda to be heard at 7:30.

MS. JALLAD: I have no problem with 7:00.

MR. BUZAK: Well it's just that we don't know if we're going to change the meeting dates so all we're saying

MRS. NATAFALUSY: Times.

MR. WEISS: Well let's do a quick straw poll, a non-binding straw poll because of course this will be up for a vote on January 12 but I think the Planning Board will remain intact as I look down the line for the most part. How do we feel about moving to 7:00 maybe a quick show of hands. Who is in favor of going to 7:00?

MR. BEDELL: Are we still going to 10:30 or are we going to 10:00?

MR. WEISS: We're going to go to 10:00. So I think it sounds like we are going to approve the meeting until 7:00 so I would plan on 7:00.

MRS. NATAFALUSY: So at reorganization we decide that the meetings start at 7:00 then I will notice Mrs. Jallad that the meeting will be at 7:00 rather than 7:30.

MR. WEISS: But I think just for your courtesy now everyone it sounds like we're going to start at 7:00 you'll be first up so by five or six after we'll call your application.

MS. JALLAD: Not a problem.

MR. WEISS: Great.

MS. JALLAD: Thank you.

MRS. NATAFALUSY: Thank you.

MR. WEISS: Good point. Do we have any other business on the agenda to discuss?

MAYOR SCAPICCHIO: Motion to close the meeting.

MR. WEISS: Motion to adjourn the meeting? All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 8:45 P.M.)

Transcribed by:
Lauren Perkins, Secretary
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