

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: Steve Bedell, Joe Fleischner, Judy Johnson, John Mania, Dan Nelsen (7:03), Nelson Russell, Brian Schaechter, Scott Van Ness, David Koptyra, Howie Weiss

Members Excused: Michael Koroski

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

Professional Excused: Ed Buzak, Esq.

APPROVAL OF MINUTES

April 11, 2013 Public Meeting

Motion: Joe Fleischner
Second: John Mania

Roll Call:

Steve Bedell - yes
Joe Fleischner - yes
Judy Johnson - yes
John Mania - yes
Brian Schaechter - yes
Scott Van Ness - yes
David Koptyra - yes
Howie Weiss - yes

May 16, 2013 Public Meeting

Motion: Brian Schaechter
Second: Steve Bedell

Roll Call:

Steve Bedell - yes
Joe Fleischner - yes
Brian Schaechter - yes
Scott Van Ness - yes
David Koptyra - yes

APPROVAL OF RESOLUTION

Res. PB 13-15 – Siemens Healthcare Diagnostics, Inc. – (Block 5400, Lot 26)

MR. WEISS: Okay in your packet tonight we have resolution PB 13-15 Siemens Healthcare Diagnostics. I believe you have a black lined version. Tiena is there any discussion you need on that?

MS. COFONI: I think there may be a lot of discussion that we need on that. Mr. Moore I believe, I apologize I haven't been intimately involved in this resolution but you received the most recent black lined version today?

MR. MOORE: Yes I did and we appreciate that.

MS. COFONI: Okay and your okay with everything?

MR. MOORE: I am not I'm afraid. Would it be helpful if I were to go through that now?

MS. COFONI: Yeah I think . . . Mr. Chairman you can tell me how you want to handle it. If we want to just have him go through the items that he has concerns about and we can discuss those.

MR. WEISS: I think that's a good idea. Also before we move on for the record Dan Nelsen has arrived. And let's do that, you have a copy?

MR. MOORE: Yes I do.

MR. WEISS: So let's talk about the issues that you're concerned about.

MR. MOORE: The first appears at page 4 of the resolution in finding number 8 on that page because we had been given the opportunity also to review the resolution that had proceeded this that this is black lined against. And when Siemens was determining whether or not to expand this facility and the meetings with the township fathers the township is undertaking the improvement of the widening of Flanders-Bartley Road and the restriping. And as written the resolution in item 8 and with the reference to Mr. Buczynski's report in item . . . in condition F at page 14 again it says all requirements and then the only exception is that is in Mr. Buczynski's report he references the applicant doing the road widening when actually the township is doing the road widening.

MR. BUCZYNSKI: Can I interject? As far as I know that's incorrect. The understanding I have and I spoke to Sean about this, originally there was discussion that there was a need for improvements at Route 206 and possibly a left turn lane, this goes way back when. The town took the position that if that was a concern and improvements were required they were considered off-tract improvements and the township was willing to submit an application to the New Jersey DOT for funding. And if the funding did not get approved by the DOT, then they weren't paying money towards the improvements. Now per the traffic report which I had felt originally they did not do any improvements to Route 206, the only improvements required are for Siemens on the front of the property. On-site improvements which is the widening of the roadway and the curbing which should be part of their site plan improvements. So my position is that they're part of this site plan approval and not off-tract improvements that the town was going to submit an application. And Sean said even then if they submit an application and they didn't get approval from DOT the town wasn't going to spend any monies towards the improvements they would still have to be borne by Siemens. That's my understanding and I confirmed that with Sean yesterday.

MR. WEISS: Gene and just for the record when you mentioned Sean you're talking about the Business Administrator, Sean Canning?

MR. BUCZYNSKI: I'm sorry Sean Canning the Business Administrator that's correct.

MR. WEISS: That doesn't seem out of the ordinary I've been on the Planning Board long enough to see that that's kind of consistent to what I would reference before.

MR. BUCZYNSKI: Yes.

MR. WEISS: Joe.

MR. FLEISCHNER: I would just like to ask what I thought my understanding was to be honest with you maybe you guys were going to widen in front of your facility.

MR. CANARY: Was that not the testimony during the hearing? I was also involved in the discussion in what of what Gene described is accurate. My understanding is that the township would take responsibility for widening the road however they were soliciting the funds to do that from the New Jersey DOT. Should they not receive those funds then we would need to revisit the need for widening that road. That is my understanding.

MR. BUCZYNSKI: That's not what I stated.

MR. MOORE: No it is not.

MR. BUCZYNSKI: Because originally when we first met way back when in the Chambers there was discussion about we're going to have to widen down to Route 206 and possibly add a left turn lane. And after that it was decided the town would submit an application for that, in fact that was required. But all of the improvements of front of the site, the minor improvements that go with any development, and I don't see why the town would commit to do those improvements of curb and for 12 foot widening. It doesn't help anybody except Siemens and the intention before about submitting an application to DOT if the improvements ran out to Route 206 was the fact that the town agreed that those improvements would help more than just Siemens and they're willing to submit an application. But Sean said by no means at any time they were going to commit themselves to any expenses for improvements.

MS. COFONI: Let me ask if any other Board members have any recollection or comments on this condition?

MR. VAN NESS: My recollection is that the discussion in front of the complex was going to be Siemens responsibility. They discussed the widening of the roadway, adding the left turn lanes and so on and that was my impression of what the testimony during the entire application was. And I listened specifically to that because that's kind of what I had been doing for last ever and that work . . . that was work that worked in my mind and I was comfortable with it.

MR. MOORE: We'll concede in misunderstanding on our part.

MS. COFONI: We'll move on?

MR. MOORE: We'll move on.

MS. COFONI: Perfect.

MR. MOORE: Because there's other stuff more

MR. VAN NESS: Just to put a period on it though there was no expectation that there was any kind of Route 206 improvements or intersection there or even anything down further at the other intersection.

MR. MOORE: Right that's correct.

MR. VAN NESS: That was the big discussion what's expected only in front of your place.

MR. MOORE: Right and that's what the resolution accurately reflects.

MS. COFONI: Yeah okay. What do you have next?

MR. MOORE: The next one is on page 7 of the resolution and we did actually have a very positive meeting. We have to meet with the neighbors as you recall anyway with respect to certain items of tree removal but they had some more concerns so we actually changed the plan to accommodate those concerns. And we met with the neighbor, we met with Mr. Zambetti, his attorney and several other of the neighbors and presented a plan to them and that's basically what is described in it starts with paragraph first, second and third and we actually have the plan that the neighbors reviewed and approved but there are a couple of minor corrections. Because what's written here doesn't actually reflect what was on the plan and that was approved by the neighbors and I can go through them there's not many.

MS. COFONI: Yeah if you could.

MR. MOORE: If you go to the paragraph that starts FIRST, which is also the first full paragraph on the page, the third line down where it says 25 feet shall remain undisturbed?

MS. COFONI: Yes.

MR. MOORE: Then I would insert after that, except for one area adjacent to Lots 15, 14 and 24 where the undisturbed area varies in width from 20 feet to 22 feet. And that was explained to the neighbors at the meeting we had with them. The plan that Mr. Lang has . . .

MR. WEISS: Could we just mark some of these exhibits that are coming our way?

MR. MOORE: Well this wasn't actually addressed at the hearing

MR. WEISS: Well there's exhibits coming our way and I'm not really sure what's going on. So Chuck go ahead.

MR. MCGROARTY: Well I think this is . . . we have seen a number of versions of the resolution and we were advised about this meeting with the residents but if you reduce the buffer less than 25 feet it may not be consistent with the

MR. MOORE: Oh no, no, no the buffer, your confusing buffer and buffer. The buffer within the ordinance definition isn't reduced we're just creating this is what's called a non-disturbed zone where we weren't going to cut down Essentially we had a buffer, we haven't reduced the buffer that was approved nor have we sought a variance for that. But if you'll recall the plan that was presented to the Board had the, it was a stockade fence then and the Evergreens, a 12 foot stockade fence right on the property line and we were cutting down most of the existing vegetation. What is called the no-disturbed zone remain undisturbed. What that means is literally undisturbed, nothing changed. And so the plan that was shown to the neighbors, because that's what a lot of them said was after the meeting is that, can you leave the trees. So this isn't a reduction in the buffer

MR. MCGROARTY: Well I know. I heard though, and so please help me just understand, I thought you had said in one area it's going to be down to 22 feet or 20 feet or something like that?

MR. MOORE: This is area that's not going to be by that area what I mean is this concept of the no-disturb zone isn't a buffer it's an area where we will not do any grading, cutting any trees. As before that whole area was disturbed so this is

MR. MCGROARTY: So no improvements in there it's just it won't be a full 25 feet of leaving the trees as it were it will be less than that but it will still satisfy the 25 foot buffer in the ordinance.

MR. MOORE: Oh yes.

MR. MCGROARTY: All right thank you.

MR. BUCZYNSKI: Mr. Moore just, what are those lots again just so I have it?

MR. MOORE: 15, 14 and 24 I did them out of order.

MR. BUCZYNSKI: Thank you.

MS. COFONI: I apologize I missed that last

MR. BUCZYNSKI: 14, 15 and 24.

MS. COFONI: Okay 25 feet shall remain undisturbed, a no-disturb zone. Now we're keeping except that an arborist will examine that area for any

MR. MOORE: Yeah the only thing that in other words where I would suggest the language be inserted because a no-disturbed zone is a defined term is after the word undisturbed and then before the parenthetical.

MS. COFONI: Okay.

MR. MOORE: That's where I'd insert except for one area adjacent to Lots 14, 15 and 24.

MR. BUCZYNSKI: Is it 24? Because 24 is off the map, that's the right lot?

MR. MOORE: 24 is the church lot.

MR. BUCZYNSKI: Oh okay.

MS. COFONI: Except for one area adjacent to Lots . . I'm sorry if you can give me the lot numbers again.

MR. MOORE: Okay Lots 14, 15 and 24. And the 24 lot actually because there's two lot 24's adjacent to our property, the Lot 24 this one is Block 5400, Lot 24.

MS. COFONI: What's the block for the other ones 14 and 15?

MR. MOORE: 5410. So 14 and 15 are in Block 5410 and Lot 24 is Block 5400.

MS. COFONI: Okay.

MR. MOORE: And that's important because there's a Lot 24 abutting our property that's in the 5410.

MS. COFONI: Okay.

MR. MOORE: Then in the paragraph that starts third in the fourth line down after the phrase, well the fence will continue to approximately, it doesn't continue to the northerly end of Lot 24 it continues through half the width of Lot 20 and then terminates.

MS. COFONI: Gene and Chuck any

MR. MCGROARTY: I'm trying to catch up, sorry which one are we one now third?

MR. MOORE: Yeah.

MS. COFONI: Yeah. While the fence will the plantings would end at approximately Lot 22 while the fence will continue to approximately it says now the northerly end of Lot 24?

MR. MOORE: Right.

MS. COFONI: Here to say the fence will continue to

MR. MOORE: Approximately half the width of Lot 20.

MR. BUCZYNSKI: Is that because the residents further up don't want it?

MR. MOORE: They don't want the fence.

MS. COFONI: Okay.

MR. BEDELL: And the person on Lot 20 only wants half of his yard fenced?

MR. ? : It terminates there because of the plantings. It just made sense.

MR. NELSEN: It looks like according to this drawing that the fence terminates somewhere around Lot 15.

MR. MOORE: It's bigger

MR. WEISS: Hold on a second. I've got to ask why are we doing this?

MR. CANARY: Because we were directed by Mr. Van Ness at the final hearing to meet with the neighbors and come up with an acceptable plan.

MR. WEISS: And this couldn't be done before 7:20 the night that we're approving the resolution? I've been on the Planning Board a long time, what are we doing? We're negotiating a resolution at this eleventh hour? Why are we at this point?

MR. MOORE: Because I've only just got the draft at 4:00 this afternoon.

MR. WEISS: Why?

MR. MOORE: We met with the neighbors as quickly as we could and we met with the neighbors Tuesday.

MR. WEISS: But Tuesday of this week, the last hearing was what how long ago was that three weeks ago?

MR. MOORE: Yes.

MR. WEISS: And you met with them Tuesday, you're telling me you couldn't meet with them sooner?

MR. MOORE: It took us that long to resolve the plans.

MR. WEISS: I think this is a tremendous inconvenience for the Planning Board to have to sit here and have a workshop over a resolution that should have been done a long time ago. It's putting pressure on my professionals that I'm not real happy with.

MR. MOORE: I'm sorry Mr. Chairman.

MR. WEISS: Right May 20 is the first draft of this resolution it should not come down to tonight.

MR. MOORE: No I didn't get this resolution until Monday.

MS. NATAFALUSY: June 14th.

MR. MOORE: Well I got it this Monday afternoon.

MR. WEISS: I'm telling you now gentlemen, ladies of the Planning Board if we don't get some kind of consistency I'm going to push this off of the agenda tonight. I refuse to be part of this. It seems very confusing and it shouldn't have to be. Tiena go ahead.

MS. COFONI: Plantings will end at approximately Lot 22 while the fence will continue to approximately half . . .

MR. MOORE: The width of Lot 20.

MS. COFONI: Okay.

MR. MOORE: Then in paragraph fourth right below that, that area 25 feet west of the common property line with respect to the retaining wall, it's generally 25 feet but with respect to Lots 14 and 15 it ranges from . . . it's approximately 18 feet 8 inches.

MR. MCGROARTY: Now I'm really confused again. The wall is going to be 18 feet . . .

MR. MOORE: Well this is the retaining wall not wall, wall.

MR. MCGROARTY: That's what I'm thinking of. But the retaining is going to be less than 25 feet than from those two lots.

?: No.

MR. MOORE: Yes.

MR. ? I was sworn in could I

MR. MOORE: Yeah.

MR. : I'm Howard (Inaudible) the wall is 25 feet from Lots 14 and 15 it then about I'm going to say maybe about 20 feet in the corner of Lot 14 and Lot 24 Block 5400 it just does a slight curve back to the church. And that's where it gets down to 18 feet 8 inches.

MR. BUCZYNSKI: It basically (inaudible) angles back out to

MR. MOORE: It angles down at the church, past the church property lines but otherwise its parallel 25 feet.

MR. BUCZYNSKI: Everything is parallel to the property line about 25 feet.

MR. MOORE: Yes.

MR. MCGROARTY: So Mr. Chairman can I ask this question?

MR. WEISS: Please Chuck.

MR. MCGROARTY: So where it angles back to the east will any section of that wall be within the 25 foot no-disturb area? I thought the answer was yes. I thought it would be . . .

MR. MOORE: That's where that no-disturb area drops down a little bit narrower.

MR. MCGROARTY: Well the town's ordinance says the buffer is 25 feet with no improvements within. Now is the wall going within that buffer?

MR. MOORE: Yes.

MR. MCGROARTY: I mean I'm sorry I'm a little slow on this but . . .

MR. MOORE: Yes the edge of the wall is 18 feet 8 inches from the property line. Only at that one point.

MR. BUCZYNSKI: So that's the same area that's less than . . .

MR. MOORE: Yeah I mean . . . yeah that wall was in the buffer area as per the ordinance. Because it's really a stormwater . . . what it is its part of the stormwater retention facility.

MR. ?: What we're trying to do is control the existing swale there what's right now.

MR. MCGROARTY: That was on the original plans?

MR. ?: Yeah it was.

MR. MOORE: It's further away than the original plans.

MS. COFONI: Okay I'm sorry I missed that could you just . . . I mean I don't want to write it when you first say it I want to write it after you talked about it. So shall be shifted to an area 25 feet west of the common property line . . .

MR. MOORE: Between area and 25 . . . no, no that's fine yeah after property line on that same line, of lots 14 and 15 and 18 feet 8 inches from Lot 24.

MR. WEISS: How many more of these changes do you have?

MR. MOORE: Two and I'll just deal with what actually occurred at the hearing.

MR. WEISS: Say that again, you have two more things.

MR. MOORE: We had sought a waiver and gave testimony for it and the Board granted a waiver from the wellhead protection ordinance.

MR. WEISS: Okay I'm making a decision. We have a very busy schedule. Chuck, Gene, Tiena I'm going to carry this until the end of the meeting. I have a public hearing scheduled where this Planning Board has bent over backwards for this application. I have people from the public here we're going to move this to the end of the meeting.

MR. MOORE: That's fine.

MR. WEISS: That's how we're going to . . . we're moving on with our agenda. So we'll bring it back up at the end of our development matters.

(THIS MATTER WILL BE CONTINUED FOLLOWING THE DEVELOPMENT MATTERS
ON AGENDA THIS EVENING)

COMMITTEE REPORTS

MR. WEISS: Our next order of business on the agenda is committee reports. Ms. Johnson do you have anything from the Mayor?

MS. JOHNSON: Nothing from the Mayor.

MR. WEISS: Mr. Mania?

MR. MANIA: Yeah we're quite excited at the Council meeting and Administration about the new tot lot at Turkey Brook.

MR. WEISS: When is that going to happen John?

MR. MANIA: Soon.

MR. WEISS: Excellent.

MR. BUCZYNSKI: They just went out for RFP's for that for the design.

MR. WEISS: Perfect thank you John anything else? Environmental Commission Nelson?

MR. RUSSELL: Environmental Commission is satisfied that the planting of the trees as reviewed by the Planning Board, the Commission is against bypassing the Planning Board on tree plantings. And the recreation and open space technology, the ROSI need to be determined prior to the next Master Plan. That's it.

MR. MCGROARTY: I'm sorry what did you say about the ROSI?

MR. RUSSELL: The ROSI? The Open Space Inventory?

MR. MCGROARTY: Yeah.

MR. RUSSELL: Has to be updated prior to the next Master Plan review.

MS. COFONI: According to who? Like who says that?

MR. RUSSELL: Kathy

MR. FLEISCHNER: Kathy Murphy.

MR. MCGROARTY: Yeah I'm actually in the process of updating the ROSI and we're doing the Reexamination Report tonight.

MR. RUSSELL: Okay there was a question on what open space in a Homeowner's Association

MR. MCGROARTY: Yeah that has to come out. That's on the ROSI and it shouldn't be so that's one of the number of changes that I'm making.

MR. RUSSELL: Okay.

MR. MCGROARTY: But you'll see that I'm working on that now.

MR. RUSSELL: Okay.

MR. WEISS: Okay anything else?

MR. RUSSELL: That's it.

MR. WEISS: Ordinance committee.

MR. FLEISCHNER: We have tonight Chuck's report from the Master Plan Reexamination Report so we'll be going over that.

MR. WEISS: Thank you very much. Nothing from Street Naming Committee. Open Space Committee?

MS. NATAFALUSY: I can tell you that I spoke to Ed and David Koptyra he said he'd volunteer to be on the Open Space he can serve.

MR. WEISS: My sympathy goes out to you David. Congratulations and thanks for stepping up for that. Okay any other reports? Legal, planning, engineering?

MR. BUCZYNSKI: No.

MASTER PLAN REEXAMINATION REPORT

MR. WEISS: Perfect. All right let's move right into the public hearing of the Master Plan Reexamination Report. Chuck I'll turn it over to you.

MR. MCGROARTY: Okay we have a busy agenda so I will try to be thorough but brief. First I want to pass these around these are some corrections we have no intention of trying to walk through them line by line unless you want to, the Board. First just what we're doing here this is a reexamination report of the master Plan and of development regulations which is periodically required. We're well in advance of any statutory requirement to do this reexamination in fact we did one only a year or two ago for Highlands. But it has become very obvious that there are many things in the ordinance that need to be updated and there are some other changes. Yesterday I circulated to you, I don't know if you've had a chance, but it's just a two or three page memo an outline and I thought I would follow that if that's acceptable. What I just passed out to you this evening is some corrections that I have made to this. So the reexamination report goes through the five questions that the Land Use Law sets forth and we looked at prior reports as required, etc. But what we get to is, what are the recommendations? Well there are four major rezoning recommendations. One of them is a parcel down on Ironia Road I'll simply tell you that it was incorrectly rezoned some years ago and we're just trying to correct that situation now. We can talk about it if you want it's an industrial building a portion of the property and the adjacent property to it is rezoned to residential and it's an industrial building and it just doesn't make sense. So they've been asking for many years for that change and that's what we suggest. By the way all of these will come back to you the Board in a full Master Plan Amendment which is one of the addendums that I put here. So we don't have maps or anything tonight but you'll be seeing that this is just to set the ground work to move ahead if you are comfortable with these proposals. The second item is to rezone there's some 38 properties, there may even be a few more when we're done, these are properties throughout the township they are either owned by Mount Olive or in some cases by the DEP or the Land Conservancy of New Jersey. So they're all going to be protected they're, to Nelson's point a moment ago they will be on the ROSI if they're appropriate in terms of their classification. And what we're simply saying is they all have to be rezoned to the Public category Public/Conservation. For future build-outs, etc. even though under Highlands it probably won't matter much but I think it's appropriate. And it would be astounding I think when we see how much of the town will be falling into that Public category as opposed to the . . . and there's a table in the Reexamination Report on pages 10 and 11 where you can see the properties that we talked about. The third proposal is one we discussed recently the Master Plan Ordinance Committee and then the full Planning Board discussed which is to rezone a portion of the R-6 district along Route 46 from the present R-6 zone which is the age restricted zone. And you recall that that development, in fact I think Mr. Simoff is here this evening I thought I saw him that the Mount Olive Associates . . .

MR. SIMOFF: Mt. Olive Center Associates.

MR. MCGROARTY: Mount Olive Center Associates thank you, got approvals for a residential development age restricted, came back as was their right under the statute and got it converted to non age restricted. The portion that we're looking at or under consideration, again there's a little map on page 12 of the Reexamination Report where you can see we highlighted some of the areas. It's essentially from the property from the Board of Education building down to the Trading Post roughly speaking. Now the Board of Education building of course is owned obviously by the Board of Education, that is in the Commercial/Light Industrial zone and then the property immediately east of that heading down towards the Trading Post is in the R-6 zone and the Trading Post itself is C-1. So there's a lot of inconsistencies there with respect to what it's in what zone. The proposal though would be to take about 6, 8 maybe 10 acres put it all into the C-1 commercial zone including the Board of Education building. Which quite frankly will . . . it's a more appropriate zoning classification and it will certainly do no harm to the Board of Education because there's a wide range as you know of uses in the C-1 zone that they could take advantage of as it were if they were to ever to sell the property. The C/LI zone allows for warehouses and so on and certainly that's not appropriate. So anyway if there's consensus there I mean this among others we'll move along to the full Master Plan Amendment you'll see maps and more detail. And of course you can just, even if you were to say yes tonight it doesn't mean that you're going to approve this later but it at least moves it along. And the fourth is very important

actually, the fourth will modify the 3 and 5 acres zone district the residential zones the RR-AA and the RR-A those are three and five acre zones. It will allow for accessory apartments in those two zone districts because of the size of the lots but as we talked about before those accessory apartments will be restricted only to those that qualify for low or moderate income households and will be certified for credit through our Housing Element and Fair Share Plan for COAH. There will be a limit because these units are funded in part through the Township's Affordable Housing Trust Fund. So there is a limit if I recall correctly no more than 15 or 16 total and if we see half that I would be surprised. But what it will do is open the opportunity for a resident if he or she wishes to convert a portion of their existing home to an apartment for qualified low or moderate income household. That program would be managed by someone who is known as the Administrative Agent it happens that Mount Olive is contracted with Frank Piazza and Associates to do that this is all material related to COAH. Which we could spend some time I'm sure you're just terribly excited to do that but it is very important that this move forward if you're in agreement with it. And part of the reason is the Town has 1.5 million dollars in its Housing Trust Fund and a small portion of that would be dedicated to this program. But for those who are familiar and have been following the news you know that Governor Christie and the State of New Jersey is trying to take money from the Township's Housing Trust Fund money back to the state unless the town can demonstrate the money has been committed for Affordable Housing. So we have the money, most of that 1.5 is committed to a variety of projects but it's important that this accessory apartment program go forward. It will help Mount Olive also with its COAH obligation. So those are the four major rezoning areas. The second category is as I said before it's a lot of administrative stuff and housekeeping sort things and I don't know if we really want to go through all of it I'll just mention again this is a public hearing so I'll at least mention we're talking about new or revised definitions. For example and I'll just use one, churches will become houses of worship which is a more appropriate classification and we'll talk about that a little bit later. We'll come up with some new, obviously it's going to take some time here and there will be a lot of input to this, new or revised parking for certain categories. We're making some changes to the tree removal ordinance which are described in more detail from the Reexamination Report and revising the nonconforming uses structures and lots standards and there's been . . . we've had communication back and forth with Tiena and Ed. Without going into it this actually was an issue as you will recall this past year, nonconforming structure became an issue so we want to clarify the language in the ordinance to make it consistent with established case law, make sure our attorneys are comfortable with it and going forward make sure that we clarify certain things. Such as if you want to restore a nonconforming structure you don't need a use variance which is what our ordinance says. So those are the sort of the changes that we talked about making. We just talked, but we've had discussion about small wind and energy systems the monopoles with the blades and solar panels. We want to create standards in the ordinance for those type of facilities as accessory uses and we again, there was a draft ordinance circulated a while ago, in the Reexamination Report it would simply set the stage for that further discussion. And that's important too because on the Land Use Law has now modified to . . . tracts of land 20 acres or more that are zoned industrial these type of facilities, not accessory but as a principal use are permitted as of right. We have some industrial zones in town that are in farmland at this point or that are agricultural use but could be converted and so we have to think about whether or not you want to see that happen and if you don't then we have to look at the industrial zoning and see if that's appropriate or we have to come up with some standards perhaps that would be more suitable for that sort of use. The revisions to the residential zones again some of this is repetitive so just about the things that I've talked about a few minutes ago

MR. FLEISCHNER: Excuse me Mr. Chairman. Chuck when we had the meeting and we discussed this we were all sitting around the table, my recollection was that we all agreed that we didn't want the poles with the propellers going around. And that we would not allow that within the township because of the problems they cause with sound for neighbors, etc.

MR. MCGROARTY: Okay to be honest I couldn't remember, I didn't remember if that was a . . . so the recommendation there would be at least not the small wind energy . . .

MR. FLEISCHNER: No.

MR. MCGROARTY: Solar possible.

MR. FLEISCHNER: Solar yes but it was . . . I think everyone chimed in that we didn't want thump, thump, thump.

MS. COFONI: Yeah I have in my notes talk about wind standard later because I think people maybe weren't in favor of that and we said let's discuss it later or something.

MR. MCGROARTY: So solar possibly, wind no.

MS. COFONI: Yeah I have Board raised the standards for solar panels so I think that was a go.

MR. MCGROARTY: So that recommendation . . . well that's something that I talked about adding and if we are to add that then we would obviously have to change that and say wind energy is not desirable in terms of those kinds of facilities. Okay should I move on then to residential? In the residential districts then some of the more important issues are there was discussion of establishing a new conditional use in the R-6 zone and we just talked about the R-6 zone. And possibly I added with a question mark even the R-7 zone to allow for what's called a continuing care. Which ranges from independent living all the way through assisted living or nursing facilities and the like and those would be, if they were added they would be added as conditional uses and there will be standards that have to be established. So if that's acceptable we'd move along with that. And then there's . . . it's just a replacement table it's in the handout that you have this evening and it's in the memo I sent around yesterday. It's just an enlargement of the table that's found on page 29 of the report and we've had a lot of discussion on this over the past couple of years. In the residential zones that are identified there are a number of conditional uses that have been on the books for many, many years and the recommendation is to take them out. Churches, hospitals, home occupations, well home occupations will stay in most of them except for the one or two, mortuaries, etc. God knows how it got there in the first place but they really don't belong in residential districts and so the recommendation is they would be removed. There are some conditional uses to remain and of course the accessory apartments would be new and that would be added. But in particular what this Reexamination Report is suggesting is more work needs to be done, churches which will now be known as houses of worship and schools need to have better standards. Now we may never see another school but . . . and without getting into a whole discussion this evening on the RLUIPA federal legislation that you cannot treat a religious institution different from other assembly uses. That will be for another night I'm sure we're all just thrilled to have that. But we have to look at standards we do not have good standards for the churches, for houses of worship at this time in my opinion. And so I think what we want to do is at least identify that as an issue in the Reexamination Report and the ordinance committee will have quite a bit of work on its hands to go ahead and do that. And we may not see any more houses of worship come through but one never knows so it's appropriate to look at that. And what we're talking about here is should they be on major roads, collector roads or are they okay on even local roads, minimum lot standards and so on. Non-residential zone districts again the suggestion here is to go through eliminate a number of . . . in certain areas certain principal uses I do have a . . . because I was in mid-thought and have a typo on page four there but there was some conversation about eliminating adult entertainment in the C-1 zone and perhaps locating it elsewhere. There are State standards, there's a State statute that regulates a proximity to residential areas and the like and I think after we looked at it, not that we're ever encouraging these kind of facilities, but they're probably best off in the C-1 zone. Because under the State standards it's given the proximity of the residential areas it's unlikely they would be able to put such a facility along the highway. And the building height, we had this just recently with an application but we are recommending that the Light Industrial zone the building height be increased to 40 feet from the present 30 feet. And again the Master Plan Amendment will go into some more detail as to why that makes sense but it does intensify the use on site because it goes up. But because of the kind of facilities that are called for in the L-I zone we think it is suggesting here it's appropriate. But we would simultaneously recommend an increase of the setback from 50 feet to 100 feet if you're abutting a residential zone. So if you're butting up against a residential zone you now will have a 100 foot setback but your building can go 40 feet high. And lastly the redevelopment activities, again the Land Use Law asks that we identify those if there are any. We have two that are moving ahead one is in the Planning Area it's in the former Cobblestone Nursing Home site. That's where the bulk of the town's Housing Trust Fund Money, almost three quarters of a million dollars actually is committed to . . . and there's initial studies going on of the site, phase I study going on right now. The town is looking to condemn the property and purchase the property from the owner the negotiations to purchase it did not go forward so we're looking now to move ahead and condemn the property. It's a vacant building and it's in some ways it's a adverse impact on the residential area. And if all goes well and all is done when the time is finished it will be a site for Affordable Housing and there's a non-profit authority then involved with the township. Certainly there will be a lot more information on that as we go on and if it ever gets to the point where we have a redevelopment plan this Board of course will be the ones who initiate the study to do that. And lastly then we also have proposed a redevelopment designation area along Route 46 which is in the Preservation Area of the Highlands so we have to approach that differently and we're doing that through the Highlands Council. And just today I got confirmation that the proposal that we put in the town has actually submitted a formal petition and that is going to be scheduled for a full hearing with the Highlands Council and we're asking for some significant funding to help with the work that will be done on that. And that's covering about 16 acres total it will cover certainly the town's former municipal site on the beach and the adjacent properties and it will cover a number of properties

going eastward including at least several locations where there are derelict buildings that will be demolished and we've been working with the property owners to make sure that you know we want to ensure that they have development potential and they don't just knock the buildings down. And it's different because it's in the Preservation Area. So as an overview the handout tonight the one thing I do want to say is it failed to mention in the Reexamination Report, probably the most obvious which is we should call for amendments to the town's 2003 Master Plan, Land Use Plan Element and any other elements which would be appropriate. And I believe the open space plan in the 2003 plan would definitely have to be updated again on Nelson's point earlier about the ROSI because we're updating the ROSI so that would have to be updated. And there's also language you see it in here where the town has adopted a wellhead protection ordinance and we were just talking about that the other day here amongst ourselves here. But the 2003 Master Plan recommended the town go ahead and adopt such an ordinance and in fact that was done later and in that ordinance there was language, and you'll see it in here, that recommends that the Master Plan actually addressed that. And as I said in here that's been covered in extraordinary detail under the Highlands Master Plan Element that the town adopted already so when the time comes we can talk about that but I think it's been well covered and I just thought it was appropriate to bring it up. And so Mr. Chairman, members of the Board I went longer than I wanted but that's it as an overview.

MR. WEISS: Tiena?

MS. COFONI: I just have one other thing and I just don't recall how we were going to do it or if we were going to maybe wait for another time and that was the electronic message board signs. Are we going to deal with that separately?

MR. MCGROARTY: Well no that's in here.

MS. COFONI: Oh it is?

MR. MCGROARTY: Yeah it's under I think I have that in here somewhere. We talk about the signs in the Reexamination Report, there's a number of things in the Reexamination Report I didn't talk about.

MS. COFONI: Yeah right.

MR. MCGROARTY: For example should 25 chickens equal 1 pastoral animal? That's really an important question that's actually in the ordinance I kid you not. And so these are the sort of things that you know sound ridiculous but all of a sudden they become important. So we've identified that too so there are a lot of things in here that we'll go back and look at. Service stations I forgot to mention I apologize, service stations that was another key thing. Right now what the proposal is in the Reexamination Report is to say let's get rid of that section . . . first of all let's bring all the conditional use standards that deal with service stations into one place in the ordinance as opposed to the three places that they are today. And let's eliminate the restriction that says you can have a 300 square foot convenience mart and you can't sell anything but a few things. And as we talked about it that just doesn't seem to make any sense anymore and we have good examples in the township of lots that are larger than that that sell all sorts of things and it seems to work quite well. So what we're suggesting then is we'll get rid of that language we'll put in place a new intensity factor which is called a floor area ratio or the FAR and it will allow essentially on a conforming 2 acre lot, should there be such a creature, for a service station they would be able to have a convenience mart of approximately 5,200 square feet. Which is about what . . . just for comparison sake and I think I put it in here, but the Shell Station down at International Drive South and Route 46 that service mart is about, I think it's something in the order of 3,800 square feet or thereabouts but it's about the same floor area ratio that we're talking about in terms of the size of the property. So that's sort of what we're looking at, you may see a Wawa a Quick Check you may see something like that but that's what we're talking about like Mobil or Exxon they have their own brands. Tiena it's somewhere in here I'll look for it but I believe made reference to the message board signs that would be under 400-95 I would hope.

MR. BUCZYNSKI: It's on page 3.

MR. MCGROARTY: Of the . . .

MR. BUCZYNSKI: Of the memo you prepared dated May 6, 2013.

MS. COFONI: Oh yeah, yeah I have that one.

MR. BUCZYNSKI: It's on that one.

MS. COFONI: Yes. Just to go back to service stations for a second, Chuck were we going to deal with them kind of two separate categories so the ones that were existing allow those to continue as is and then create you know another category for the bigger service stations?

MR. MCGROARTY: No, no. But we did kick around different possibilities but . . . I shouldn't say no because it's not for me to decide, but I would suggest we simplify it. So yeah we did talk about maybe service stations in the new category . . .

MS. COFONI: Yeah so these existing will be nonconforming. The ones that . . . I thought that there were a couple that were small and weren't on 2 acres so they'll become nonconforming?

MR. MCGROARTY: They will but the ones that are out there today are all . . . at least the ones to the best of my knowledge are there by virtue of getting variances.

MS. COFONI: Oh okay.

MR. MCGROARTY: So that's how they came about. They didn't just . . .

MS. COFONI: Yeah okay so that's . . . never mind then.

MR. MCGROARTY: So what this does is try . . . we talked about different categories there's service station and then there's service station with food and all of that.

MS. COFONI: Okay yeah if they were created by a variance that eliminates . . .

MR. MCGROARTY: Right. Pages 26 & 27 of the draft full Reexamination Report talks about signs including the message board signs. Mentioned of course there are three in town including one outside the building here but also this banana type of sign Catherine and Scott had this issue come up these are newer type of banners they're vertical banners we wanted to get a picture to put in here we'll do that at some point. The idea there is to allow them but only as temporary signs and limit the amount per linear feet of a store front.

MS. COFONI: Okay great.

MR. MCGROARTY: So you can see there's a lot of things that we don't have solutions to yet. I don't know exactly what the answer is on the message board signs or a lot of these other things, most importantly whether 25 chickens equal 1 pastoral animal and I think those are really significant questions to be addressed later. I know Scott has had to deal with that question recently right?

MR. VAN NESS: Right.

MR. NELSEN: Chuck when you do address that 25 chickens equaling 1 pastoral animal you'll have to differentiate between chickens and roosters.

MR. MCGROARTY: Yes and I've given tremendous thought to that but that will be for another evening.

MR. NELSEN: Because if you recall on the Board of Adjustment we had quite a go round there one time about . . .

MR. MCGROARTY: But those kind of things do affect quality of life when they do come about. Because people do, some people want chickens and their neighbors may not want them, or roosters or what have you. But at the risk of overlooking something in here this has been in front of the Board for a while it is out there it's available to the public and obviously we have some amendments and modifications to make to it. We could if you're comfortable with it you could adopt it this evening, you could wait and let me do the clean ups and do it in July. I was eager to move forward to get at least the accessory apartment ordinance in progress but if you were not to adopt this tonight we could probably figure out a way to do that in the meantime. So don't feel compelled just on that reason alone. If you want to see a cleaned up version with the changes we can certainly do that.

MR. WEISS: Joe did you have something?

MR. FLEISCHNER: My question is, I know that there's still a significant number of changes and I know Chuck's been busy as could be to get this done, would it not be maybe advisable that Chuck can devote more time to it and then we just hold a special meeting and that's the only item on the agenda? Or to get through everything with all of the changes and we just get it done. You know my feeling Howie we let things kind of, we'll get to it, get to it and we never get to it.

MR. WEISS: Well it sounded like Chuck was very comfortable asking the Planning Board to adopt this tonight and any changes or additions seem to be on the minor side, housekeeping side.

MS. NATAFALUSY: I think we did that the last time too we adopted it and then there's some revisions that were incorporated after.

MR. WEISS: Yeah.

MR. FLEISCHNER: That's fine.

MR. WEISS: We'll certainly address what you do but . .

MR. FLEISCHNER: No that's good I just want to make sure you get it done right.

MR. WEISS: Well let's do this let's open this up to the public. Is there anybody in the public has any questions or comments about the Master Plan Reexamination Report I invite you to the podium. Seeing none I'll close it to the public and let's entertain a motion on whether the Planning Board wants to adopt this Master Plan Reexamination Report or hold off.

MR. FLEISCHNER: I'd like to place a motion on the floor to adopt the Master Plan Reexamination Report based on what our town planner has submitted.

MR. MANIA: I'll second it.

MR. MCGROARTY: Based on, if I may? I know there's a motion on the floor but based on some of the changes to the no wind energy is out and some of the other things.

MR. WEISS: Okay of course consistent with the comments made today a motion was made by Joe seconded by John is there any other conversation about this? Seeing none Catherine let's roll call.

MS. NATAFALUSY: Steve Bedell - yes
Joe Fleischner - yes
Judy Johnson - yes
John Mania - yes
Dan Nelsen - yes
Nelson Russell - yes
Brian Schaechter - yes
Scott Van Ness - yes
Howie Weiss - yes

MR. WEISS: Okay Chuck thank you again for all the time I know I was looking over my notes of the meeting that I was at and I checked off everything that was on my paper was in your report so I'm confident that it was done.

MR. MCGROARTY: Okay well thank you very much and again if we need to go back and look at it we can always do that. Thank you.

DISCUSSION MATTER

ORDINANCE 16-2013 AMENDMENT TO SECTION 400-75 TREE REMOVAL

MR. WEISS: Okay we have two discussion matters this evening Ordinance 16-2013 Council Amendment to Section 400-75 Tree Removal. Whose discussion is this Catherine is this something you would talk about?

MS. NATAFALUSY: Well the Township Council had first reading on Ordinance 16-2013 to include the Township Council as an approving authority in Subsection C of Section 400-75 of the tree removal ordinance.

MS. COFONI: Oh I see so really it used to be just the Planning Board.

MS. NATAFALUSY: It used to be the Planning Board. It said Zoning Board of Adjustment they removed that since and now they have the Planning Board or the Township Council as an approving authority.

MS. COFONI: I thought that this came up once before and the Board was against removing it from the Board.

MS. NATAFALUSY: We knew it was coming but we didn't

MS. COFONI: Okay.

MR. WEISS: Go ahead Scott.

MR. VAN NESS: It came up we discussed it a bit, I had actually asked for it to be re-heard later on when you were here because I thought you would have a better opinion on it. It sounded as though they wanted to eliminate the Planning Board from authority. That's what it had sounded like in the beginning so it's clarified. My question now would be can the Township Council overrule the Planning Board's decision to do or not to do something with the tree ordinance.

MS. COFONI: It looks to me, without seeing the whole thing in front of me to be honest, Chuck or Gene can correct me, it looks to me like they could go to the Township Council instead of coming here.

MR. FLEISCHNER: Right because it says or.

MR. BUCZYNSKI: Right.

MS. COFONI: So that would eliminate us from the process.

MR. BUCZYNSKI: That what I was thinking yeah.

MS. COFONI: And I don't know whose choice it would be, maybe the applicant's choice where to go to get the approval?

MR. FLEISCHNER: My understanding it's the Administration.

MS. NATAFALUSY: It's just like when like the Boy Scouts come or Jim came like two months ago to tell us how we wanted to spend the money from the tree bank, I think it's going to Council rather than coming here it's eliminating the step in the process from what I understand.

MR. WEISS: Maybe we could ask, John do you have any other background for us as to why this came up what's the purpose? Why did the Council steamroll this one right down our throats?

MR. MANIA: I believe the Administration presented it to the Council.

MR. WEISS: Okay so it was Administration.

MR. MANIA: I'll be right up front with you I'm not for it.

MR. BUCZYNSKI: You know it could be if there was some language I know Catherine just said about these organizations. Maybe it has some language saying that if it was a development matter it would have to come in front of the Planning Board for tree removal.

MR. MANIA: Right.

MR. BUCZYNSKI: And if it was special agencies if you felt comfortable . .

MR. VAN NESS: Nonprofits or donations or something like that yeah.

MR. BUCZYNSKI: Yeah nonprofits they could choose, it seems kind of crazy but . . .

MR. WEISS: Joe?

MR. FLEISCHNER: The only thing, I don't understand the urgency. If they come to the Planning Board we hold two meetings a month I mean we've okayed money to plant trees and it took the Administration three months to go out and buy a tree. So I don't see what the urgency is where at least the Planning Board has a representative from the Environmental Commission and if it's going to be on the agenda of the Planning Board the EC at least gets a chance to renew it. Under the other proposed method why even bother having an Environmental Commission? I mean let's bypass them as well even though they're only advisory.

MR. WEISS: Am I accurate to say Tiena that regardless of what we do here tonight Council is going to do whatever they want anyway?

MS. COFONI: Well I don't know about that.

MR. BEDELL: Do they have the right to?

MS. COFONI: They can still adopt this ordinance yes.

MR. BEDELL: Okay.

MS. COFONI: There are enhanced vote they'd have to do resolution stating the proofs I mean stating the reasons for doing it despite the Board finding it inconsistent with the Master Plan and being against it. But yes they could still . . .

MR. WEISS: So essentially if we make a motion tonight to not accept this understand Council doesn't have to accept that.

MR. FLEISCHNER: But at least we're on the record that we are against it.

MR. WEISS: So let's maybe just eliminate conversation for the obvious reasons unless somebody has something that they think is . . .

MR. MCGROARTY: Well Mr. Chairman the one thing I will say is in the ordinance today funding for trees deposited into this bank, and it goes on, I'm reading here 400-75 (J) tree banking Subsection 2 the funding for those trees which is what we're talking about when people come in front of us is subject to the approval . . . this is what it says today, subject to the approval by the Township Council upon recommendation by the approving authority, which up till now or is the Planning Board. So I guess it will be either the Planning Board or the Council. But it does also say and the Environmental Commission am and it says recommendation may also be provided by the Administrative Officer. So it sounds to me like at least the Environmental Commission still . . . and the priority or the ranking for where they're planted at least the Council is to be guided by that I guess they're not bound by that. But that set forth elsewhere in the ordinance in terms of where properties, what the ranking system ought to be, public properties and a certain kind and so on and that's set forth in Subsection 3. So just so you know it sounds like unless . . . I don't see any change to that so the Environmental Commission at least will remain and it may or may not still involve the Planning Board when it comes to awarding the funding as it were.

MR. FLEISCHNER: I can tell you being a member of the Environmental Commission as well, the Environmental Commission is for the number of years that I've been on the EC has never gotten a direct memo from the Administration saying we're going to plant trees we'd like your approval. The one reason why they found out about it was because myself and Nelson sitting on this Board told them and then we discussed it. So obviously there seems to be a gap in the communication system.

MR. WEISS: Okay so let's throw a motion out if somebody would like to make a motion for or against this ordinance.

MR. BEDELL: I'll make a motion I guess against ordinance 16-2013.

MS. NATAFALUSY: So you're making a motion to not recommend to recommend to Council not to adopt it.

MR. BEDELL: Yes not adopt it.

MR. SCHAECHTER: I'll second it.

MR. WEISS: Seconded by Brian is there any conversation? Seeing none roll call.

MS. NATAFALUSY: Steve Bedell - yes
Joe Fleischner - yes
Judy Johnson - yes
John Mania - yes
Dan Nelsen - yes
Nelson Russell - yes
Brian Schaechter - yes
Scott Van Ness - yes
Howie Weiss - yes

MR. WEISS: And I think a unanimous approval of that rejection is (inaudible).

MR. VAN NESS: Howie would a note to them saying some improvement in the wording of what they would like to do, something to clarify what they want to do? I mean it's obviously something different it's not clear as to what they want. And that to me is what you know there's obviously no intent to do something wrong but it's just there's no clarity as to why they want to do what they want to do.

MR. WEISS: Well that's a good point maybe I could ask Ms. Johnson to send a memo to Sean and to the Mayor.

MS. NATAFALUSY: I'm sorry but what I usually do is tomorrow I will have to send to Lisa a memo on how the Board voted tonight.

MR. WEISS: Well that's fine and then on another note let's try to get an answer to Scott's question. Why? What is the reason?

MR. VAN NESS: Then we can work on something together to make it happen as opposed to just no.

MR. WEISS: I agree with you.

MR. FLEISCHNER: And again I did speak to Sean about it and again it's here say for the group but to me he said it was just . . . the Mayor just wanted to streamline the process. That was the one line answer I got. That was it.

MR. WEISS: Let's move on.

DISCUSSION MATTER

PB 13-19 – KEVIN DORLON – BLOCK 8500, LOT 19

MR. WEISS: We had a second discussion matter which will be PB 13-19 Kevin Dorlon Block 8500, Lot 19 located at 103 Mine Hill Road. Mr. Selvaggi is here tonight but before we go forward I am going to excuse myself from this hearing because I have a personal relationship with the application and a financial impact on this application if it's approved. So I'm going to step down Joe you'll take over for this?

MR. SELVAGGI: Good evening Board members Michael Selvaggi from Courter Kobert & Cohen on behalf of Mr. Kevin Dorlon. This is property Lot 19, Block 8500 it's that portion of property that many in Mount Olive would have just assumed it's in Hackettstown because of its proximity to . . . it's right actually next to the Pump House or right near the Pump House and across the street from STS. But anyway there is a pending site plan application use variance that was filed. We had asked for a waiver from the EIS submission and I believe there may be some other things but that's the primary reason why the application has not been deemed complete. The basis for the request for the EIS is our submission package included in October 18, 2007 Highlands Exemption letter which set forth a description of the

environmental conditions on the property and we also submitted in April 23, 2013 a letter from Wander Ecological Consultants and for those who may not know Wade Wander is a very well respected ecologist wetlands expert and in that report he sets forth or identifies the wetlands areas and sets forth recommendations for the development on the property in ways that it would protect those more sensitive areas. We believe that in combination these two reports set forth the parameters for an environmentally sensitive consciences project and that an EIS probably really wouldn't go beyond that. We would suspect an EIS would probably be duplicative a lot of the findings that are set forth in these two reports. Therefore we are respectfully asking for the EIS and more or less substituting the factual data that is contained in these two letters. I'm trying to be as short and succinct as possible.

MR. FLEISCHNER: Mr. Selvaggi has there ever been an EIS done on this property?

MR. SELVAGGI: Not specifically for development project I do not believe no. I mean to put it this way not in my client's lifetime.

MR. MANIA: Mr. Chairman?

MR. FLEISCHNER: Mr. Mania.

MR. MANIA: What's proposed?

MR. SELVAGGI: Well the proposal is for a use variance to allow a townhouse development. Obviously a very small one because the property is not very big so you know, and most of the development would in fact be towards the Route 46 portion of it. And you'll find this property in the rear of it is actually the Musconetcong River because it kind of runs there and snakes up behind the Pump House and then goes underneath the bridge there on Route 46.

MR. VAN NESS: So the rear property line is the river.

MR. SELVAGGI: Yeah I mean in Mr. Wander's report he probably says the wetlands present in the northeast corner of the property along the Musconetcong River. So it's right there.

MR. VAN NESS: Has the property ever flooded that you are aware of?

MR. SELVAGGI: Mr. Van Ness I don't know. I really don't know. I suspect in some of the major storms it could you know it had to. I mean one thing that's helped that area there I know from other properties is when they removed, remember there used to be that partial damn and everything else, the removal of that has allowed the water to kind of flow through a lot quicker.

MR. BEDELL: What's on the property now it's just a bunch of junk if I recall? This goes back seven years ago.

MR. SELVAGGI: Yes. Yeah there's been some partial excavating and other work on the property already yeah.

MR. BEDELL: But no one was living on the property?

MR. SELVAGGI: Not in several years.

MR. BEDELL: Because wasn't there an issue with like septic Chuck, Gene? I remember this goes back umpteen thousand years ago.

MR. BUCZYNSKI: There's been an issue ongoing right now regarding . . . on that site I'm not sure if there was any problems before I think they're expanding the septic as part of the application.

MR. BEDELL: Maybe that's it okay all right. I remember that topic came up many years ago on the Zoning Board. Okay.

MR. VAN NESS: Why the request to not do this?

MR. SELVAGGI: Quite honestly we believe that . . . I mean one of it is just to move this thing along obviously. But probably more important when you look at the information we had from these two reports it recognizes the most critical environmental condition on the property which is the wetlands. Mr. Wanders report, which by the way I mean we're not taking issue with Mr. Wander's report and that

report will guide the development as it has already. So there's really nothing else in there or on the property that would really warrant a further analysis so you know that's really what it's . . . it's more of a practical approach to things. I mean it's not a large piece of property I mean if it was a much bigger tract it may implicate other environmental conditions I think an EIS would be warranted.

MR. VAN NESS: But your also on a unique piece of property that's completely bordering the entire north border of this property is a major water source in northern New Jersey so it's something that has to be considered.

MR. BEDELL: It would be septic right this one will be septic so there's flooding issues.

MR. SELVAGGI: Right.

MR. NELSEN: Do we have Mr. Wander's report?

MR. SELVAGGI: It was part of the submission package.

MS. NATAFALUSY: Well let me just . . . Dan just asked a question. You don't have anything yet because it has not been deemed complete. Okay what you have in front of you tonight is a letter from Civil Engineering and I also gave you a copy of the ordinance on the EIS so that . . . but you don't have anything else.

MR. BUCZYNSKI: I have a copy of that report and I read it and it's simplifies everything I mean it's a one page letter that briefly talks about the different issues. And the same thing with you know we've got the Highlands . . . a lot of times your EIS is one document that puts everything together and talks about water and sewer on the site. True as far as environmental concerns Mr. Wander briefly hits them and I'll have some comments regarding that if and when I do my report. I mean I know for one thing he briefly talks about the wetlands as Mike had said in one corner of the property but he mentions about the Letter of Interpretation maybe not needed I'm going to request that he get a Letter of Interpretation from the DEP. I mean Mr. Wander went out there and flagged the wetlands but it's similar to what we do in all of the projects we ask for a Letter of Interpretation when there's wetlands on the property. Regarding the flood hazard area they briefly mentioned that and I confirmed certain things with the DEP already so I don't see a problem with that. They do mention about the Barred Owl they noticed the sound of them when they're on the property however they don't think there's suitable habitat on the site. But it's all in one letter the Board has to decide if that's comfortable I mean I'll address those items in my report so you know they're the main environmental concerns you have. Is there a need to have everything in one major document? That's up to the Board to decide.

MR. FLEISCHNER: Mr. Selvaggi you had mentioned and I know over time I've seen some excavation equipment on the site. Can you clearly and positively state that nothing has been buried on this property that might be hazardous?

MR. SELVAGGI: Absolutely not. I mean I would never make that reference.

MR. FLEISCHNER: And the reason why I ask that question because my understanding when you do an EIS certainly those types of things can come forward on an environmental impact statement. So I think I'd like to hear further from the Board members you know what your feeling is.

MR. BEDELL: I'd like to see the EIS unless you know . . . I mean I trust Gene implicitly but if Gene doesn't think its necessary I might side with Gene but I think I'd like to see the EIS.

MR. BUCZYNSKI: I didn't say it wasn't necessary.

MR. BEDELL: Well I didn't say you did.

MR. BUCZYNSKI: I'll leave it up to you to make that decision.

MR. BEDELL: No, no I didn't say . . .

MR. BUCZYNSKI: I'm saying you know like their report is a very small summary of a lot less than what you see in the EIS. The EIS would be multiple pages this is a one page report.

MR. BEDELL: Yeah, yeah but my thought is if you think it's . . . you know what your thoughts are. Should we have it, should we not have it, is it necessary, is it not necessary I think I'd like to see it or I think it should be done in my opinion.

MR. MANIA: Well let's not beat it to death it's a yes or a no.

MR. BEDELL: Well I say yes.

MR. MCGROARTY: If I may I'm sorry Mr. Chairman. The Board is . . . really you don't often get this kind of discussion matter but you know Gene, myself, Catherine we didn't want to take it upon ourselves to deem the application complete with a waiver request like this. And so . . . but it's not a complete application yet it's not open to the public Tiena am I correct?

MS. COFONI: Correct, correct this is just a determination as to whether or not you're going to waive the completeness. Now is the possibility that you could waive it for completeness but require it for the application? Or that wouldn't really work for this kind of report.

MR. MCGROARTY: You can

MS. COFONI: I mean I guess it just delays the inevitable.

MR. MCGROARTY: Exactly.

MR. BUCZYNSKI: Right.

MS. COFONI: Because I've seen that happen before, I've seen that and it never has made sense to me why you would do that because you would want it all there. Especially for (inaudible) the Board (inaudible) when your mailing them.

MR. SCHAECHTER: Gene quick question. If we go ahead and we give them the waiver for the EIS before they build on it would they have to do environmental testing the soil anyway?

MR. BUCZYNSKI: No. I don't believe so.

MR. SCHAECHTER: So would the EIS require them to do the soil testing?

MR. BUCZYNSKI: Well they'll give you information, historical information, it could give you historical information the Board might decide at that point that they'd like to consider testing. But you know to talk more also the environmental report talks about . . . the EIS talks about water, sewer all of those other issues that can come out in the applicant's testimony but usually you do EIS' when you have an environmental sensitive property. When you have wetlands, it was a Highlands Preservation Area, it's a flood hazard zone I mean it has all the criteria where you would normally request an Environmental Impact Statement.

MR. VAN NESS: And we also have a piece of land that has a sorted history more or less.

MR. BEDELL: When this application came on the Board back in 2007 I recall we denied it?

MR. MCGROARTY: No it was withdrawn.

MR. BEDELL: It was withdrawn. Yeah I remember it came in front of us I don't recall . . . okay all right. So it was withdrawn okay.

MR. MCGROARTY: And when you say us

MR. BEDELL: That was the Zoning Board.

MR. FLEISCHNER: Any other discussion from the Board members before we . . . So do we do a resolution or just . . .

MS. COFONI: No I think someone could make a motion as to whether or not they want to waive or not waive the EIS for completeness.

MR. BEDELL: I'll make a motion that we don't waive the Environmental Impact Statement.

MR. VAN NESS: I will second that.

MR. FLEISCHNER: Further discussion? Okay roll call.

MS. NATAFALUSY: Steve Bedell - yes
Joe Fleischner - yes
Judy Johnson - yes
John Mania - yes
Dan Nelsen - yes
Nelson Russell - yes
Brian Schaechter - yes
Scott Van Ness - yes
David Koptyra - yes

MS. NATAFALUSY: So I will deem it incomplete and tell them they will have to submit it.

APPLICATION #PB 13-14 – PARRU DHARIA – BLOCK 4400, LOT 86.09

MR. WEISS: Okay let's move on. Our first developmental matter is PB 13-14 Parru Dharia this is a variance to exceed the maximum permitted building coverage at 33 Sovereign Drive Block 4400, Lot 86.09. And Mr. Selvaggi welcome.

MR. SELVAGGI: Yes Mike Selvaggi from Courter Kobert & Cohen on behalf of the applicants. Our engineer is getting situated, this is an application for a half a percentage increase in your building coverage requirements in the R-1 zone. I think you'll find this one rather unique in terms of the justification for it. What I'd like to do is have Dharia come forward and testify first and then we'll have our engineer.

MR. WEISS: Mr. Dharia we're going to swear you in.

(PARRU DHARIA 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 please.

MR. DHARIA: Parru Dharia 33 Sovereign Drive, Flanders, NJ.

MR. SELVAGGI: Okay Mr. Dharia you're the owner/occupant of the property are you not?

MR. DHARIA: Yes.

MR. SELVAGGI: How long have you guys lived there?

MR. DHARIA: Since November.

MR. SELVAGGI: Okay were you the original owners?

MR. DHARIA: Yes.

MR. SELVAGGI: And the house was built by who?

MR. DHARIA: Toll Brothers.

MR. SELVAGGI: Okay. Now you're looking to put on three I guess separate additions on the property correct?

MR. DHARIA: Correct.

MR. SELVAGGI: Why are you and your wife looking to do these additions?

MR. DHARIA: According to our (inaudible) northeast corner and southwest corner (inaudible) are not good and we are just extending the northeast corner of the house and southwest corner (inaudible).

MR. SELVAGGI: Okay now when you say it's not good why isn't it good? I mean what is the philosophy behind squaring off this building?

MR. DHARIA: When sun rises and everything all the rays comes from the northeast direction and right now northeast is good southeast direction is longer than the northeast. So we think this is (inaudible) and it increases the harmony and peace in the house. So by increasing the 3 feet on the northeast section from the southeast section it gives it better harmony and peace.

MR. SELVAGGI: Okay and in this particular approach the home is really considered almost a temple is it not?

MR. DHARIA: Yeah.

MR. SELVAGGI: Okay and there's also when these additions are put on there will be improvements within the interior of the home which will follow through with this.

MR. DHARIA: Yeah we are going to have the temple in the . . . the temple in the home will be on the northeast direction and southwest direction we are putting the higher things like (inaudible) in the southwest direction.

MR. SELVAGGI: That's all I have from Mr.Dharia.

MR. WEISS: Yes Tiena?

MS. COFONI: I didn't catch about the sun if you could just go through that again I'm sorry.

MR. DHARIA: Sun rises from east and everything the rays comes from the northeast direction it's more like (inaudible) so the northeast direction is cut right now on the house and southeast direction is extended. So I want to extend the southeast so it balances out the (inaudible) direction. It is better for (inaudible) the environments earth, water, air and fire and different things so there is (inaudible).

MR. WEISS: Gene or Chuck?

MR. MCGROARTY: Mr. Selvaggi I was just ask your client there will be a temple in the house?

MR. DHARIA: No, no, no like a prayer room.

MR. SELVEGGI: What it is and correct me if I mispronounce it its Vastu Sastra it's similar to that Feng Shui which is based on in India a holy book. What is it Bidas?

MR. MCGROARTY: But just for the homeowner then not for the public.

MR. SELVAGGI: No.

MR. MCGROARTY: I apologize for my ignorance I just didn't know I wasn't sure what it was going to be used for.

MR. SELVAGGI: And the whole idea of it is your home is a temple. Now it's not a temple where people would congregate with church but that's the idea. So squaring this off creates that environment in the interior.

MR. DHARIA: Like peace and harmony.

MR. MCGROARTY: So it remains a single-family home.

MR. DHARIA: Definitely.

MR. SELVAGGI: So that's all I have.

MR. MANIA: How big is the addition?

MS. NATAFALUSY: I can tell you it's three separate additions; I think a total of 620 square feet. Three two-story additions.

MR. WEISS: 620 square feet.

MS. NATAFALUSY: Right.

MR. SELVAGGI: Our engineer will describe where it is on the property but yeah the total is about actually I think it's like 629.

MR. VAN NESS: And it's at half a percentage over?

MS. NATAFALUSY: Yes.

MR. WEISS: Anybody have any questions for Mr. Dharia? Does anybody from the public have any questions for Mr. Dharia? Seeing none I'll close it to the public thank you Mr. Dharia. You can bring up your engineer and let's swear your engineer in.

(YOGESH MISTRY SWORN IN FOR THE RECORD)

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

MR. MISTRY: Yogesh Mistry (M-I-S-T-R-Y) 17 Main Street, Netcong, New Jersey.

MR. SELVAGGI: Mr. Mistry you had indicated a while back you testified before this Board but what's your educational background, professional licenses, your hold and your experience in Land Use Matters in New Jersey.

MR. MISTRY: I'm a licensed architect in the State of New Jersey I have been since 2000. I have my own practice in Netcong, New Jersey where we do various type of work from residential to commercial to retail things like that. I've testified in front of various Boards throughout northern New Jersey and have been defined as an expert in the field of architecture.

MR. SELVAGGI: Okay I apologize I think I referred to you as an engineer.

MR. MISTRY: I'm not an engineer.

MR. SELVAGGI: My apologies. Now you've been working with the Dharia's and you're familiar with the reasons behind these additions correct?

MR. MISTRY: Correct.

MR. SEVAGGI: And specifically what is it that they're trying to do and if you can refer to the plans I guess you had prepared?

MR. MISTRY: Yes.

MR. WEISS: Can we mark that as A-1 with today's date on it? And explain for the record what A-1 is.

MR. MISTRY: A-1 is essentially the same sheet that was submitted as this application it's sheet A-2.00. The only difference being that the three little additions are colored in orange.

MR. WEISS: And you would call A-1 the site plan correct?

MR. MISTRY: Site plan and floor plans.

MS. COFONI: Before you go on Mr. Mistry I'm sorry, Catherine is something else that we're just getting tonight or was it submitted with the application?

MS. NATAFALUSY: It was submitted with the application just photographs of the property.

MS. COFONI: Oh okay I just wanted to make sure I didn't need to mark these, I'm sorry go ahead.

MR. MISTRY: Essentially there's three small additions on the existing house. On the northeast section there's an extension of the house again shown in orange that's the extension of the existing conservatory and then it protrudes out 3 feet beyond the existing garage which is on the southeast section of the house. And as I said before it was explained that based on their kind of Vastu requirements that side of the house should be a little bit beyond the left side of the house. So that was the reasoning for the extension there. And then at the rear side you can see kind of two small more in-fills that the house is kind of notched in the back there's a sunroom there and there's kind of a notch on the right and left of the sunroom. We're essentially just squaring that off and infilling the voids there and that again is based on the requirements that their consultant had advised us.

MR. SELVAGGI: Now the total amount of additional square footage is how much sir?

MR. MISTRY: We calculated 610 square feet of building coverage on the ground floor.

MR. SELVAGGI: How much over is that from what would be permitted at the 10 percent?

MR. MISTRY: Well the existing building coverage is 4,555 square feet, the maximum permitted is 4,900 square feet what we're proposing is 5,165 which is the additional difference is 265 square feet. So it's a minimal amount but you know half a percent over the 10 percent allowed on this property. We're within all the setbacks and we're not encroaching into any setbacks and our impervious is still well under the 20 percent allowed we're at 14.8 percent impervious.

MR. WEISS: Go ahead Scott.

MR. VAN NESS: Will the façade of the house be made to reflect the style of the neighborhood and the existing home?

MR. MISTRY: To answer that I'm going to refer to . . . I don't know if I need to mark this one but this is the same sheet that was submitted as part of the application. Its sheet A2.01 it shows the proposed elevations and the quick answer to your question is yes we're going to match the stone that's on the house the sort of the roof lines and just the overall appearance of the house. In fact we've already got this approved by the Homeowner's Association which I think they were a little bit more critical kind of design elements then you know maybe the Board is but we went back and forth with the Homeowner's Association and they have okayed this proposal.

MS. COFONI: Mr. Mistry just, you said that what you're doing is consistent with and I just didn't catch the word you said. And it's not Feng Shui but what is it?

MR. MISTRY: No it's very similar to Feng Shui but it's sort of a version of it called Vastu.

MS. COFONI: Can you just spell that?

MR. SELVAGGI: V-A-S-T-U.

MS. COFONI: Okay I just wanted to get that word I just didn't catch it thank you.

MR. WEISS: Okay so would you say Mr. Mistry that the final project won't set this house apart from others in the neighborhood. Will it keep the integrity of the neighborhood? Will this stand out differently than others in the neighborhood?

MR. MISTRY: In my opinion no. I think it's in character with the neighborhood there are large homes in the neighborhood and you know what we're adding is minimal and we are going to keep with the same style, the same look and materials and so I don't think it would be you know . . .

MR. WEISS: So there will be no substantial detriment to the community putting this addition onto the home?

MR. MISTRY: Correct.

MR. WEISS: I suppose when we hear variance requests we look or conditions that make the property unique and I didn't hear much testimony about the topography of the land and I suppose that's okay because we heard some new testimony by Mr. Dharia and it referred to giving the home better harmony and peace and I suppose for their beliefs that's sometimes just as important as topography or unusual situations. So from my perspective as Chairman I'd certainly say Mr. Selvaggi your application

has given us the positive and negative criteria needed. The proofs I think have been made Tiena do you agree with that?

MS. COFONI: I do.

MR. WEISS: Anybody from the Planning Board have any issues with my comments?

MR. MANIA: Just a quick question if I may?

MR. WEISS: Sure.

MR. MANIA: Has the adjoining neighbor been spoken to about the addition?

MR. SELVAGGI: There was notice given to everybody and the Homeowner's Association . . .

MR. MANIA: Okay is that adjoining neighbor here this evening?

MR. WEISS: We'll open it up to the public in a second John.

MR. MANIA: Okay.

MR. SELVAGGI: I think the critical thing that Mr. Mistry talked to is the Homeowner's Association signed off on it which sometimes is far more difficult to get their approval than it is your because they're far more protective of what goes on in that community than anybody else. It's also to note that we got Board Health approval so the expansion didn't implicate the septic system.

MR. WEISS: Perfect okay well thank you Mr. Mistry. Is there anybody from the public that has any questions or any comments on the hearing so far this evening? Okay so nobody from the public has any comments on this application and I see no comments from the Planning Board so I would like us to someone make a motion on this application.

MR. MANIA: I move for the approval of PB 13-14.

MR. NELSEN: Second.

MR. WEISS: Thank you very much any conversation? Seeing none Catherine roll call.

MS. NATAFALUSY:	Steve Bedell	- yes
	Joe Fleischner	- yes
	Judy Johnson	- yes
	John Mania	- yes
	Dan Nelsen	- yes
	Nelson Russell	- yes
	Brian Schaechter	- yes
	Scott Van Ness	- yes
	Howie Weiss	- yes

MR. SELVAGGI: Thank you very much.

MS. COFONI: If we could just make sure that the photos get to Catherine for the file. I don't know where the photos ended up.

APPLICATION #PB 13-04 – AIMEE KREWINSKI

MR. WEISS: We have a "d" variance.

MR. MANIA: We have to leave I guess.

MR. WEISS: Yes. But we have a couple things just for the record. We have a use variance so Ms. Johnson and Mr. Mania you're excused for the evening. If you'd like to stick around we will have conversation about a resolution on Siemens.

MS. COFONI: Do we need them? They can't vote on the resolution anyway.

MR. WEISS: So both of you we'll see you next month. And I do believe Catherine and I were talking about canceling the first meeting in July.

MS. NATALUSY: July 11.

MR. WEISS: So it will probably be July 18. Mr. Bedell for the record had to leave. Okay so we are going to introduce application PB 13-04 Aimee Krewinski a use variance which is an amended preliminary and final site plan located at 6 Bartley-Chester Road Block 6900, Lot 19. Mr. Selvaggi as always you're up.

MR. SELVAGGI: Yes good evening again Mike Selvaggi from Courter, Kobert and Cohen on behalf of the applicant. This is a . . . it's been described by the Chairman this is the property that you may know as the Flanders Country Day it's as you come off of Route 206 and your going towards West Morris High School you kind of almost run right into it. What I'd like to do as the owner and proprietor of the school Aimee be sworn and then she can testify as to what we're doing from an operational standpoint.

(AIMEE KREWINSKI 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 please.

MS. KREWINSKI: Aimee Krewinski (A-I-M-E-E) last is (K-R-E-W-I-N-S-K-I) 6 Bartley-Chester Road, Flanders, NJ 07836.

MR. SELVAGGI: Okay Aimee for those who may not know what's your relationship with the Flanders Country Day?

MS. KREWINSKI: I'm the Owner, Director and Bus Driver.

MR. SELVAGGI: Okay and how long have you worn all of those hats?

MS. KREWINSKI: This location 12 years.

MR. SELVAGGI: Okay did you operate a school in a prior location?

MS. KREWINSKI: I had another one for five years and before that I ran one in my own home for 12 years.

MR. SELVAGGI: So at this location you've been there for how long now?

MS. KREWINSKI: It's 12 years. It might even be 15 yeah it's been a while.

MR. SELVAGGI: Okay presently what types of educational services are you providing at this location?

M S. KREWINSKI: We are a NAEYC credited facility.

MR. SELVAGGI: And NAEYC just for those who may not know?

MS. KREWINSKI: National Association of Education for Young Children.

MR. SELVAGGI: Okay.

MS. KREWINSKI: All right that was a lot work to get that accreditation.

MS. COFONI: Can you tell me the letters for that again?

MS. KREWINSKI: NAEYC. National Association of Education for Young Children.

MS. COFONI: Thank you.

MS. KREWINSKI: We take care of children from 6 weeks to 12 years and we provide them with a academic, warm, loving environment.

MR. SELVAGGI: And this past year which is coming to a close how many children were in your care?

MS. KREWINSKI: Currently we have 70 children enrolled but that does not mean that 70 children are in the facility at all times. We have children who come to before care, after care, we have children who are in the pre-school classroom who come two days a week, three days a week so the numbers really vary.

MR. SELVAGGI: Okay so you run a day care for young children in the pre-school program?

MS. KREWINSKI: Correct.

MR. SELVAGGI: Okay. The location you're at now, how much of that building do you occupy?

MS. KREWINSKI: We occupy the front half which is approximately it's a little under 5,000 square feet.

MR. SELVAGGI: Okay what's the rest of the building dedicated to?

MS. KREWINSKI: I carry the load of rent. Right now I rent out a little part of it to G4 Data a computer company and then the rest is just my own storage in the back warehouse.

MR. SELVAGGI: Okay now I forgot to ask you too you run the . . . more on the traditional day care school model September through June. What will be taking place over the next several months and weeks?

MS. KREWINSKI: Then we gear up for more outdoor play it's summer camp. So we don't have as much structure and academics and there's not as much seat work and then there's much more running around and having fun.

MR. SELVAGGI: And what's the, I know Monday through Friday, but what are the hours generally there?

MS. KREWINSKI: The facility is 6:30 to 6:30 so I have some children that are there for 12 hours, I have others that are there for 3 hours.

MR. SELVAGGI: And how large a staff do you have?

MS. KREWINSKI: Right now I have 12 employees. We ran all the numbers for the septic and we ran the max. for the Board of Health we're you know all of our numbers are correct we're at the . . . we're geared it for the 1,995 which is that magic number and we're only licensed for 82 children for a child care.

MR. SELVAGGI: And you're at 70 approximately?

MS. KREWINSKI: Right.

MR. SELVAGGI: Okay what's the proposal now? What would you like to do with the rest of the building that's now more or less vacant really?

MS. KREWINSKI: I would like to make it an indoor gym for our kids. I did a gastric bypass for myself I think kids need a lot of exercise. I think the kids need to have a physical outlet they're cooped up in a classroom; everything is structure, structure, structure I want them to be able to just to run. And you know Mount Olive its cold there's a lot of snow up here for long periods you have so many children who have asthma they just can't do it. And the children they don't have enough imagination they need a little more (inaudible) of what they should be doing. So if I can put in a gymnasium and have a whole bunch of little basketball hoops at their height and we'd want to be able to have an indoor track so that they can run around.

MR. SELVAGGI: And this would be used I mean really as an accessory function for your school.

MS. KREWINSKI: Absolutely.

MR. SELVAGGI: And yet you also in keeping with the philosophy you just expounded upon would like to make it available if your families or others wanted to you know run some athletic or recreational programming in this facility correct?

MS. KREWINSKI: If they can fit it in between my kids yes.

MR. SELVAGGI: And you don't really . . . I mean it could be a birthday party, it could be you know . . .

MS. KREWINSKI: Right I mean I run a really great summer camp. I have 45 kids and this is children as old as 12 years old coming back to a day care center for a summer camp that's ridiculous. Because we go out constantly and I keep those kids busy. And all we do is run around and all the kids want to do is run around and play with Ms. Aimee. So that's what I want to be able to do with the kids.

MR. SELVAGGI: And again I mean in terms of its function for let's say the public at large and Ken our architect can expand upon this. I mean this is geared though essentially for young kids I mean you're not going to see a men's basketball league going on in there.

MS. KREWINSKI: No because it's . . . the most I could get out of this space is a legitimate half court.

MR. SELVAGGI: Basketball you're referring to.

MS. KREWINSKI: Basketball sorry. So I can only, even though I want to put up four hoops, the reason to put up four hoops is because I have no patience and I know children have no patience so why would I want to wait on line to shoot because they're going to like lose their patience to shoot. So that's why we're going to have four because you don't want to have to wait. But I can't see men wanting to have to shoot on a half court they're just not going to want to do it.

MR. WEISS: Chuck?

MR. MCGROARTY: Aimee I don't mean to interrupt. I just want to make sure I understand, it was our understanding that . . . I mean if you were coming in to use a gymnasium from the school you don't need a use variance I mean that's our position.

MR. SELVAGGI: I agree.

MR. MCGROARTY: So really it was our understanding that the gymnasium would be used in addition for a number of activities which are listed on the plan and we discussed. So I think, I just want to be clear if that's what we're still talking about. In addition to using it for the school it's going to be open to the general public based on availability and so on.

MR. SELVAGGI: Yes exactly. So it's that component that really is the use variance component.

MR. MCGROARTY: And just so the Board is clear we're not . . . we didn't take the position that you need a use variance because of the children and the school are going to use it. It's because outside parties would be able to use it if you got the approval.

MR. SELVAGGI: And Aimee's testimony is really just to kind of show it's not going to be, you know for instance because I you know for our church I lease a lot of the building space in Mount Olive for Basketball. When you look at the facility and Ken will touch upon it, it's not going to lend itself to that type of outdoor, excuse me there's not going to be a men's league in there it's just not conducive for that. So presumably, and I guess the feeling will be a lot of perhaps your own family's children might want to have a birthday party there you could have programming kiddy soccer, kiddy basketball.

MS. KREWINSKI: Right.

MR. SELVAGGI: But in fairness and as Chuck points out what the applicant didn't want to do was do a bait and switch. Come in here tell you that we're putting it in for the school and then one Saturday somebody drives by and sees you know 10 cars out there and there's some type of basketball so . . . what is that? And quite frankly that would be probably pretty easy to do because most of you wouldn't even have been all that cognizant of it.

MR. MCGROARTY: Yeah I pass it all the time.

MS. COFONI: I might have missed it; you used to have someone renting it the G4? And they're no longer . . .

MS. KREWINSKI: I still have G4.

MS. COFONI: Oh I was under the impression that they were leaving and that's what made this an empty space.

MS. KREWINSKI: No it's not empty he's on a month to month.

MS. COFONI: Oh.

MR. SELVGAGGI: It's warehouse space.

MS. KREWINSKI: He's been there since FIS left, the furniture.

MS. COFONI: So when you do the gym will he still be there?

MS. KREWINSKI: No.

MS. COFONI: Oh so your taking over his area for the gym.

MS. KREWINSKI: Yeah, right.

MS. COFONI: That was my question okay.

MS. KREWINSKI: I mean I'm not going to throw him out (inaudible) money and . . .

MS. COFONI: No I understand okay.

MR. SELVAGGI: And that's really all I have for Aimee I wanted her to put it in context of what's there now and what's proposed.

MR. WEISS: I just, I have a question though. So you're going to plan to have all of these potential private parties. What kind of hours are you going to have certain hours that these parties will run to?

MS. COFONI: Maybe until 10:00 at night.

MR. WEISS: Well I think we should define the hours. You said your school is from 6:30 to 6:30.

MS. KREWINSKI: Right.

MR. WEISS: You don't have school on Saturdays correct?

MS. KREWINSKI: Correct.

MR. WEISS: Or Sundays.

MS. KREWINSKI: Correct.

MR. WEISS: That seems to be your . . . I guess after 6:30 during the week this could be used for a private function.

MS. KREWINSKI: Right. Now I do know that the Board of Health sent a letter and Arif is very concerned you know he doesn't want me to . . . he doesn't want to ruin my septic system and I appreciate that, that he wants to protect me. So he's very concerned about stacking my numbers does that make sense? So he wants to make sure that I would only have so many people so I can't see you know ever working past 10:00. Because you can't have too many people in there it would just be head counts.

MR. SELVAGGI: Well I think perhaps that question goes to, and perhaps would you . . . If school is in session you're not going to be doing a private party because . . .

MS. KREWINSKI: No because school ends 6:30 that staff ends then you could go over to the basketball area. That would just be a separate entity almost.

MR. WEISS: Which is fine I think I was looking for an end time just so we could . . .

MR. SELVAGGI: Well an end time, I mean if you wanted an end time given this population the kids . . . 10:00 I mean maybe, and that would enable people to clean up and go.

MR. MCGROARTY: Can I make a suggestion Mr. Chairman? I think it would be helpful if we get into the application and then I had some questions about the list of uses that are proposed. And I think when you see the list maybe you'll have a better sense from whether we're talking about evening hours or weekend hours and whether we're talking about adults or not. Because it wasn't clear to me.

MR. WEISS: Okay. That's fine I'll keep that question open.

MR MCGROARTY: That's just a suggestion Mr. Chairman I think we might . . .

MR. WEISS: That's fine usually we get the operation end of it out of the operator.

MR. MCGROARTY: Well I think this . . . okay Aimee is here I mean I think if you want to do that then perhaps now is the time to get a list of what they are proposing to do.

MR. SELVAGGI: If I can though I think you know and what we were trying to do there was be . . . I mean we could have just said gym uses and left it at that or recreational uses. You know the danger is, or what we try to embark upon was describing everything that could take place in a gym. And I don't know, for instance football probably isn't going to go on there but somebody may be throwing a football. You know the kids aren't going to be lacing up you know their helmets and going out there. And if I can I mean Ken Fox our architect took this, I mean if we can maybe we could just have . . . because he's got some more detail on the (inaudible).

MR. MCGROARTY: Well I think you have to address the use variance don't you?

MR. FOX: Well that would be afterwards you know I have some answers to these questions that could help and then I'm going to have that as part of my testimony. It's a small application if we can parallel it rather than having it one at a time we can probably do it.

MR. WEISS: We did touch upon the uses and it seems, I mean its right there on Chuck's report a whole assortment of team sports individual sports. I think you make a good point Michael there's no reason to put yourself in a corner omit any sport in particular. I think the theme of what you want to do is clearly spelt out in this list so that's okay. Go ahead.

MR. MCGROATY: Well with all due respect Mr. Chairman I think, I don't want to make a mountain out of a molehill but I think that they are asking for a use variance to convert the space for a gym for outside parties. And I think their job is to show you the range of uses, who would use it, for example there are two bus parking spaces there and we ask the question about that.

MS. KREWINSKI: Okay I can address the bus very quick.

MR. MCGROARTY: Well just let me finish.

MS. KREWINSKI: I'm sorry.

MR. MCGROARTY: So I think if this is not a permitted use so I think a little bit more discussion of the type of uses that they propose and ones that they don't. They didn't indicate parties on the plans but we asked perhaps if they are intending on doing that that would be called out. You know there will be art classes, music performances those are some additional things that they've identified. I'm not critical of any of them I just think as part of the proofs that we offer for the use variance I think they can address the kind of questions that the Board has on that.

MR. NELSEN: Mr. Chair?

MR. WEISS: Go ahead Dan.

MR. NELSEN: Chuck just curious would this actually be like a dual use, a secondary use of the property?

MR. MCGROARTY: Yes. But in and of itself . . .

MR. NELSEN: Not just the variance.

MR. MCGROARTY: No the dual use, it is a dual use there's a dual use today but that in and of itself is not contrary to the ordinance. The ordinance does not limit the number . . . the ordinance limits the number of principal buildings but not the uses. So the day care and the, whatever that other business is today that would be permitted and if they're going to convert the gym, you can have two uses under one roof it's just that the gymnasiums are not permitted in this zone district as I indicated. This is a Commercial/Residential 3 zone District there are limits and in the report you can see what the permitted uses are. So that's why they're here because it's a gymnasium and it's not, the proposal as we understand it is it will be available to parties which are not necessarily associated with the school. The day care school will use it but it will not be limited to their uses.

MR. NELSEN: Right so it might be like a rental hall where you can rent out for parties and spaces like that.

MR. MCGROARTY: Correct, exactly.

MR. WEISS: Okay so let me follow Chuck's lead on that. So would that be Mr. Fox that . . .

MR. SELVAGGI: Yeah that would be, yeah Ken would.

MR. WEISS: Okay so I guess Aimee you'll just step aside for awhile we'll bring you back up and let's swear in Mr. Fox.

(KENNETH FOX 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. FOX: Kenneth Fox (F-O-X) Fox Architectural Design 546 State Route 10, Ledgewood I'm the architect and planner for the applicant.

MR. SELVAGGI: Okay Mr. Fox I know you've testified in front of this Board but for some newer members your background, licenses and experience.

MR. FOX: I have a license to practice architecture in the State of New Jersey since 1985; I've practiced professional planning since 1987. I started Fox Architectural Design in 1987 and we design site plans, housing projects, commercial projects and I have testified before probably 50 to 60 Boards and have been accepted as an expert in planning and architecture including for this Board. Well the some sense to this Board previous to the Land Use Planning Board.

MR. WEISS: Welcome back Mr. Fox. Does anybody have any questions for Mr. Fox? We'll certainly accept Mr. Fox a certified architect and planner.

MR. FOX: So we met with Gene and Chuck some number of months ago prior to this application we talked about the use that Aimee wanted to do. And Aimee retained me to come here and talk about what she wanted to do in the back warehouse space, what's back there is warehouse space. The company that's there store some things in there you walk in there there's some things on the floor you walk around and it's a big tall space. So she said she wanted to have a place for the kids to play and have stuff and we said what can we fit in there. So we started looking at basketball, we can fit basketball hoops, we can fit volley ball and volley ball nets and a number of different things and she said how about a track. We can (inaudible) have little kids run around a track. What she did want to have is what Chuck was talking about and that's what we discussed with them is she does want to have the ability after hours or in between events on the weekends to make a little bit of money to be able to up the business a little bit and that means to be able to have groups, small groups in there to better use the space. My testimony is going to be talked about when we get to the use aspect of it is the need for recreational space in all our communities. You know the kids organized sports when you go to the

gymnasiums and the schools and things like that we aren't looking for the organized sports here although you know what if some people wanted to have a volley ball league and they could come once a week and you're going to have twelve people here that could be possible. On a Saturday we might have a birthday party because you know what it's a cool place for the kids to hang out. It's essentially a kid place the only really adult family parts of it that I really see in here would be possibly the volley ball and that's something that we adults don't have a place where we can just go for the afternoon to play volley ball. So that would be probably the only adult thing here. If you have two teams in there you'd have twelve people plus maybe four people on the side lines so again that's 16 or 18 people at night. Aimee was talking about with the septic aspect of it Arif is critical, not critical but analyzing our application and we retained an engineer to evaluate this and they went back and forth and just started talking about maximum numbers. And what we talked about with that was we couldn't have back to back to back groups come through here she is not going to be allowed to do that because you couldn't have that burden on the septic system. Again the main goal is to have a place for the kids but have additional activities. We've submitted a list because when we met with Chuck and Gene you know we had a lot of the what if's scenarios, they said what if this had occurred well yeah that could occur, what if this occurred. As we tried to come up with a list to try to be open ended, so miniature golf yeah you could set up some carpets and have some small clubs for the kids and run around with that. I think the ones that were of concern musical performances, we're not putting any bleachers in here there's no auditorium in here. (Inaudible) what we thinking about since when we mentioned that. So this is not a place that you're going to rent out to 70 people and have a concert. That was not the intent. Birthday parties absolutely, things like that this is actually a prime location for that. Now I think I can go into some of this to explain why it might be on the . . . I'll go into the building and I'll come back to the site. Sheet A1 that we submitted.

MR. WEISS: We'll mark that one exhibit A-1 with today's date and A-1 is Sheet A-1 of the plans which is you're . . .

MR. FOX: Which is my floor plan of the expansion. On the top right I'm showing the building with . . . on the top you can see the percentage building that's existing day care. The existing day care is actually within that building it's actually a two-story day care. The two-story day care is in the front 48-1/2 feet and that's what exists today. And the remaining 71-1/2 feet of the building that's an open very high warehouse space. And this is the area that we propose we're proposing. We'll take that area over here and there's a connection a doorway connection to the existing building which is off the sheet, existing mechanical rooms and there's existing toilet in here. And so what we're doing is adding to the toilets for the use of the kids in and out of here we're now going to have three individual occupied handicapped toilets. Our entrance is going to be the side of the parking lot which are shown on the site plan, come in and we call it a staging area because it's just a matter of so the kids don't walk in the door and run out on the field. So it's just a half wall, and you just walk in here the staging area so the kids have some control the parents can take off their coats and hats on hooks on the wall they can hang up their coats and say okay kids now you can come out and play. We have a storage room on this area and that's just what is there basketballs, nets, and things like that. Out here there's a lot of lines I haven't done it in color here the anticipation is on the concrete floor, that's why we say it's not really conducive to men's basketball league it's a concrete floor it's not an expensive maple floor we're not spending money on that. It will be a painted floor so it will be in different colors on the floor we're going to be able to accommodate different uses. So we're going to have, we have a basketball court, a basketball hoop on each end and you can see the conflicting circles and it's just so you can actually play. And yet if the High School kids wanted to come in and say you know what, it's October we have a season that starts soon and we want to have ten kids come in and shoot baskets, yes. The dribbling is not going to be very good for them so it's not like there could ever be games here but if they want to come in and shoot baskets they absolutely could because the baskets could be risen up to 10 feet, they're adjustable baskets. So we put the lines on there such that they could stand back behind the line and have a legitimate understanding of a distance. But again because of the floor surface and the actual depth of this not even being close to a gym, it wouldn't be conducive to league play. We've also shown a couple of other baskets. I said you know if you have two baskets here let's put two on the other wall just so if you have 15 kids in there during the day the kids changing classes going back over to the day care they can throw multiple baskets. You know any time if you ever brought your kids to your other kids ball game every half time all the rest of the kids all they want to do is throw at the baskets. So that's really the opportunity here again as Aimee said to be able to run around and have those opportunities. I've shown locations for; we'll put holes in the floor to be able to accommodate volley nets. And that's what I said in my view of the list of things here maybe because I like volley ball but you know that's an opportunity to be able to play volley ball in here and it's probably close to a legitimate size volley ball court.

MR. SELVAGGI: Can it drop down and like you know dig it out and drop it down on a concrete floor?

MR. FOX: But I'm just saying again that gives you a good identification most people, this is not really conducive to men's sports being played here this is for the kids. And I'm just saying again to be clear to be as open as possible what could occur here. We're a use variance before you because this is not only the day care. We're here to be after hours and have uses going after hours. I'm going to label the photographs as A-2 and this is a series of 15 photographs labels 6 Bartley-Chester Road I took these myself today and I'm just going to leave them here if anybody has any questions.

MR. SCHAECHTER: Are you going to make changes to the outside of the building?

MR. FOX: No.

MR. SELVAGGI: Not structurally.

MR. FOX: No structural changes no we'll probably take an overhead door and changing the overhead door to a man door and then infilling where the overhead door is. I have the pictures if anybody has questions I'm not going to refer to them necessarily. On the site all of the improved areas that are shown here are presently improved. There are an existing driveway an existing paved driveway here and there's an existing gravel area that I'm showing here.

MR. WEISS: Can we mark that one as well.

MR. FOX: I'm sorry A-3.

MR. WEISS: What are we going to call A-3?

MR. SEVAGGI: Colored site plan.

MR. FOX: S-1 as submitted with color.

MR. WEISS: Okay.

MR. FOX: So I think this is the issue that was brought up in the professionals reports and might have some concerns with the Board about some of the details of just how we're going to accommodate the uses that are occurring in here and moving people around here. It's really about control and that is that we already have the entrance, we already have the paved area we're maintaining the gravel parking in the rear. In order to have control of parking we propose presently on the edge here at some point in the past when they first did this there were some telephone poles that delineated the edge of pavement. This area is in the floodplain, she doesn't flood but it is in the floodplain so we're not looking to pave, or curb, or improve that area so we're leaving the gravel in that area. So that we can identify parking spaces we're putting telephones across the front portion of that similar to that which exists today. It's about 10 feet less than the gravel so that gravel area along here we're going to take up some of that gravel and put some earth down and put some grass along the edges of it and then at those areas put concrete tire bumpers in those areas so that cars can identify where the parking spaces are so we know how many parking spaces we have. The entrance here in the center one of the questions that came up is the bus. Aimee talked about she has the bus and she uses it presently they go out on summer camp where she goes and picks up kids so she needs to be able to use that and park that as she does today. So if the lot was full what we've shown is two bus parking spaces. The bus will be able to pull in here, back in a parking space. This is not an extra long bus but we've provided specific spaces for the bus to park and a specific parking spaces along here again just to try to neaten this up. I think probably it would be best . . .

MR. SELVAGGI: Just go into the use variance.

MR. VAN NESS: The driveway that goes to the left side of the building.

MR. FOX: This?

MR. VAN NESS: Well from my point of view the left side so that would be what the west side?

MR. FOX: Yeah this.

MR. VAN NESS: Do you have a driveway that moves up and around to the other side?

MR. FOX: Here?

MR. VAN NESS: Yeah is that by the double doors?

MR. FOX: There's a double door here yes. I should say . . . you know what it's just a gravel area that's presently there and we (inaudible) cover with grass.

MR. VAN NESS: And that door is going to be removed and an entry door is going to be put there?

MR. FOX: No that's the frame right here.

MR. VAN NESS: All right so the double door on the other side (inaudible) made?

MR. FOX: We're just leaving it there we have no reason to take it out.

MS. KREWINSKI: Which door the door in the back?

MR. SELVAGGI: In the rear.

MS. KREWINSKI: We're getting rid of that door.

MR. FOX: We're closing this door off and this door right here we're putting a door in.

MR. SELVAGGI: What about there was some concerns raised before we venture off of that in terms of lighting, particularly if we're going to be going potentially until later hours.

MR. FOX: What we have proposed on Sheet S2 and I'll label it . . .

MR. WEISS: A-4.

MR. FOX: A-4. We tried to keep the lighting to a minimum we talked about the (inaudible) we don't really think this is a real intense use of the site we think that it is safe. We don't think that the parking lot is ever going to get full with the number of people that we have here but we have to accommodate the numbers based on what could occur here. So what we propose is fixtures on the building facing down and we've provided for the metrics on the building showing that we have existing fixtures in the front and we have some existing and proposed on the side.

MS. KREWINSKI: Right now existing on the side and in the front I have 24.

MR. FOX: Lights?

MS. KREWINSKI: I'm sorry parking spaces.

MR. FOX: We're talking lighting.

MS. KREWINSKI: I've got like 8 ground fixtures and 3 uppers.

MR. SELVAGGI: But in the front of the building there's that paved parking area in the front correct?

MR. FOX: Yes.

MR. SELVAGGI: And that's illuminated correct?

MR. FOX: That's illuminated yes.

MR. SELVAGGI: How many parking spaces are out there in the front?

MR. FOX: There are 9.

MR. SELVAGGI: And again given the rather long intense . . . I mean presumably a lot of the people that would use this after hours will probably park in the front there anyway correct?

MR. FOX: Well there's the sidewalk that comes here. I think that actually for that use they probably could come into here and then park in here before anybody is going to go to the back portion of the lot. So we proposed lighting on the building, we didn't propose lighting on the . . . far away from the building, didn't think it was necessary the light was from there the fact that people's headlights stay on when they're leaving and the fact that we don't think we're going to have that intensity of use.

MR. BUCZYNSKI: Just for the record right around the building on both sides you have how many parking spaces like 20 or so?

MR. FOX: We have 17 parking spaces on the side outside of that. So 17 parking spaces on the outside of that. So we didn't feel that we wanted to over light this even through the trees there's some residential, you can't see them today because of the trees but it's through there.

MR. WEISS: Is there going to be lighting there for those 17 spots?

MR. FOX: No what we're proposing here it gets to about a half a footcandle halfway across the parking lot. And one of the comments in Gene's report and I think in also Chuck's report was a concern that we (inaudible) light that we think that it's safe, people are walking there now but we think that it's a safe atmosphere, we think it's best if the Board feels that we need to add some light fixtures we can do that but we feel it's safe as presented.

MR. WEISS: Gene I think while we're talking about lighting on our email on number 2 you don't seem to agree with that comment is that correct?

MR. BUCZYNSKI: Well I'm just concerned about the use of that . . . I think Chuck might have had the same thoughts too, that the back parking spaces that there's no lighting at all and I think you might have to request a design waiver for conformance with the ordinance. I don't believe you meet the ordinance requirements.

MR. FOX: That's correct we don't meet the ordinance requirements we respectfully request a design waiver. We feel that we have a safe environment there with the numbers of people that we have coming there. Obviously we have kids coming there now if there's concern about the kids in the future we think that it's still going to be safe with the lights on the building.

MR. BUCZYNSKI: I guess in the winter months it gets dark before 6:30 but you won't use more than 20 spaces at that point will you?

MS. KREWINSKI: Yeah.

MR. BUCZYNSKI: And then at night time the use at night time if you have a party I guess you have 17 spaces on that side.

MR. FOX: Well 17 here on the . . .

MR. BUCZYNSKI: Well you might use some of those rear spaces.

MR. VAN NESS: Gene would a wall mounted light fixture satisfy the ordinance?

MR. MCGROARTY: No because then you have to direct it out and the lights have to be directed downward.

MR. VAN NESS: And how many post lights are they asking for a waiver for do you know?

MR. BUCZYNSKI: How many lights they would need? I don't know probably two or three.

MR. FOX: We would need three to comply with the ordinance.

MR. BUCZYNSKI: I think the Board just has to be concerned if you're going to approve a design waiver for that knowing that there's really no lighting back there. If somebody uses that parking space at night and there's a problem.

MR. SCHAECHTER: I think you're absolutely right you know I mean in the winter when it gets dark at 5:30 and you've got people parking back there on gravel you've got snow and ice you know someone is going to take a fall.

MS. KREWINSKI: There is lighting on the exterior of the building.

MR. FOX: But the Township has standards of certain footcandles that are required across parking areas.

MS. COFONI: Was there, did I miss, was there any testimony regarding the maximum number of people that could occupy that gym?

MS. KREWINSKI: That was not really stated. It was stated with the septic from the Board of Health he had his concerns about

MR. BUCZYNSKI: He had 45 people as he stated per session, maximum 45 people per session.

MS. COFONI: Okay so you don't plan on having more than 45 people in there?

MS. KREWINSKI: Correct.

MS. COFONI: And he reason I ask that is because certainly if you had 45 people in there you're using more than 17 parking spaces.

MR. FOX: Well most of the time it's children so we're talking about one, two or three kids coming with an adult.

MS. COFONI: Not if it's high school kids.

MR. FOX: If it's high school that's why I'm saying

MS. KREWINSKI: Well but if its High School kids I mean

MR. MCGROARTY: Well can I I'm having a little bit of trouble conceptually but it's a very amorphous type of . . . and I'm not against it.

MS. KREWINSKI: Okay he doesn't want to make me cry.

MR. MCGROARTY: You won't be the first one. But if for example if one were to have batting cages as we have on Ironia Road and some other places which fit nicely, this is by the way it's a two-story building so (inaudible) it's an open area. So you could have those kinds of things in there it might work real well it's just a question of again I'm not sure you want to have too much lighting on the site but it's a safety question then if you're having people walk across the parking lot as was mentioned it's gravel. I mean maybe it will work maybe it's not a problem but as Gene said at minimum there ought to be a design waiver and there should be a good basis for that.

MR. WEISS: I can't imagine I'm maybe just looking for another vote but the Planning Board is going to be too willing to accept a design waiver or grant a design waiver which deals with a safety issue. It's not like we're saying oh you have a few lights one or two more won't make a difference, you have no lights, zero lights. I think it would be wise for you

MS. KREWINSKI: So how many lights would I have to have?

MR. FOX: I believe there's going to be either two or three I think that if the Board was inclined to approve this for us that we would agree to provide lighting on the far side of this to the acceptance of the municipal or the Board and the Board engineer. It's going to be two or three depending on the specific fixtures.

MS. COFONI: I think it would just be however many you need to conform to the ordinance requirements would ultimately be . . . right Gene?

MR. BUCZYNSKI: Yeah.

MS. KREWINSKI: So then I would say we agree to comply to the standard.

MS. COFONI: Okay.

MR. SELVAGGI: I think that addressed the, more the site plan considerations.

MR. BUCZYNSKI: The other big issues in my report regarding the, from my standpoint anyhow, the freestanding sign relative to sight triangles.

MR. FOX: Oh yeah.

MR. BUCZYNSKI: Because we do treat the driveway as a roadway.

MR. FOX: After discussing it Amy has decided not to request a new sign and have the existing sign remain. And with regard to sight distances I think anybody on the Board that if I stood out there today and photographs number 6 and number 7 are standing back where one would be in a car and I took photographs in those two directions to be able to . . . and that's showing how the visibility that's available there and you can see the location of that sign which is significantly far back. We're rescinding the request to have a new sign, at that time we had it too large and we're going to maintain the existing sign. What we would like to do is be able to provide illumination to that sign. At present now she just has a couple of low voltage fixtures that are right out here so we'd like to be able to put a flood on each side that points up at the sign and put some landscaping around that to just hide that but get some light on the sign. That will be amended in the request and if the Board again was to grant the approval we will provide the amended drawings to be accepted by your professionals.

MR. WEISS: Is that okay Gene?

MR. BUCZYNSKI: The only other thing is how about the landscaping that's proposed before in the front, what are you going to do with that?

MR. FOX: We're going to still landscape that. We're going to put some landscape flowers and stuff.

MR. BUCZYNSKI: Some low shrubs?

MR. FOX: The stuff we showed against the new sign we're going to plant around the existing sign as we've requested to remove the two big ugly trees that we pulled. Remove the two trees that are ones that are, one is at the driveway and the these are in the front. In photograph number 2 shows two trees in the front she'd like to be able to remove those two trees.

MR. WEISS: The photographs that you're referencing to just for the record are off of exhibit A-2.

MR. FOX: Yes. And then going through your report we can put the limits of septic, or we did bring a septic design with us in case we get the specific location of whatever

MR. BUCZYNSKI: Well you're not going to put a new sign up there so I'm not too concerned about it.

MR. FOX: Okay.

MR. WEISS: Gene does that satisfy your concern?

MR. BUCZYNSKI: Yes it does.

MR. WEISS: Okay so let's do this lets keep it moving by, I'm going to turn it over to Chuck let's identify these using your report if you would.

MR. MCGROARTY: Yeah I'll do that Mr. Chairman. What I would say is I'm going to just point out that Mr. Fox give us some testimony as far as the special reasons. And I want to just hear a little bit more about that perhaps.

MR. FOX: I'll have that again (inaudible) reports yes.

MR. MCGROARTY: Okay and the, all that goes with that the enhanced quality improvements, etc. So let me just add I'll just go in my report I'll start on page two the possible two uses as I indicated actually I just list that there, let me go under review comments it's probably easier starting on page three. If the Board is comfortable with 6.1 with what you've heard thus far in terms of who is going to use it fine, you know whether it's going to be organization, hours of operation they may not know yet I mean I can appreciate they may not, Aimee may not have gotten that far along yet but as they do know it would be helpful to know. Second point that last comment on there again I think I understand the spirit, why it was added but I would strongly recommend that it be removed. Any sport, game or activity, etc. because it's acceptable to the Fire Marshall and State Licensing Board it is this Board that gives approvals for whatever the uses are not outside parties. But I mean I understand the spirit of that so no use goes in there that's contrary to what the Fire Marshall or the State Licensing Board for the day care would allow. But I don't believe you should have an open ended provision like that and I don't think it's appropriate for a Board to grant a use variance that way. I'll just keep going and Mr. Fox will stop me and Mr. Selvaggi if they want to comment on any of this.

MR. SELVAGGI: Well we take no exception with respect to 6.2 that's fine. The hours I think we said it opens at 6:30 and goes to 10:00 assuming you have . . . I mean that would be for the entire building. And then . . .

MR. FOX: And we change that to actually utilizing on the weekends.

MR. SELVAGGI: Yeah.

MR. MCGROARTY: Saturday, Sundays?

MR. SELVAGGI: Yeah Saturday and Sundays yeah. Yeah similar restrictions.

MR. WEISS: So we're saying 6:30 a.m. to 10:00 p.m. is all encompassing which . . .

MR. SELVAGGI: Yeah.

MR. WEISS: That's fine, 7 days a week.

MR. SELVAGGI: Yeah.

MR. WEISS: Okay.

MR. MCGROARTY: That will go, and I guess they will address the negative criteria because as Mr. Fox indicated there are homes in the area and if you're having operations all day and weekends as well I think that raises the question about the impact and the negative criteria should address that. 6.3 may state the obvious but sometimes it's important to do so and so Fall hockey is not to be considered ice hockey. At some point no conversion occurs. 6.4 again just a mini-golf and the music performances it's addressed to some extent it's up to you if you want more detail on that. 6.5 I think they've now indicated that they would like to have it rented out for birthday parties and so on. Buses I think the explanation that Mr. Fox provided makes sense to me I mean so I don't know if the Board wants anything else on that. The applicant is still proposing to remove, they want to keep the sign but move the two trees and that triggers that replacement requirement and quite honestly my recommendation is to the extent they have to do a replacement requirement I'd put some ornamental type trees in the front I don't think you really need trees along the wooded area in the back. And I think the property is well kept I have one problem with the dumpster but it's a very attractive property and I think some ornamental trees out front would work nicely.

MR. FOX: And we would have no problem with that if we eliminate the trees we have over here we get a grouping of four, the septic area I'm referring to A-3, the septic area we had the septic (inaudible) in takes up a significant portion of this area here also back in here. But this area here so it might have a grouping right here.

MR. MCGROARTY: That's what I thought because you do have some trees over there and I think that would work nicely.

MR. FOX: So we have one tree in that area and we can do a small grouping there.

MR. WEISS: So you have no problem with that?

MR. SELVAGGI: No.

MR. WEISS: Okay perfect let's move on.

MR. MCGROARTY: The pole, the applicant has asked for the pole mounted light fixture at the intersection with the driveway and the public road which is a good idea. As a matter of fact it was a condition of the original approval back in 2002 so now is a good time to do that.

MR. SELVAGGI: Yeah no objection.

MR. MCGROARTY: We've already discussed the size of the building I have a photo there of where that overhead door would be removed and would go in and you can see, well maybe not, but there are some wall mounted lighting and we've talked about that. Here I suggest at least for consideration that there be at least one handicap designated parking spot. Unless there's a way, and if there is then that's fine, but in the front of the building where it's paved there is if I remember correctly at least one handicap space but if people are using the back the parties are like . . . I guess the question would be can they get through the building.

MR. FOX: Well yes they can get through the building but we have no problem in providing one paved that parking space we would redo the one parking space and I don't think it's going to affect any approvals we have. We would actually pave that one space adjacent to the concrete pad to provide easy access. I don't think that will be a problem.

MS. COFONI: Can you just show me where that would be? I'm just not clear where we're talking. Oh on the side there.

MR. FOX: Right here. So we're probably going to pave that much area up to the concrete pad so that they have a proper area on the side so it would be a van accessible space. And we would not lose any parking that way.

MS. KREWINSKI: Would you do it on that side or the other side?

MR. FOX: Well one side or the other. The van opening is on this side so we'll probably do it on this side actually.

MS. KREWINSKI: Okay.

MR. MCGROARTY: And so the rock or boulder border that's there now . . .

MR. FOX: On the one side will get removed. We needed something out there because it isn't guard rail, we need something out there which caused to identify the entrance.

MR. MCGROARTY: Yeah fine I don't disagree with that. 6.10 is lighting we've talked about that. 6.11 I guess they're keeping the existing sign.

MR. SELVAGGI: Yes.

MR. MCGROARTY: 6.12 Mr. Fox has already indicated he would prefer to keep the gravel surface. Again I think you needed at minimum a design waiver so on the record there ought to be at least, reflect the fact that they're asking for a waiver from the ordinance requirement to pave that section of the ordinance. And I mention of course obviously when this was approved in 2002 with gravel parking it's just that they're bringing in this additional use. And then the dumpster I just note that the dumpster at least the day I was there to visit the site was outside the enclosure and there was trash scattered about.

MR. FOX: We're going to reconstruct, improve and fix that area so that they don't leave the dumpster outside because it was hard to operate the gates. So we'll repair it so that it's easily usable and be able to put that and be able And the amount of volume that she has here and anticipates won't exacerbate one dumpster in a small area inside there for some recyclables.

MR. BUCZYNSKI: If I could just add one thing regarding the design waiver? So it's for paving and curbing because they're required to have curbing for the number of spaces.

MR. MCGROARTY: And lastly my last point on the site plan issues is not my comment but it was mentioned about the Health Department. We have a memo from the Health Department, you do or it's

listed to Catherine dated June 18, 2013 so for the record provided a memo saying that they . . . the system is adequate. That the proposal and they refer to this, and Tiena here there's an engineer's report.

MS. COFONI: Oh I have it.

MR. MCGROARTY: You do have it.

MS. COFONI: Yes I was just going to make sure . . .

MR. MCGROARTY: So the Health Department is satisfied. Thank you Mr. Chair.

MR. SELVAGGI: Ken I mean if we can just because I think Chuck had talked about the proofs that we need for the record.

MR. FOX: Yes and I eluded to it before when we talked about the need for recreation, the need for our kids to have recreation as well as some adult but mostly kids recreation for our own use but also for the general good of the public. And I would just use K as outlined in the Cox description where it talks about encouraging the layout of residential, commercial, industrial and recreational development on sites. And it talks about if you utilize this reason that there's a need and we feel there is a need the need will be shown obvious by people coming here and what with us having kids knowing we're always trying to find especially in the winter that's why I guess the lighting is going to be so important, especially in the winter the opportunities for kids to have indoor recreation. Aimee testified as to some of the needs for the kids to have that for our own kids but that's also all kids being there in the care center. But also kids in the community that would be able to have (inaudible) for this. So the fact in fact that we're opening it to the community which makes the use variance is also a reason also that the Board grant this because we're becoming a benefit to the community for that reason.

MR. SELVAGGI: What about I direct your attention to "G" you had referenced "K".

MR. MCGROARTY: I don't think you want to reference "K" . . .

MR. SELVAGGI: Yeah.

MR. FOX: Oh I'm sorry "G" was what I meant.

MR. SELVAGGI: Yeah I'm throwing you a life line that's all.

MR. FOX: I'm sorry but agricultural, residential, commercial and industrial uses yes "G" not "K" sorry about that.

MR. SELVAGGI: Now admittedly and Mr. McGroarty in his report talked about there's some nearby residential things I mean what's the . . . you don't just focus solely on the positive I mean we have to acknowledge and at least come up with a way to treat or address the negative. What's here?

MR. FOX: This location is essentially it's shown by the pictures this location is very isolated and when you drive up to here there is one home that is presently here, there is significant amount of buffer here that Aimee is planning on over time to be able to increase the buffer. That's an existing (inaudible) this proposed use doesn't exacerbate that at all it's really where her existing playground is and she has some Arborvitaes there now she'll be over time doing her maintenance and adding to that. So there's a residence on this side. As far as the parking lot side where there will be some activity from this use through the winter I couldn't even see it today with the leaves in here I could not see it but obviously in the wintertime it's a different story. You can see a residence located there, there's a closer residence here that's actually visible behind the dumpster. What we're proposing here is all down lights that the lights won't be shown off the site. They will be turned off when the facility is not in use, they will be turned off there's no need here for additional security lighting. And only for those times that we are here and allowed by the Board will we have the lighting. So the lighting would be the only one potential and but it since it does not go off-site and it is going to be turned off that would not be negative. As far as the activity on the site we're talking about maximum, again in the septic report it talks about stackings. We're only going to have 45 kids three times a day with our septic capacity so there's not going to be a continuance 12 hours of cars coming on and off the site. This is going to be an opportunity for a couple of times a day to be able to use this like a camp type mode, special party type mode and we don't feel that there's any negative to that. It's just typical people talking it doesn't

exacerbate any ordinances we feel that there really is no negative from this site we think it's positive as been shown through testimony.

MR. SELVAGGI: Let me ask you under the Municipalities Master Plan the Land Use Element talks about in this particular building multiple uses anyway correct?

MR. FOX: Yes this as it exists today is a warehouse use and although she doesn't now have anything large in there or has a company moving things out that's actually allowed there now where trucks could be coming in and out of there all hours of the night essentially moving things in and out of there as a warehouse use. So we're making it actually better than it would be with the allowable use.

MR. SELVAGGI: And as they go on like with the Master Plan they do allow in here retail, restaurants, offices, print shops I mean uses in your opinion would those uses be more or less intense than this gymnasium being used as proposed.

MR. FOX: That would be a significant more intense obviously any retail facility would have people moving in and out constantly so this is a controlled access, controlled by appointment and so people can arrive together and are controlled in that manner.

MR. SELVAGGI: Okay. And what's your opinion about the fact that you already have the school here, you have this facility I mean does that arrangement make this property more or less particularly suited for what Aimee's proposal is.

MR. FOX: Well it is particularly suited here having already the opportunity to use that with the day care center. It's a part of that and it does provide the public benefit so we have some general welfare for that with the public benefit of availability of recreational space. We feel that it is also clearly suited.

MR. SELVAGGI: Okay that's all I have.

MR. WEISS: Okay Chuck are you satisfied with that?

MR. MCGROARTY: Yeah I think those are excellent points I think they address the proofs in my opinion.

MR. WEISS: Okay and Gene?

MR. BUCZYNSKI: Fine.

MR. WEISS: Anybody have any comments for Mr. Fox? Seeing none from the Planning Board does anybody from the public have any questions from the testimony tonight given by Mr. Fox or Aimee? Seeing nothing from the public let's close it to the public and before we open it to the Planning Board to make a motion I know we have some conditions. And so let's just make sure that any motion would consider the following that Tiena will read to us and what would those be Tiena?

MS. COFONI: I have all activities ending by 10:00 p.m. and actually I have 6:30 a.m. to 10:00 p.m. seven days a week. I have maximum of 45 people in the gym at any one time; I have installation of the light poles to conform to the ordinance requirements.

MR. VAN NESS: Excuse me I'm sorry. Did the Fire Marshall give it an occupancy in his report? I didn't see his report.

MS. NATAFALUSY: I didn't get anything from the Fire Marshall.

MR. VAN NESS: Thank you.

MS. COFONI: Should I add subject to Fire Marshall?

MR. FOX: I'd like to add a comment with regard to the building Codes if you needed something added.

MR. VAN NESS: What would this facility permit?

MR. FOX: The building Codes and what the Fire Marshall would enforce has specifically to do with number of exits. So when we do this for a building permit it's on the number of exits so 45 kids we're going to have two exits in there. If I put a third exit in there I'd probably be up to 200 people or something so that wouldn't be allowed, which will not even come close.

MR. VAN NESS: Well then the septic restriction kicks in.

MS. COFONI: So 45 seems reasonable.

MR. BUCZYNSKI: Just a question on hours for weekends Saturday and Sunday you still want 6:30 to 10:00?

MR. VAN NESS: It's indoors so I don't see an issue with it with it indoors.

MS. COFONI: I have one of the side spaces will be converted to a handicap space and will be paved. Lights off when facility is not in use. Oh the removal of the reference and the uses to the sports game or other activity acceptable to the Fire Marshall or State Licensing Board. A condition regarding floor hockey is not to be considered, ice hockey. Oh about the relocation of the replacement trees into that one cluster.

MR. SELVAGGI: I think the dumpster was another one.

MS. COFONI: Condition regarding the pole mounted light fixture at the driveway intersection. Yes the improving the dumpster will be another condition. That's all I have.

MR. WEISS: I had one on 6.9 in Chuck's report the handicap space and you will remove I can't remember a rock border?

MR. FOX: Yes on one side.

MR. WEISS: On the one handicap space, that was under 6.9. Do we need to make any kind of condition about the low shrubs, landscaping?

MS. COFONI: I thought that's on the plan right?

MR. WEISS: I wasn't sure if it was on the plan.

MR. BUCZYNSKI: It's not really on the plan we just say it should be limited to low shrubs.

MS. COFONI: Oh around, on the sign?

MR. FOX: Yeah landscape existing sign with some low vegetation, low flowering or low shrub vegetation or something.

MR. WEISS: But then I just had a question about the existing sign although there will be no new sign is lighting the existing sign in your concept?

MR. SELVAGGI: Yes that would be an amendment and we would comply whatever your ordinances are for lighting.

MR. MCGROARTY: There's lighting there now.

MS. KREWINSKI: That's low voltage.

MR. FLEISCHNER: A flood lamp is what you said, two flood lamps.

MR. WEISS: Yeah it's going to go from both low voltage to . . .

MR. SELVAGGI: But I believe your sign ordinances regulate how high . . what the intensity of the lighting could be.

MR. WEISS: But that seems to be new testimony so we better make sure that the sign is lit. The lights will be able to conform to sign, landscape along the front, we talked about hours and then

removing the rock border by the handicap space and we are going to grant a design waiver on 6.12 we agreed that we're going to . . .

MS. COFONI: Wait 6.12 waiver on, what was that?

MR. WEISS: It was the paving

MR. BUCZYNSKI: Paving the parking lot and also (inaudible).

MR. WEISS: As well as installation of curbing.

MS. COFONI: Oh yeah I do have that.

MR. WEISS: Okay and that's what I have too.

MS. COFONI: Okay.

MR. WEISS: Okay so with those conditions as we outlined?

MR. RUSSELL: I move that PB 13-04 be approved subject to the above conditions.

MR. FLEISCHNER: Second.

MR. WEISS: Any comments? Seeing none, roll call.

MS. NATAFALUSY: Joe Fleischner - yes
 Dan Nelsen - yes
 Nelson Russell - yes
 Brian Schaechter - yes
 Scott Van Ness - yes
 David Koptyra - yes
 Howie Weiss - yes

MR. WEISS: Aimee good luck to you.

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

RESOLUTION OF APPROVAL

Res. PB #13-15 – Siemens Healthcare Diagnostics, Inc. - (CONT.) – (Block 5400, Lot 26)

MR. WEISS: Okay let's finish up our agenda; let's go back to the Siemens application for the resolution.

MR. MOORE: Thank you Mr. Chairman. For the record again Kevin Moore with the firm of Sills Cummins & Gross representing Siemens Healthcare Diagnostics, Inc. and my client reminded me that we did not meet with the neighbors sooner because of Mr. Zambetti's vacation schedule he was in Moscow. We had wanted to make a meeting right after the hearing but he was unable to do so because he was away. Going to page 13 of the resolution we had applied . . .

MS. COFONI: So just so we're on the same page I have . . . you said page 13?

MR. MOORE: Yes.

MS. COFONI: Okay.

MR. MOORE: Because there's no actual, this is an omission so there's nothing to talk about. We had applied for notice for and made proofs at the meetings and then the board had granted a design waiver from the provisions of the Wellhead Protection Ordinance. And Tiena I had sent the language like that to Ed on Wednesday I guess, I sent a Word version of a finding that I thought was necessary to reflect what the Board found and reflect the testimony.

MR. WEISS: Gene has got some input on that.

MR. BUCZYNSKI: Yeah we're aware of that and Ed called me up today we spent about a good hour and a half on the phone regarding it. We went over the particulars in the ordinance and he felt you know we kind of went through it that night and as he looked in it in more detail he just felt uncomfortable he just felt to mention a waiver. Because we don't think a waiver is required.

MR. MOORE: Could we get something to that effect in the resolution?

MR. BUCZYNSKI: That would be up to the

MS. COFONI: I think the issue was that I think the testimony was that it was not applicable and that was what was

MR. MOORE: No the testimony was there were two points that were applicable because it isn't a Tier 1 Wellhead Protection Area and there were two issues that didn't comply with the little . .

MR. BUCZYNSKI: Right.

MR. MOORE: We have the stormwater recharge which is . . .

MR. BUCZYNSKI: (Inaudible).

MR. MOORE: Right.

MR. BUCZYNSKI: But because of the testimony there was going to be no hazardous material going into those areas because it was all going to be carted off site.

MR. MOORE: Right there's diminimous use of biological It's like tiny to test the machines inside.

MR. BUCZYNSKI: So he thought it was not applicable.

MS. COFONI: So I guess his point was that because you're not going to be disposing of those hazardous materials that you wouldn't then be violating it. So we don't want to grant a waiver because then that would mean that you could do that and that probably the Board would not be in favor of actually being able to do that. So if you're not going to do that you're not going to violate the ordinance.

MR. MOORE: My clients tell me that's fine. Then on page 14 Condition E as in Edward this is . . it looks like it's your kind of catch all Affordable Housing Provision and because this is a nonresidential development it's totally control . . . the only kind of fee that can be imposed is pursuant to the Statewide Nonresidential Development Fee Act and since we obtained the approval prior to the 30th of this month there is . . . the fee, there's a fee moratorium so it can't be collected. So that is why I ask because the way the condition reads it sort of sounds like you can collect the fee when you can't.

MS. COFONI: It says to be applicable. And we put that in all of them and we put that specifically to the extent applicable on purpose and that's worked out in the way that we've done it. And I think part of that is because you know we don't get any evaluation that's a township thing but it's to be exempt.

MR. MCGROARTY: Part of it is that the original approval did have to be in place before the moratorium.

MS. COFONI: Yes, yes.

MR. MCGROARTY: Because we understand this replaces that approval.

MS. COFONI: Right, right. That is Condition E the very last like four words to the extent applicable.

MR. MOORE: And really it would just be, again it talks about you ordinance which is very broad and kind of pre-statewide non-residential development fee so it really is only the Statewide Non-Residential Development Fee that's applicable to non-residential development.

MR. COFONI: Yeah like I said your right it's not going to apply because there's that moratorium so to the extent applicable I think covers you.

MR. MOORE: And then lastly it's Condition K but on page 15 the first and second lines and this relates back to the changes we made in its just respect to the findings. You had 35 feet wide no disturbance zone and the no disturbance zone is the 25 feet to 18 (inaudible). I think the easiest way to do it would just be say and in the no disturbance zone because you define no disturbance zone back in the findng as a defined term.

MS. COFONI: I apologize I cannot find where you're talking about.

MR. MOORE: Page 15.

MS. COFONI: So K and where are you talking about?

MR. MOORE: So you go to page 15 . . .

MS. COFONI: In (inaudible) the northerly area that part? Where it's underlined?

MR. MOORE: Yeah it says there will be no tree removal or disturbance and in the . . .

MS. COFONI: Oh it says 35 that should be 25 anyway.

MR. MOORE: Well it varies to 18 I think the easiest way to deal with it is you define a term no disturbance area.

MS. COFONI: Oh yeah and it was earlier so we just did . . .

MR. MOORE: Yes so just say no disturbance area, no disturbance zone it's called no disturbance zone back earlier in the findings.

MS. COFONI: No disturbance zone as defined above. How about that?

MR. MOORE: Perfect. I thank you for your forbearance.

MR. WEISS: Okay so there's a lot of changes to be made that Tiena set we'll get this rather quickly and we're going to ask Mr. Fleischner to sign this document and I'm sure Mr. Fleischer with his very busy work schedule will make some time in his day to come in and sig that immediately.

MR. FLEISCHNER: When I receive the call I will be present that day.

MR. MOORE: Thank you very much. Very, very much.

MS. COFONI: So in the meantime?

MR. WEISS: Well in the meantime let's . . . so we have a document we've made some changes, you're comfortable with the changes that were made.

MS. COFONI: Yes.

MR. WEISS: I will entertain a motion that we accept resolution no. PB 13-15.

MS. COFONI: As amended tonight.

MR. SCHAECHTER: I'll make the motion.

MR. VAN NESS: Second.

MR. WEISS: Is there any conversation? Seeing none Catherine roll call.

MS. NATAFFALUSY: Joe Fleischner - yes
Nelson Russell - yes
Brian Schaechter - yes
Scott Van Ness - yes

MR. MOORE: Thank you very much have a good evening.

MR. BUCZYNSKI: You too.

MR. WEISS: Okay it looks like we have other business on our agenda unless anybody has anything they'd like to talk about.

MS. NATAFALUSY: The other thing we talked about is cancelling the July 1th meeting and then putting everything on the 18th.

MR. WEISS: Yeah the logic thee was that there's not a lot going on it's the week of the carnival I'd much rather have it when you come out with your friends and enjoy a nice night out rather than sitting in a room.

MR. WEISS: Not yet Scott because Dan has one thing for us.

MR. NELSEN: I have a question. Might you consider going back to the original size on these drawings? Because some of these drawings are useless to me anyway I can't see them. When they get complicated some of the drawings, the plans I know it's on occasion we get just this where the scale is . . .

MR. WEISS: That might have been a courtesy for tonight.

MR. NELSEN: It's often we get these, we've changed the size.

MR. FLEISCHNER: You need magnifying glasses.

MR. NELSEN: Well perhaps can anybody read them when we get these? I can't imagine anybody being able to read them. I've seen some that are very complicated and they're intricate drawings.

MS. NATAFALUSY: Right we did get reduced versions of certain site plans per the ordinance. But I also put out the larger versions.

MR. VAN NESS: When we get the larger monitors like other towns have when they reach the dais instead you'll be able to see all of the plans you're zoning and everything else with double the graphic.

MR. WEISS: Scott did you have something to add to . . .

MR. VAN NESS: I do I'd like to revive my motion to close the meeting.

MR. WEISS: I think that's a great suggestion unless Chuck has more to talk to us?

MR. MCGROARTY: I do, I do. Since we ended early I thought we'd spend the next hour talking about some COAH stuff.

MR. WEISS: I like Scott's motion better. All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 9:50 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department

