

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: Joe Fleischner, Dan Nelsen, Nelson Russell, Steve Bedell, David Koptyra

Members Excused: Mayor Robert Greenbaum, James Staszak, Scott Van Ness, Howie Weiss

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

Professionals Excused: Edward Buzak, Esq.

NOMINATION OF CHAIRMAN FOR TONIGHT'S MEETING

MR. NELSEN: I'd like to nominate Joe Fleischner.

MR. RUSSELL: I'll second it.

MS. COFONI: Any other nominations?

MRS. NATAFALUSY: Any other nominations? Okay roll call.

Joe Fleischner	- yes
Dan Nelsen	- yes
Nelson Russell	- yes
Steve Bedell	- yes
David Koptyra	- yes

MR. FLEISCHNER: Thank you. The first order of business is to welcome David to the Board. David your official welcome.

MR. KOPTYRA: Thank you.

APPROVAL OF MINUTES

May 10, 2012 – Public Meeting

Motion: Steve Bedell
Second: Nelson Russell

Roll Call:

Joe Fleischner	- yes
Dan Nelsen	- yes
Nelson Russell	- yes
Steve Bedell	- yes

APPROVAL OF RESOLUTIONS

Resolution #PB 11-32 – Idelphonse Tchiakpe

Motion: Steve Bedell
Second: Dan Nelsen

Roll Call:

Joe Fleischner	- yes
Dan Nelsen	- yes
Nelson Russell	- yes
Steve Bedell	- yes

Resolution #11-35 – The 11th Hour Animal Rescue Inc.

Motion: Dan Nelsen
Second: Steve Bedell

Roll Call:

Joe Fleischner - yes
Dan Nelsen - yes
Nelsen Russell - yes
Steve Bedell - yes

COMMITTEE REPORTS

MR. FLEISCHNER: Committee reports, the Mayor is not here, Council is not here. Nelsen, environmental commission?

MR. RUSSELL: We discussed the staffing participation for the Mt. Olive Carnival and Community Week July 11 through the 15. We discussed and asked for the status of the tree planting that's going on, and we discussed the environmental resource inventory we're endorsing it with no changes.

MR. FLEISCHNER: Thank you Nelsen. The next is ordinance committee and for those of you who checked your email Chuck had sent . . . no I guess it went to just the ordinance committee.

MRS. NATAFALUSY: Right.

MR. FLEISCHNER: Chuck put together a report dealing with electronic signs. If you recall we briefly had discussed it and we've discussed it many times before. I would like to recommend from the ordinance committee that it be now passed to the Town Council and Chuck do you want to just comment on it at all I would appreciate it.

MR. MCGROARTY: Okay just the memo is rather short but it laid out what are called electronic message board or like electronic message centers. And you've all seen them at the High School in town has one and there's one down at The Mall at 206 now as a matter of fact. And in Mt. Olive there's no regulations for or really against such a sign so I guess that's how The Mall at 206 got that sign. But in some towns they are specifically prohibited because some towns don't like them or whatever they feel they affect the character. And I think there might have been some discussion about having one here at the municipal property. So what the memo really just says is there are some concerns that go in based on some of the stuff that I've read with these kinds of ordinances. It seems pretty standard that the message would have a . . . typically they're like an 8 to 12 second display time and then there would be like a second or two between the next display time, and the reason for that is and some ordinances actually say you cannot have anything shorter than that. And that's to avoid rapid fire kind of messages and things of that nature that are potentially distracting along the highways or roads and so forth. There's also some standards for lighting which I'm no expert in and don't profess to be and I just cited some sample language from the United States Sign Council which is an industry rule. So you know it's coming from the folks that make and market these kinds of signs but they had some suggestions in terms of at night for example there are standards to have the illumination dimmed to a certain extent because obviously during the day time the lettering would be brighter so you can read it in the sunlight. And again we can have an ordinance that goes into that level of detail or perhaps not I don't know if it's beneficial.

MR. BEDELL: It makes sense yeah.

MR. MCGROARTY: Yeah so those are really the kinds of concerns and again if Mt. Olive wanted to have those kinds of signs that we threw in there, a couple of definitions for consideration.

MR. BEDELL: So if somebody wants to put in a sign would they as long as they meet those parameters they can put up the sign in that designated zone?

MR. MCGROARTY: Yeah . . .

MR. BEDELL: Or do they need to come in front of the Board to put up that sign irregardless?

MR. MCGROARTY: Well as it stands today, again I don't know how The Mall at 206 got the sign but I guess they got a permit.

MRS. NATAFALUSY: Yes they did.

MR. MCGROARTY: And the High School, that sign has been up for a while.

MR. BEDELL: Yeah.

MR. MCGROARTY: But there's nothing that I see, and I guess the town has done . . . Catherine or the Zoning Officer . . . nothing is specific in the ordinance that says you can't have these. You know sometimes an ordinance will say such and such signs are prohibited. So that's, I guess it's sort of a lasayfare attitude towards those kind of signs at present and so Mt. Olive can continue to go that way and if someone else comes in and they want these kind of signs . . .

MR. BEDELL: I think that makes sense.

MR. MCGROARTY: Or you can have it in the ordinance and then you have a little bit more say in terms of these other kinds of You see one of the things that came up in I actually went to the Sign Council's presentation because I wanted to see what they had to say and one of the things that they talked about is some places have these message boards that actually do have all kinds of stuff going on. They're very sophisticated obviously they can actually have videos on them and whatever and some of them having waving flags and fireworks explosions and such, and those are the sort of things that probably don't belong along a highway like Route 46 or Route 206. You know and signs in a residential area generally of that kind are not permitted but you would carve out exceptions if you wish for you know municipals buildings, schools, houses of worship that's another question. So that's up for consideration whether you think that would make sense.

MR. BEDELL: So let's say it does get accepted and it's now an ordinance, you know let's say The Mall at 206 they're flashing you know every five seconds, are they now grandfathered because they're in before or can we then go back and say hey you know your sign is fine the sign itself but your flashing every six seconds not every twelve seconds. Or would they kind of be grandfathered in and they don't have to obey those.

MR. MCGROARTY: Well Tiena can certainly guide us on . . as a legal issue. Unless the permit that they were issued specified that they couldn't have those kinds of things it would probably not be a very strong position for the town to try and stop them from doing it. I don't think they are doing it though are they?

MR. BEDELL: No I was asking not just them but let's just say anybody else just

MR. FLEISCHNER: (Inaudible) the Council to put together an ordinance.

MR. MCGROARTY: I mean for the businesses at The Mall at 206 it's actually self defeating if the message is too rapid. You know because you're driving by and you won't be able to even absorb it.

MR. BEDELL: I'm just curious okay.

MRS. NATAFALUSY: So do you want us to look at amending the ordinance to include . . . Joe?

MR. FLEISCHNER: Yes.

MR. MCGROARTY: Mr. Chairman on the question of size, and very dramatically late this afternoon I got a call from Fred Semrau about another matter, the Township attorney, and he emailed over to me some changes that are being proposed for also for signs which I think Catherine you made copies for everybody?

MRS. NATAFALUSY: Yes everybody has a copy.

MR. MCGROARTY: And I haven't had a chance really to read it very closely but Catherine is more familiar with it only because Jill in recreation has explained it. The township is looking to allow the ordinance to be modified to allow signs on Township owned properties in recreations fields principally baseball and softball fields and these signs would be a way of raising revenue and the like. And they've come up with some standards and things to have some type of uniform appearance and the like. I think, and I don't know this for a fact but I think it's going to be introduced for a first reading next week and if so it will come back to the Board so this is just sort of an advanced notice that this will be coming to us.

MR. FLEISCHNER: So we need to do homework in essence for when it does come back.

MR. MCGROARTY: So that's it. Does anybody not have it?

MR. FLEISCHNER: Catherine with regard to amending the ordinance for the signs for the electronic signs, do we have to make a formal recommendation to the Town Council?

MRS. NATAFALUSY: I think what we can do is put an ordinance together amending the section that we want to include this and then we can send it off to Council and then it will come back to us.

MR. FLEISCHNER: Okay. Are we all in agreement that we want to do it then?

MR. MCGROARTY: And actually if you want and if the Board wishes to do this I could put something tomorrow so that if the town does introduce first reading of this other sign you could have that in there unless you think it's too fast to do that. Then it will save the town a little bit of money because if you're going to amend the Code for these other kind of signs you can do the electronic message board at the same time.

MR. FLEISCHNER: I don't see it as an issue based on what I received because it's still going to come back to us for review after the Council says yes or no to whatever changes. So the entire Board will have a chance to chop it apart if they choose so or say hey we need to add this or take away.

MR. MCGROARTY: Yeah and maybe . . . would it be better to wait though. I might be better to wait just in case there's concerns about some of the details or something and I don't think Gene has seen . . .

MR. FLEISCHNER: Gene you haven't?

MR. BUCZYNSKI: No.

MR. FLEISCHNER: Then I would say we wait and shoot for next month's meeting.

MR. MCGROARTY: So these sports field's signs looks like we'll be moving ahead but you'll see that anyway.

MR. FLEISCHNER: Right.

MR. MCGROARTY: I mean this is coming I guess from the Mayor's office so I don't know . . . and the message board will take a little more time.

MRS. NATAFALUSY: Mr. Chairman do you want to hold the discussion on the public hearing later so that we can . . .

MR. FLEISCHNER: Yes absolutely because we have time looming at 9:00 for the young lad out there.

APPLICATION #PB 12-03 – BRIAN & MARISSA NUGENT

MR. FLEISCHNER: So we're just going to jump over to the first development matter PB 12-03 Brian & Marissa Nugent two variances encroachment on a front setback and variance for encroachment for a rear yard setback 14 Woodland Avenue. Do you want do come up to the table and your husband and son can join you. Can you just state you're . . .

MS. COFONI: Why don't we swear you both in so the testimony provided will be under oath?

(BRIAN NUGENT & MARISSA NUGENT SWORN IN FOR THE RECORD)

MS. COFONI: Okay if you could both just state your name spelling your last name and giving your address for the record.

MS. NUGENT: Marissa Nugent (N-U-G-E-N-T) 14 Woodland Avenue, Budd Lake.

MR. NUGENT: Brian Nugent (N-U-G-E-N-T) 14 Woodland Avenue, Budd Lake, New Jersey.

MS. COFONI: Great thank you.

MR. FLEISCHNER: Okay. Would you just give us a brief explanation of what it is you would like to do?

MR. NUGENT: Well basically we want to add a deck to the back to our house. Originally we wanted to add a paver patio but I guess with Irene and all of that our neighbors and us and all of that got flooded so we got knocked out for the pavers. So we were going to put up a deck now and now since our setbacks are you know too close to our neighbors we got to get a variance for it so basically instead of doing the paver patio we got to do a deck.

MR. FLEISCHNER: Gene do you want to . . .

MS. COFONI: Catherine I think . . .

MRS. NATAFALUSY: I did a report on this. This is an application to construct a rear deck and a front portico on 14 Woodland Avenue, otherwise known as tax Block 2910, Lot 4. It's a conforming lot in the R-4 zone the applicant would like to construct as I said it's basically a roof over the existing . . .

MR. NUGENT: Yeah originally there was one similar there when we bought the house but we ended up knocking it down because I was unsafe. And the same thing with the deck which we later found out . . .

MRS. NATAFALUSY: So it's a roof over the existing front entryway.

MR. NUGENT: Yeah over the existing front steps that are there now.

MRS. NATAFALUSY: So the setback is 35 feet in the R-4 zone and they're proposing to be approximately 29 feet from the front lot line therefore they need a variance. They're also seeking approvals to construct a deck consisting of 620 square feet to be attached to the rear of the house. The deck will be situated at its closest point 20 feet from the rear lot line whereas 35 feet is required in the R-4 zone. Building and lot coverage are within acceptable limits. Here's some photographs of the property the applicant submitted.

MS. COFONI: Did you say that there was also a deck originally?

MR. NUGENT: Yes.

MS. COFONI: And you had to take that down?

MR. NUGENT: Yeah I was . . . I don't even know how that thing was still standing.

MR. BEDELL: Would this new deck be a similar size? Like similar footprint or would this be a deeper deck?

MR. NUGENT: It's similar it's a little bigger to the left.

MR. BEDELL: Okay but not depth wise you know depth wise it would be pretty similar?

MR. NUGENT: Yeah it was the same that's on the plan originally.

MR. BEDELL: And how long was that deck up for? That deck was up for a number of years?

MR. NUGENT: Yeah, well when we bought the house we renovated the whole thing before we moved in so we've been there almost three years so it's been down for about three years.

MRS. NATAFALUSY: It could have been built without permits by the previous . . .

MR. BEDELL: And what's behind you?

MR. NUGENT: Ray Perkins is behind me.

MR. BEDELL: Okay and you like Ray? Okay is there like a lot of trees in between?

MS. NUGENT: He has a full probably like 15 foot tree line along his backyard.

MR. BEDELL: Okay and they're aware that you want to build the deck?

MS. NUGENT: They got a letter.

MR. BEDELL: Oh okay.

MRS. NATAFALUSY: Everybody within 200 feet was notified.

MR. FLEISCHNER: Things you want to add Chuck or Gene?

MR. MCGROARTY: No I have nothing.

MR. FLEISCHNER: Any members of the Board have any questions for the applicant?

MR. NELSEN: We don't have any plans on this right? No drawings or plans?

MRS. NATAFALUSY: No I gave you the survey to show the

MR. BEDELL: You know what my iPad the battery is . . . I got no juice on it so . . . Now you said on the front you had a . . .

MR. NUGENT: Yeah there was one.

MR. BEDELL: There was which you tore down and the one you want to replace is pretty much the same size same scope?

MS. NUGENT: Yeah we have the concrete like pad when you go up the steps so it will be exactly the size of what's already there.

MR. NUGENT: And that was existing we just refinished it pretty much with concrete.

MR. BEDELL: Okay so that roof is going to basically cover what's there?

MS. NUGENT: Yeah it's like a 3 by 4 little thing just right over the front door.

MR. BEDELL: Okay.

MR. RUSSELL: The survey shows a one story framed dwelling, the pictures indicate a two-story.

MR. NUGENT: Yeah that was all done about three years ago when we did it. It was a Cape and we turned it into a Colonial. That was all done with permits and everything.

MR. RUSSELL: Okay so this is an older survey.

MR. NUGENT: Yeah that was done

MRS. NUGENT: That was when we first bought the house we got that survey.

MR. NUGENT: So that deck that's on that survey was the one that supposedly was illegal that we knocked down.

MR. NELSEN: And how much bigger did you say this new deck will be?

MR. NUGENT: I think it's just a little bit bigger to the left.

MR. NELSEN: And that's the opposite side of the chimney.

MR. NUGENT: Yeah opposite side of the chimney.

MR. FLEISCHNER: Okay any other questions from any Board members? Tiena?

MS. COFONI: Are there similar decks and porticos in the neighborhood would you say?

MR. NUGENT: Deck wise I'm sure of because a lot of houses are covered with the woods and stuff. There is a few houses that have porticos but I'm not sure of how many.

MS. COFONI: That's fine. When you are in the front of your house you're not going to be able to see the deck, it's going to be behind your house right?

MR. NUGENT: Well from the side you can kind of see it when you're driving by.

MS. NUGENT: But it doesn't stick out any further than the

MS. COFONI: Side of the house.

MS. NUGENT: Yes.

MR. FLEISCHNER: Any other questions? Seeing no questions what I'd like do is

MRS. NATAFALUSY: That's the deck yeah so it does stick out from

MR. BEDELL: Yeah it does stick out a little bit yeah. Well at least according to this drawing yeah.

MRS. NATAFALUSY: Yeah so it sticks out a little bit to the right of the house.

MR. BEDELL: What about seeking a variance

MRS. NATAFALUSY: No they don't need it because it's 12 feet.

MR. FLEISCHNER: What I'd like to do is open it to the public if the public has any questions. I'm going to close it to the public, any other further discussion by the Board?

MR. BEDELL: I guess if the Perkins' and everyone else doesn't care about the 20 feet.

MR. FLEISCHNER: Would someone like to make a motion?

MR. RUSSELL: I move that PB 12-03 be approved.

MR. BEDELL: I'll second that motion.

MR. FLEISCHNER: Roll call.

MRS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Nelson Russell - yes
Steve Bedell - yes
David Koptyra - yes

MR. FLEISCHNER: Okay that's it folks. You have to wait 30 days for the resolution.

MR. NUGENT: Yes I spoke to them earlier today about that.

MR. FLEISCHNER: So you know the process. Thank you very much.

MR. NUGENT: All right thank you enjoy your day.

DISCUSSION MATTER

HIGHLANDS ENVIRONMENTAL RESOURCE INVENTORY

MR. FLEISCHNER: Okay let's go back to the Highlands Environmental Resource Inventory Item G. Catherine?

MRS. NATAFALUSY: We have a letter from the Environmental Commission endorsing the Highlands Environmental Resource Inventory and the Planning Board . . . I'm sorry it says where approved by an Environmental Commission the ERI is sent to the Planning Board. So we're bringing it to you.

MR. FLEISCHNER: And this is what the Planning Board/Land Use Board has been waiting for for the last couple of months am I correct?

MRS. NATAFALUSY: Back from the Environmental Commission.

MR. FLEISCHNER: Back from the Environmental Commission.

MRS. NATAFALUSY: Right.

MR. FLEISCHNER: So the next step is for us to

MR. MCGROARTY: Well let me jump in for a minute please.

MR. FLEISCHNER: Sure.

MR. MCGROARTY: Actually the Planning Board . . . the Highlands Council when they did this they wanted as Catherine said either an Environmental Commission if there is one hopefully to review the Highlands Environmental Resource Inventory that is done for each municipality although much of the information or some of the information is general to the Highlands and then it gets specific. It will not replace the township's Natural Resource Inventory it will stand side by side with it. And the Planning Board does not have to take any action you don't have to approve it and include it in the Master Plan as part of the Conservation Element or any such thing. But the way Highlands phrased it they wanted it . . . it was a little awkward because I'm not sure to be very blunt, understood how this stuff works. The fact though that the Environmental Commission here in Mt. Olive has reviewed it has indicated in their letter they're satisfied with the information that's in there is accurate and we've been reviewing it also for a while. We had a hand in it in terms of trying to make some changes to the text and (inaudible). That's really all you need to do, now you're perfectly welcome I guess subject to Tiena's guidance on this to actually formally adopt it. It was not noticed as part of a Master Plan hearing for tonight but we do have the Highlands Master Plan Element which was noticed and that was from whenever. So I think for now the Planning Board is not obligated to do anything further, the Environmental Commission's letter will now be forwarded over to the Highlands Council by Catherine and that . . . I've gone through this with a few other towns already and that is deemed to be . . . that from their vantage point will deem the town to have . . . they will determine that the township has met its plan conformance obligation with respect to the ERI by virtue of getting that letter. And the important thing for the town is it will be reimbursed for any costs that were associated by you know people (inaudible). So that part of it you'll be fine you'll be done. Now if the Planning Board wants to do something further with it you're entitled to do so.

MR. FLEISCHNER: My thought would be we don't really need to do anything else it just creates more work and it's not an issue.

MRS. NATAFALUSY: Okay.

MR. FLEISCHNER: So forward it on.

PUBLIC HEARING

HIGHLANDS REGIONAL PRESERVATION AREA MASTER PLAN

MR. FLEISCHNER: The next item is the public hearing on the Highlands Regional Preservation Area Master Plan. I know we've all gotten this and numerous pages if you've actually looked at it. I kind of to be honest with you about half way I needed a major break it's like what am I looking at here after a while. Chuck could you give us kind of a brief, if you can be brief on this because it's not the easiest. . . .

MR. MCGROARTY: Sure I will sure try to make that attempt. Just by way of what we're doing this is a public hearing this is required this will, depending on whether the Board votes tonight or at some point in the future, this is a public hearing to consider and eventually adopt this, what is called the Highlands Preservation Area Master Plan Element. This for those who have been here before have heard all of this before but this will become part of the township's Master Plan, it will not replace the township's Master Plan just as we talked about a moment ago the ERI. The Highlands Council has called this a Master Plan Element and we know, all of you know element is essentially a chapter in a Master

Plan. This is almost a full Master Plan in in of itself it's got numerous things in it that would otherwise stand as individual elements. But the Highlands Council in their wisdom decided to call it what they did. Number one the township is obligated under the Highlands Act to consider and adopt this kind of document. If the township chooses not to do it it will not be in conformance with the Highlands Act and there may be some consequences to that at some point. But I can tell you that this has been around for quite some time, I've been working on it, Gene has worked on it, Catherine has worked on it we've gone through we've made a number of edits to it we've had back and forth with Highlands staff for two years actually at this point and I think we've reached a point where we cannot make any further changes to it. I think if we had our way we would have scaled this back considerably. They insist that certain things have to be in there because it's in the Highlands Regional Master Plan and therefore we can't take it out of here. So I probably already used up half of the time I'm allowed but just for the record 70 percent of Mt. Olive is in the Preservation Area, 70 percent of the township. So that means this document will apply to that portion of the township, it will not apply to the remaining 30 percent which is pretty much Budd Lake and Flanders. It will enclose these overlay zones that we've heard about a lot, the protection and conservation of existing community and those terms have requirements that go with them. The protection zone means essentially no new development or very little new development. And whereas the existing community zone means there's some potential development but not a lot. We'll keep our Master Plan, we'll keep our zoning in place okay, we'll keep the same RR-AA zoning which is four acre zoning and 2-1/2 zoning whatever it is, 3 acre zoning but where properties fall under these overlay zones and where the development qualifies as what is known as a major Highlands Development the policies in this Master Plan and in a couple of months we'll deal with an ordinance, they will apply and the densities will be greatly reduced. And the development will be as you know is already been restricted and it will be constrained by policies in this Master Plan document and the ordinance. It does provide for options for what they call redevelopment planning which is a little bit different from the redevelopment planning that goes on elsewhere in New Jersey. We've already done some of it in Mt. Olive you're aware of that on Gold Mine Road a couple of projects, the one on Route 46 there's a few places that it's going on that . . . What's the car dealership that's going in?

MRS. NATAFALUSY: Subaru.

MR. MCGROARTY: Subaru that site is going to be classified as a Highlands Redevelopment site and there's some properties over on Sand Shore Road which will help the individual build what they want to build and there's some restrictions for where they . . . So there's other components to it I will draw your attention to, well there's Water Resources and there's all sorts of things we can spend quite a bit of time talking about it if you wish and it's very detailed, very technical it's unusual the level of detail and technical information that they insist on putting in this Master Plan Element but again we've tried to make it as readable as possible but we're bound by what they insist that we do. Two things that I'll bring to your attention there is what's known as a Historic Preservation Plan in here which is on page 53 it starts there and go for a few pages, that's optional. Mt. Olive doesn't have a Historic District we have some areas that have historic characteristics and they're identified as such but we do not have a designated Historic District, we don't have a Historic Preservation Commission and that sort of stuff. So we left it in the plan for now that can come out if you wish. I think if you have a chance and you may not want to make a decision tonight you don't have to but if you want to take a look at that and feel that it's innocuous enough and you want to leave it in place that's fine, if you think it might be a problem that could come out. And I'll just end by pointing out two other things there's reference in here to the housing as well or Affordable Housing. Again this is you know it's called an element it's got virtually everything in there. We're not going to make any changes to the town's Affordable Housing Plan until issues are settled at the State level. The Supreme Court has yet to make a decision about COAH's rules as you know if you probably read the papers you know what's going on with that. So the language in this document regarding housing is fine but it will be changed at some point no doubt. And lastly it refers to the State Plan the State Development and Redevelopment Plan that will be changed too because that plan has been superseded by a new State Strategic Plan. So there's no harm in adopting this document with that reference but at some point in the near future that will be changed. So I know I rushed through that but it covers lots of ground and essentially we don't have a lot of choice.

MR. BEDELL: Chuck I have a question. If we don't adopt it everything in there still has to be . . . whether we don't enforce that it will still be enforced by the State correct? So is it kind of irrelevant if we adopt it or not because either way they still have to abide by it. They may make it through our law, if they get through our law they're not going to get through the Highlands law.

MR. MCGROARTY: Right.

MR. BEDELL: So is that correct?

MR. MCGROARTY: That is correct

MR. BEDELL: That either way they still have to follow that it's whether . . . at our level or the State level.

MR. MCGROARTY: Yes. And I think you raise a good point because I have another municipality I'm working with that is choosing not to do this. Well at least at the moment and I think that's probably self defeating. You're absolutely right if you are a developer you're in the Preservation Area your still going to need DEP approvals. Now if the town washes its hands of it and says we're not going to comply with the Plan Conformance there's a couple of things. Number one it complicates the town's position on a lot of levels, it could affect their housing approval, their approval of the Affordable Housing Plan that you don't want to do because you put yourself in jeopardy of a lawsuit. And also in the Highland Act there is a provision which if a municipality does not satisfy the Plan Conformance requirements at least for the Preservation Area again Mt. Olive said no to the Planning Area because that's voluntary, Preservation you have no choice. If you don't comply ultimately they can take jurisdiction, they the Highlands Council can take jurisdiction of Land Use decisions entirely. So this Board would be completely out of the picture.

MR. BEDELL: So I guess it just makes sense to adopt it from what it sounds like and either way you have to abide by those laws and if we don't it's going to hurt us and we might as well from what I can see.

MR. MCGROARTY: Yeah.

MR. BUCZYNSKI: Yeah.

MR. BEDELL: Okay all right.

MR. MCGROARTY: I think the Highlands Act went way beyond what it perhaps was intended to do but that's a personal observation. And water quality and water availability were the focus but it went way beyond it and this kind of stuff results but to use a very bad pun that's water under the bridge. And now if we don't comply and we've done as much as we can at least to date to take some of the stuff out of here that was really tricky it's going to be fun when we get to the ordinance. Because that's where people are really going to have to sort out some issues and live with them. But you're right Steve ultimately we don't have a lot of choice. And I don't see a big down side to adopting it because . . .

MR. FLEISCHNER: If we adopt it what would the next step be?

MR. MCGROARTY: The next step from this if you adopt this, this again would go to Highlands just like the ERI would satisfy part of your Plan Conformance then the next step would be for the Highlands Preservation Area Ordinance to come along. Because we had to get the Reexam in place first which you've done, now this, and then what will follow this will be an ordinance which is as big and if not bigger in terms of size and complexity and that will come next and that will implement the substance in here. And that ordinance like everything else Chapter 400 will still be on the books but this other Highlands Preservation Ordinance will sit side by side with it. So if you own property in the Highlands Preservation Area that qualifies for exemption then you can live with the town's ordinance, if it rises to the level of what they call a major Highlands Development you have to live with the Highlands Ordinance.

MR. FLEISCHNER: Question, what happens if you're in the Preservation Area and let us say, I think I know the answer, but let's say four or five houses that are on septic all fail and there's a possibility that the sewer line can be extended. By approving this does that negate ever extending that sewer line in the Preservation Area?

MR. MCGROARTY: I would say no I don't think it negates it because there is a provision it's very unlikely that the Highlands or DEP would approve new sewer lines in the Preservation Area. Everything from the Highlands Act itself to the Regional Master Plan has all this language against such a thing. However, there is a provision for health and safety and so in cases like you described Joe where if the health and safety of the residents are in jeopardy and the best way to solve it is extending the sewer line I'm sure the town can make that argument and (inaudible).

MR. FLEISCHNER: If we approve this that provision stays basically for the health and safety so it could, there would be an out if something like ever happened.

MR. MCGROARTY: Yes, yes.

MR. FLEISCHNER: Okay I just wanted to make sure that we're not limited.

MR. MCGROARTY: Yes right.

MR. FLEISCHNER: Well you never know what's buried in soil somewhere or comes down stream or etc.

MR. MCGROARTY: Oh yeah, no absolutely and it's tough because it's a big thing I mean you know they through a lot of stuff into this and to expect everyone to really understand how it's all going to play out is . . . I mean I'm not sure anybody knows how it's all going to play out. We're all going to have to work . . . but that kind of provision for health and safety is built into it.

MR. FLEISCHNER: Okay any other comments from any Board members? This is a public hearing so if there's somebody from the public who would like to comment on our area.

MR. MCGROARTY: Yeah it was advertised and Mr. Chairman I don't want to you know stretch this out any further than is absolutely necessary but your under no obligation to adopt this tonight. If you want more time with it that's perfectly fine I mean we're on a schedule with Highlands but it's a very loose schedule.

MR. FLEISCHNER: Are you aware if the Mayor has reviewed this?

MRS. NATAFALUSY: He received it.

MR. FLEISCHNER: He received it.

MR. MCGROARTY: Don't know if he's reviewed it.

MR. FLEISCHNER: Now how long ago did he receive it?

MRS. NATAFALUSY: When the Board members received it.

MR. BEDELL: We might as well hold off until . . .

MR. FLEISCHNER: Well why don't we just hold off until the next meeting and hopefully . . .

MRS. NATAFALUSY: Okay to the July 12th?

MR. FLEISCHNER: For the July 12 and so Rob could comment on . . .

MR. MCGROARTY: Mr. Chairman let me ask Tiena do we have to renotece again or can we carry the notice?

MS. COFONI: We'll carry it yeah so this public hearing on the Highlands Regional Preservation Area Master Plan will be carried to July 12. No further notice will be given.

MR. FLEISCHNER: You guys okay with that if we just carry it to the next meeting? So at least the Mayor can be here, hopefully he'll be here and if he doesn't hopefully he would at least review it and send comments back to the Board. Okay thanks Chuck I appreciate it.

APPLICATION #PB 12-05 – MOUNT OLIVE INDUSTRIAL REALTY CO.

MR. FLEISCHNER: Okay moving right along PB 12-05 Mt. Olive Industrial Realty Co. final site plan at 700 International Drive.

MR. QUINN: Good evening thank you very much for your time tonight.

MR. FLEISCHNER: Thank you could you state your name for the record.

MR. QUINN: Sure for the record my name is Christopher Quinn I'm an attorney licensed to practice law in the State of New Jersey with the firm of Day Pitney appearing on behalf of the applicant Mount Olive Industrial Realty Company LLC. We're here on a number of matters tonight the first of

which is the final site plan application and final site plan approval for 700 International Drive. It's Block 104, Lot 4 which also in some records list the property as Lot 2 as well. This project received preliminary site plan approval from the Board in March of 2008.

MR. FLEISCHNER: Just stop for a second.

MR. QUINN: Yes.

MR. FLEISCHNER: So for the record what we're going to discuss first is 12-05, Catherine are we all right we that?

MRS. NATAFALUSY: Yes.

MR. FLEISCHNER: And that's for final Block 104, Lot 4 a.k.a. Lot 2.

MR. QUINN: Yes.

MR. FLEISCHNER: That's what we're going to discuss first.

MR. QUINN: That's what we're (inaudible).

MR. FLEISCHNER: Very good thank you.

MR. QUINN: This project is . . . the applicant received approval to construct a 61,100 square foot flex base commercial building and related improvements. We're here tonight seeking final approval of the project there's really been no changes at all from the approved site plan. The one aspect from this project is that initially we are going to construct certain work and did make disturbance pursuant to a DEP approval that we have which expires later this year. The remainder of the project we will construct at a later time once most likely we have a tenant secured for the building. In any event so at this point we've been in discussions with developers doing portion of the project with respect to just the limited amount of disturbance we're doing in the future, and we can describe the whole project for you but also tell you what we're looking to do now and what part we'll be doing in the future. But we'll have to obviously do bonding and pay to the tree fund and what not as we go along.

MS. COFONI: You just actually raised something in my . . . the final approval is for the entire . . .

MR. QUINN: Entire site.

MS. COFONI: Okay so you're bonding for the entire thing initially.

MR. QUINN: That's . . . I think we've had discussions with . . .

MR. PLOUSSAS: We had discussions with the township engineer and we're only going to be bonding a portion of the work that we propose to do this season.

MS. COFONI: Okay.

MR. PLOUSSAS: We'll bond the balance.

MR. BUCZYNSKI: Limit the Developer's Agreement just to do that work

MS. COFONI: Oh okay.

MR. QUINN: And then we'll do a second Developer's Agreement once we're closer to the actual construction.

MS. COFONI: That's fine.

MR. QUINN: With that being said I'll introduce our engineer Mr. Ploussas who is going to describe the site.

MS. COFONI: If we may swear you in.

(GREGORY PLOUSSAS SWORN IN FOR THE RECORD)

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

MR. PLOUSSAS: Gregory Ploussas (P-L-O-U-S-S-A-S) 100 Matawan Road, Matawan, New Jersey.

MS. COFONI: Thank you.

MR. QUINN: Mr. Ploussas you've appeared before this Board a number of times. Have you qualified, there's been no change in your qualifications?

MR. PLOUSSAS: Yes that's correct.

MR. QUINN: So (inaudible) Mr. Ploussas as a civil engineer?

MR. FLEISCHNER: Any time.

MR. QUINN: Would you like me to bring the exhibit over for you?

MR. PLOUSSAS: No I think the Board can see it there. But as our attorney indicated we're here for really a final site plan approval for Lot 4, Block 104 it's at the intersection of International Drive and Waterloo-Stanhope Road. That rendering that I brought with me tonight is identical to the rendering that we presented here four years ago when we got the original preliminary approval. We're on 11.13 acres although a good one third of it is in the wetlands or stream corridors. We're located in the FTZ-3 zone the ultimate development will be for 61,100 square feet of flex office space. For now we've broken it down to 24,440 square feet of warehouse, 24,440 square feet of assembly, and 12,220 square feet of office. We are providing . . . the ordinance requires 91 parking spaces which are being provided basically in the front of the building in this area and we're banking 14 parking spaces in this area which would be on the south side of our driveway. There are loading docks which are located behind the building the ordinance requires 3 we're proposing 6 at this time. We have a stormwater management system consisting of a filtration pond first and emptying into an actual pond. We've spent much time analyzing and designing this pond with the original application with the Board's Environmental Consultant at the time it was Dr. Keller from Habitat by Design. And as well as the landscaping was thoroughly reviewed by Dr. Keller and he had certain recommendations in a couple of his reports which have all been incorporated in the plan. There's existing water main in International Drive which we're tying into, the same with the other utilities electric, gas and telephone. There's a sanitary sewer line located in this location about 200 feet south of our building which ties into the Wills Brook Interceptor which flows in a north/south direction through our property and we're tying in with a 4 inch lateral to service the building. That's basically all of the utilities that are on the project and how we're tying into them. We're seeking permission, although for a site plan but also to do what we call limited site improvements. This project is within the flood plain of Wills Brook and as such required us to obtain certain flood hazard area permits and wetlands permits. We obtained those from the State but as our attorney said they will expire this year and we need to do the work before they expire. That work is limited to a headwall in the floodplain in the wetlands, a storm sewer, a manhole, and an inlet to bring it out of the floodplain which will come up through here and cross into the parking lot, and a retaining wall which holds back the fill on the northeast corner of the drive aisle. And the associated fill with that to bring the elevations above the flood plain. We made separate estimates and we have what we call temporary construction plans in the set they've been labeled "A" sheets. For example if you go to sheet 3A you'll see in bold letters and stuff the actual work that we're proposing to do now. We're proposing to disturb I believe approximately 38,000 square feet of the site currently, I'm trying to find the exact number and I know I have it on one of these plans, the numbers are shown on the temporary tree location plan which is sheet 12A of 17. We are proposing to disturb 36,000 square feet or 0.828 acres of the 11 acre tract and in that area there's 34,584 square feet of tree removal. One of the issues that we have to deal with is the tree removal ordinance in the township. When we receive preliminary approval we receive certain waivers and one of the waivers was to do a tree replacement on a one to one basis for the entire site. Based on our tree sampling that resulted in us having to replace 377 trees throughout the site. The current landscaping plan has us installing 138 trees so there will be a deficit there. The township ordinance allows us to pay \$200.00 per tree into the Township's Tree Fund at the current time with the area that we're disturbing we have estimated that 57 trees will be removed based on our tree sampling. Therefore at this time the applicant proposes to contribute \$200.00 per tree to the Township's Tree Banking Fund for those trees.

MR. QUINN: So for these 57 trees right now we'll pay the \$200.00 per tree into the Tree Fund.

MR. PLOUSSAS: As far as the deficit in the future we currently show approximately 138 trees to be put on the plan, when we come to that point we'll sit down with the township planner and engineer to determine if there's any other locations on site that we can feasibly install the shade trees but the landscaping plan is pretty thick already. But we also discussed with the Board at the time if they would allow us to install trees on other properties within the township that this applicant owns and they looked favorably upon it at the time although I didn't see it anywhere in the resolution. But that was my recollection.

MR. NELSEN: Excuse me sir is there a tree removal drawing here?

MR. PLOUSSAS: Yes sheet 12 is the tree removal plan for the entire site.

MR. NELSEN: And are all the trees that are there now located on that

MR. PLOUSSAS: Yes. If you look on sheet 12 okay what we did is a sampling method. We took two sample plots in areas that we picked out and I believe before we did them we had the township engineer and our planner okay the location so that we didn't try and cheat one way or the other. And the reason we picked two was because it seemed that the northern area of the site was more heavily wooded than the southern area of the site. So we took both sides and then we averaged it and that resulted in 377 trees to be removed for the entire 11 acre site. Again we are proposing only to disturb 36,000 square feet which is shown on Sheet 12A which

MRS. NATAFALUSY: Excuse me I don't think the Board has the 12A in the reduced version.

MS. COFONI: Yeah we do.

MR. PLOUSSAS: You should.

MRS. NATAFALUSY: Oh I'm sorry.

MR. PLOUSSAS: And based on the area of disturbance of 36,000 square feet it requires 57 trees to be replaced.

MR. NELSEN: What are the size of those trees?

MR. PLOUSSAS: Well they range if you look on the chart they go from 10 inches to 18 inches, 18 inches to 24 that's basically the size. There were no 24 or 36 inch trees when we did the sampling.

MR. BEDELL: I have a question just going back a couple of minutes, when you call it flex base is it flex because there's warehouse, assembly and office?

MR. PLOUSSAS: Yes it's all in one building.

MR. BEDELL: Or does that mean that the warehouse what was it 24,000 square feet could that be enlarged to 30,000 and you could make the office smaller?

MR. PLOUSSAS: Yes that's correct.

MR. BEDELL: Okay so if you do that then how does that work out with parking?

MR. PLOUSSAS: Well in the resolution I believe there is a condition that says that we're allowed to adjust the ratios as long as the parking works.

MR. BEDELL: Okay, all right.

MR. QUINN: If for instance if you went over the amount of office which has the larger or more parking space requirement there we have to come back before the Board. And the resolution says that if we change it and we need more office space we have to come back to the Board to discuss it.

MR. PLOUSSAS: And we were very conservative with our numbers we put the office space in at 20 percent these types of buildings it's normally 5 percent. And we did the office the larger because that requires the most parking.

MR. BEDELL: Sure.

MR. PLOUSSAS: That's the basic final site plan application

MR. FLEISCHNER: Excuse me Mr. Ploussas Tiena has a question.

MS. COFONI: I just want to make sure I understand. So the initial construction includes the removal of 57 trees and for the replacement of those 57 you're going to pay \$200.00 per tree.

MR. PLOUSSAS: Yes.

MS. COFONI: And then . . .

MR. PLOUSSAS: Assuming the Planning Board agrees.

MS. COFONI: Ultimately you anticipate removal of 377 which includes the initial 57, 320 additional

MR. QUINN: Additional trees.

MS. COFONI: As far as the replacement of the 320 you only at this point are planning on planting 138.

MR. PLOUSSAS: On the site yes.

MS. COFONI: And so you would be providing the Township with \$200.00 per tree for the remainder.

MR. PLOUSSAS: Or be (inaudible) on the other properties.

MR. FLEISCHNER: That they own.

MR. PLOUSSAS: Within the township.

MS. COFONI: That you own within the township?

MR. PLOUSSAS: The applicant owns yes. They own other properties within the FTZ so the intent would be to try and use some of them there.

MR. MCGROARTY: On that point though we don't have to finalize that until they come in? Is that what we're thinking? Until they come in for I mean you're not planning on

MR. QUINN: No that would be subject to the approval. What we'd submit is that that would be . . . right now for the 57 trees it would be, we'll pay the \$200.00 per tree to the Tree Fund. Once we're at the point where we're going to be constructing the remainder of the project and we're entering into a developer's agreement we'll work with the Board professionals onto the exact location, number of the fees

MS. COFONI: I guess what we could do is have the options, you know "A" either the remainder of the trees are you know \$200.00 per tree given to the township or planted elsewhere on other property owned, you know the Board if it so desires could have that be one of the two and developer's agreement to set which way to go.

MR. MCGROARTY: Yeah I mean because that would make sense it wouldn't make sense for them to plant trees certainly not on site now obviously because it's . . .

MS. COFONI: Right.

MR. MCGROARTY: But what would be the mechanism because if they get final they won't necessarily come back in front of this Board.

MS. COFONI: The developer's agreement.

MR. MCGROARTY: The developer's agreement okay.

MS. COFONI: Which wouldn't be the Board it would be the township.

MR. MCGROARTY: Which is why I'm asking because I understand the developer's agreement this Board will not see it again.

MS. COFONI: No so that would mean that the Board would have to be okay either way.

MR. BUCZYNSKI: Yeah but at some point in front of this Board they have to tell us where they're going to put the other trees when they come in with the other property.

MR. QUINN: I mean if the Board was comfortable with it we could do it subject to the approval of township engineer and planner.

MR. MCGROARTY: Or, it's unusual but maybe you come back with a tree replacement plan at least for review by the Board.

MR. BUCZYNSKI: I think the Board should . . . the Board should have some ability to review where they're putting these extra trees.

MR. MCGROARTY: Could it be a condition of final that . . . once final is granted it's granted.

MS. COFONI: Yeah that's kind of why I was clarifying because I'm not sure how this is all going to layout.

MR. BUCZYNSKI: (inaudible) where they're going to be put on these properties the Board will never know.

MS. COFONI: That's right if we're to leave it as it is now the Board would have no idea where they would . . . they would know that either they're going to pay the money or put them on the properties but they'll have no idea what other properties or where they'll be planted.

MR. MCGROARTY: We won't even know that unless they read the developer's agreement.

MS. COFONI: Right.

MR. BUCZYNSKI: You said the previous approval referenced that or did not reference it?

MR. PLOUSSAS: No it was discussion with the Board.

MR. BUCZYNSKI: I was wondering why don't we just put that we're going to bank the trees and then at a later date when they decide they can put them on certain properties they'll have to come back to the Board to show us that no?

MR. MCGROARTY: Bank the

MR. BUCZYNSKI: The resolution basically says they would have to bank the remainder of the trees that they don't install right now period.

MR. FLEISCHNER: They have to come back separately to the Board . . .

MR. BUCZYNSKI: Because they don't know where they're going to put them so right now why even put it as a condition let them come in.

MR. QUINN: The only thing I would suggest is that if the Board is going down that line would be that we were going to . . . we wouldn't have to come in if we were just going to just put any you know if we were just going to plant whatever we could plant on site and the balance we'll pay to a Tree Fund. We wouldn't have to come back to the Board for that but if it was going to be any approval of any off-site trees have to come back to the Board for that for approval.

- MS. COFONI: Gene when you say banking the trees I don't understand
- MR. BUCZYNSKI: Contribute, contribute to the fund.
- MS. COFONI: Oh yeah.
- MR. QUINN: When you said banking I just wasn't . . .
- MR. MCGROARTY: So you would be willing then if it's \$200.00 a tree for hundred and something . . .
- MR. PLOUSSAS: Well whatever the deficit.
- MS. COFONI: It's 320 minus 138.
- MR. MCGROARTY: Well it's essentially . . . are you talking Gene about banking everything up front?
- MR. BUCZYNSKI: Just put in a condition of approval just tree banking and they're not going to bank it until they start construction. Put it in the tree bank that's what I mean put the money in the tree bank prior to . . .
- MR. MCGROARTY: Okay.
- MR. QUINN: And if we wish to amend that we have to come back before the Board with a tree removal plan or a tree planting plan sorry.
- MR. BUCZYNSKI: Once you know where it's going to go give us a plan.
- MS. COFONI: But don't forget they're doing a limited developer's agreement initially so initially they're just going to be removing the 57 and putting money in the tree bank for the 57. So it won't be until they do the full development that they'll have to put the money in for the remainder and I guess at that point if they don't want to put the money in and they want to plant them elsewhere they come back before the Board.
- MR. MCGROARTY: Okay well then you have . . . and you have the authority to bring them back then at that point after you (inaudible)?
- MR. PLOUSSAS: Can we put it in the resolution?
- MR. MCGROARTY: You can put anything you want in the resolution but you know once you have final approval they . . .
- MS. COFONI: Because it would be amendment to the final approval.
- MR. QUINN: I think that's a mechanism because right now your approval is going to say that we're going to initially place a deposit into the tree replacement fund and then our anticipation is that any tree that's not planted on site that's what we place into the tree replacement fund if that changes it will be an amended, and you can even specify in the resolution itself that any change to that would be . . .
- MS. COFONI: Yeah so they'll to the Board for an amendment to a condition of a resolution.
- MR. BUCZYNSKI: And also we'll address in the developer's agreement for final.
- MR. QUINN: Yes it would be part of a developer's agreement for final and it will also require amended final site plan approval from the Board.
- MR. NELSEN: Gene, Chuck question, on the tree replacement ratio 18 to 20 inch trees are replaced with one tree?
- MR. MCGROARTY: As Greg said and he was correct the Board did grant a . . . there is a resolution we'll grant a one to one replacement on this site because as I recall only reading the resolution it's not that I remember the meeting itself but as I remember from the reading of the resolution if you did it per

the ordinance the replacement number would be probably the thousands and the cost would be . . . then you get almost to an area where . . .

MR. NELSEN: It seems odd that you could have other people if they're going to remove a 36 inch tree you're going to have them replace it with . . .

MR. FLEISCHNER: That's because there were so many trees.

MR. NELSEN: I realize that.

MR. MCGROARTY: What happens they got the waiver from the Board.

MR. BUCZYNSKI: That's done.

MR. MCGROARTY: I mean we didn't make that decision the Board made that decision.

MR. BEDELL: When do you anticipate like to do the actual, the full blown out construction? I guess is once you secure a tenant?

MR. QUINN: The property is currently being marketed so they're I'm sure as you're going to hear in the next applications to is that the market right now has been pretty dreadful so

MR. BEDELL: All right whether its six days or six weeks or six months once you have "X", "Y", "Z" you know under the contract and then you'll

MR. QUINN: Yes once we're working on the project yes.

MR. BEDELL: Okay I'm just curious okay.

MR. QUINN: So as soon as we have an occupant to go into the building that's when we'll proceed with the (inaudible) construction.

MR. BEDELL: Okay.

MR. BUCZYNSKI: Regarding the tree replacement you talked about put it on other properties, that's properties they own that have existing buildings on them already or proposed sites?

MR. PLOUSSAS: No I'm thinking properties they own that have existing buildings.

MR. BUCZYNSKI: That's what I figured okay.

MR. QUINN: Sure I mean because I think the other sites already have the same issue I think then they all have the same

MR. PLOUSSAS: That's the final site plan application that was submitted but also an application has been submitted for soil removal. Because this site is . . . well it's technical in the soil removal.

MR. QUINN: That's actually the next application they split it up in two separate applications.

MR. BUCZYNSKI: There's a couple of items regarding this if they're done (inaudible). On the issues there's two conditions I just want to make sure the status of them. In my report page two B.2. Condition No. 8 regarding the Stormwater Management Manuals that was submitted?

MR. PLOUSSAS: Yes I submitted the Revised Stormwater Maintenance Manual to Dr. Keller on May 27, 2008. After that point I had a telephone conversation with him some time in June, unfortunately I cannot give you the correct date because my memory is not that good, that he approve the revised Stormwater Maintenance Manual as well as the Landscaping Plans. Once he did that we then revised the plans for the landscaping and the ponds and other issues and formerly submitted them to the Board on July 8. I have that correspondence that we'll give you copies of. Again that was only done after Dr. Keller gave us the go ahead but I don't have anything in writing

MRS. NATAFALUSY: I do.

MR. PLOUSSAS: Oh you do.

MRS. NATAFALUSY: I have something from Dr. Keller when we got this application I sent him an email asking him if he ever reviewed it and he sent me an email back saying the last version of the plans and Stormwater Management Maintenance Manual both dated July 8, 2008 incorporated all of my comments referenced in the resolution of approval. I would only ask that I be apprised of the construction sequence so that I can 1) inspect the pond and it's surrounds during construction and planting and; 2) assure that plant materials are installed in appropriate locations and during appropriate planting seasons.

MR. BUCZYNSKI: Now do you have a copy in the file of the manual? The Maintenance Manual do you know? Just check if you don't you should probably get a copy.

MR. QUINN: If you don't have it just call us and let us know we'll certainly provide a copy for your file.

MR. PLOUSSAS: I did submit a copy according to my cover letter but if you can't find it just let me know.

MRS. NATAFALUSY: It's probably in the file but I don't have that extra file with me.

MR. PLOUSSAS: And then I have a letter from at that time CMX which was from Gene dated July 11, 2008 indicating we satisfied all of the conditions.

MR. BUZYNSKI: And the other item would be regarding Condition No. 9 – I don't think that's been submitted yet has it?

MR. PLOUSSAS: No typically we submit the structural calculations to you just prior to construction once they've actually picked out the exact wall.

MR. BUCZYNSKI: I just want to make sure we're in agreement so it can be a condition.

MS. COFONI: So submitted prior to, Gene?

MR. BUCZYNSKI: Prior to start of construction for approval.

MR. PLOUSSAS: Or before the building permit is issued, these days you need a building permit for the wall.

MS. COFONI: Will be submitted prior to issuance of building permit.

MR. BUCZYNSKI: And the other items I had it was already discussed regarding developer's agreement and the big issue is the tree issue and they addressed that that was on item number four and also number six. And the other one is the standard items regarding submitting engineers estimate for improvements for improvements for the developer's agreement. That's all I have. Oh one other issue maybe at this point we should at least talk about the . . . or we can do it at the soil removal, or we just wait for soil removal. They need additional material brought into the site to do the limited site improvements at this time that's why they're coming in for a soil removal permit which is the next application.

MR. FLEISCHNER: Chuck?

MR. MCGROARTY: Mr. Chairman I just want to maybe state the obvious that some of the conditions or all of the conditions from the preliminary approval would still remain but the reason I mention this is because of the COAH fees. Right now there's a moratorium on non-residential development and I'm sure Tiena would put some language in there just in the event that changes.

MS. COFONI: Yes.

MR. FLEISCHNER: Thank you Chuck.

MR. QUINN: The preliminary approval says that where they actually start to build the site itself and the building itself whatever applicable regulations for Affordable Housing at that time that's what we'll have to comply with.

MR. MCGROARTY: Yeah I mean it wouldn't be triggered by what you're talking about.

MR. QUINN: Yes.

MR. FLEISCHNER: Any other questions for Mr. Ploussas from Board members? Let me open it to the public for any questions of Mr. Ploussas' testimony. Seeing none I'll close it to the public. Do you have any other witnesses?

MR. QUINN: No I mean unless the Board has questions we certainly can answer them but that's really it.

MR. FLEISCHNER: Okay could we have a motion then?

MR. BEDELL: I'll make a motion to accept PB 12-05 but in there have the necessary wording, verbiage regarding the tree bank and the replanting and you know whatever, however you can properly state it.

MS. COFONI: I will.

MR. BEDELL: I trust you.

MR. RUSSELL: I second that.

MR. FLEISCHNER: Seconded by Nelson Russell. Any further discussion? If not, roll call please?

MRS. NATAFALUSY: Joe Fleischner - yes
 Dan Nelsen - yes
 Nelson Russell - yes
 Steve Bedell - yes
 David Koptyra - yes

MR. QUINN: Thank you.

APPLICATION #PB 12-11 – MOUNT OLIVE INDUSTRIAL REALTY CO. – SOIL REMOVAL

MR. FLEISCHNER: Okay next.

MR. QUINN: Next Mr. Buczynski stole my thunder he gave an intro into this application it's the exact same property. As Mr. Ploussas will testify to to complete several of the improvements required for this initial construction we have to bring soil onto the site. So we are seeking a soil removal permit and with that being said I will let Mr. Ploussas describe what . . .

MR. FLEISCHNER: Mr. Ploussas just one second just for the record this is PB 12-11 again Mount Olive Industrial Realty Co. it's a soil removal at 700 International Drive Block 104, Lot 4. Thank you I'm sorry.

MR. QUINN: Sure.

MR. PLOUSSAS: Yes as our attorney indicated we are now seeking a soil removal permit . . .

MS. COFONI: Excuse me I'm sorry Mr. Ploussas just because technically it's a new application you remain under oath.

MR. PLOUSSAS: Yes. Technically it's called a soil removal application but we are not removing any soil from the site we are actually importing soil to the site. This site is below the road the road is roughly at elevation 800 or 804 and it slopes down to elevation 790. So that we have to compensate for that by bringing in fill material from off-site. At one point we had contemplated bringing fill in from the site across the street which the same applicant owns and it works out well because 700 has a deficit but 650 across the street has excess. But after consulting with the Township professionals we decided that was really not a good idea they would be better off importing the fill from off-site if we could. The applicant has contacted two or three sources out of . . .

MR. BEDELL: I'm just curious, how come? Just out of curiosity.

MR. PLOUSSAS: How come what?

MR. FLEISCHNER: Why you couldn't use the soil from across the street.

MR. MCGROARTY: I can tell you, they may have their reasons. It got very complicated, we met with them and Mr. Buzak was there as well, they would have to get final approval essentially for the property on the opposite side of the road as well and by removing soil from there disturbing soil then it triggers a tree replacement on that side as well so they can . . .

MR. QUINN: There is tree removal, tree replacement, bonding it was just a situation where . . .

MR. BEDELL: Oh all right that makes some sense I just wanted to be sure.

MR. QUINN: I mean we tried we thought it would be efficient, it would be cost efficient and in the interest and

MR. MCGROARTY: It would make perfect sense because it's so close but

MR. BEDELL: Yeah theoretically it's probably a lot cheaper.

MR. QUINN: But once you (inaudible) exactly.

MR. BEDELL: Okay thank you.

MR. PLOUSSAS: In any event in order to accomplish the work that we're doing under the limited improvements we need to import 6,150 cubic yards of material. The applicant has contacted several sources of the material, we note as of today there is material available from out of town from a project in Livingston, a project in Randolph, and a project in Netcong. Now the problem with that is that dirt may not be available when we're ready. Okay the contractor . . . this is excess material that a contractor has at his site or that he's stockpiled in his yard. So there's an option of those three sites that may be available but if not we are willing to stipulate that the material come from outside of Mt. Olive and that no local township roads will be used to import the material. We'll only be using Route 46 to International Drive or Route 80 to International Drive so that no minor local roads would be impacted. The intention here is when we let the bid out to do the work the contractor will have to provide the material and at that point we'll know where it's coming from.

MR. FLEISCHNER: What kind of certification, Gene maybe you can comment, is required by our township to make sure that this soil is clean soil?

MR. BUCZYNSKI: They're going to have to submit test results. It was in my report, test results to verify that the soil is clean soil.

MR. PLOUSSAS: The DEP has standards for borrowed material, I don't know exactly what the standard is but there's probably 30 different test parameters that have to be done based on the amount of soil that you're importing. And as Gene indicated he put that in his letter and we're going to do that anyway because the applicant wants to make sure that he's importing clean soil it would only be a headache for him in the future.

MR. FLEISCHNER: I did read Gene's report I just wanted it on the tape.

MR. BEDELL: I get the idea of back roads but when you say soil permit outside of the town is there a difference between our soil and Netcong's soil?

MR. PLOUSSAS: No, no it's just the roads we thought that the township may be concerned about using township roads.

MR. BEDELL: All right.

MR. PLOUSSAS: In the engineer's report dated June 7th he has a couple of technical issues that I can go through with the Board if they like quickly. On page one, Technical Issues one is the hours and days of work. We agree to that stipulation. Number two we agree to treating the roadways with dust control as needed. On number three performance bonds and developer's agreement will be submitted.

I believe we already have a limited developer's agreement approved by the Township Committee but it hasn't been signed yet. And the bonding requirements may change based on the Board's approval.

MR. BUCZYNSKI: And also we have to revise it anyway because of the dates of final approval. It didn't reference final approval it just referenced the preliminary approval at the time.

MR. PLOUSSAS: Number five the approximate dates for construction, as soon as we can after we get your approval and get the approval of the . . . and get the developer's agreement signed. Which probably means some time in mid to late July. And number six, yes we'll provide the testing that's required under the DEP standards.

MR. BUCZYNSKI: And number four we already addressed in the previous application. You're going to satisfy the 57 trees by banking them into the tree fund.

MR. QUINN: Yes.

MR. PLOUSSAS: That's all I have to add.

MR. QUINN: That was the extent of it.

MR. FLEISCHNER: Any further questions? I will open it to the public, seeing the public has no questions I will close it to the public. Can I have a motion please?

MR. RUSSELL: I'll move that PB 12-11 Soil Removal be approved.

MR. BEDELL: I will second.

MR. FLEISCHNER: Discussion? Seeing none, roll call please?

MRS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Nelson Russell - yes
Steve Bedell - yes
David Koptyra - yes

MR. FLEISCHNER: Motion carried.

MR. QUINN: Thank you.

EXTENSION REQUESTS

APPLICATION #PB 08-03 – MOUNT OLIVE INDUSTRIAL REALTY

MR. FLEISCHNER: We will now move to extension requests. The first one is PB 08-03 Mount Olive Industrial Realty extension request for a second one year extension on approval for preliminary site plan Block 107, Lot 3 – 650 International Drive.

MR. QUINN: Good evening for the record Christopher Quinn of Day Pitney. These, the next few applications are requesting extensions of our site plan approval. This first one again across the board as I mentioned before the market is what it is and we're actively trying to obtain occupancy to these buildings and as soon as we can we're going to proceed with the construction. The first one at 650 International Drive which also has a mailing address of 900 International Drive but its Block 107, Lot 3 this was approved on May 8, 2008 the preliminary approval technically expired on May 8 of last month we're seeking approval for one year, our second and final one year extension through May 8 of 2013. The property itself is 5.18 acres what we are approved for as with all of these buildings we're a flex based building 36,720 square foot mixed use building. Again it's all the same theme warehouse, office, assembly type of buildings. Again as soon as the applicant has the ability to we will pursue finals as soon as we have a tenant to occupy.

MR. FLEISCHNER: I have a question, the applicant is asking for a one year extension, can we do it if we wanted for 18 months considering or are we locked into that one year.

MR. COFONI: He already got one year.

MR. BEDELL: I think we usually do one year anyway.

MR. FLEISCHNER: Well I'm just thinking you know

MR. QUINN: While we appreciated the consideration the Municipal Land Use Law does unfortunately it limits us on two years.

MR. MCGROARTY: Just you know if there's no changes in zoning it won't affect their approvals and we don't anticipate changing any, as far as I know, any zoning of the Foreign Trade Zone.

MR. FLEISCHNER: Any comments? I'd like a motion from the Board please?

MR. NELSEN: I make a motion we grant the extension for 08-03.

MR. RUSSELL: I'll second it.

MR. FLEISCHNER: That will be May 8, 2013.

MRS. NATAFALUSY: Yes.

MR. FLEISCHNER: Okay. May I have a roll call please?

MRS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Nelsen Russell - yes
Steve Bedell - yes
David Koptyra - yes

APPLICATION #PB 08-07 – MOUNT OLIVE INDUSTRIAL REALTY

MR. FLEISCHNER: Okay the next one is PB 08-07 Mount Olive Industrial Realty extension request for second one year extension 650-750 Clark Drive Block 102, Lots 11 & 14.

MR. QUINN: Yes this is the third property which we were back in 2007, 2008 we were here seeking approvals for new buildings. It's Block 102, Lot 11 CON 4 is this particular property. The initial application also included Lot 14 it included preliminary site plan approval plus a minor subdivision to carve up a lot. There's already a building located on Lot 14 but this is a pad site on this property where Lot 11 the property has already been cleared it's basically waiting for a building to be constructed. So we perfected the minor subdivision approval back in 2008, now we're seeking our second extension of the preliminary approval for the building which again it's 148,600 square foot mixed use warehouse/office building. Again for the same reasons apply as soon as we have a tenant that is willing to occupy this building and its being actively marketed as soon as we find someone it will be constructed.

MR. FLEISCHNER: Any questions from the Board?

MR. QUINN: Just for the record this approval we'd be seeking extension through June 12, 2013. And again this is our second and final extension of the preliminary approval.

MR. FLEISCHNER: Gene, Chuck?

MR. MCGROARTY: No comments.

MR. BUCZYNSKI: No comments.

MR. FLEISCHNER: Motion please?

MR. NELSEN: I'll motion to approve 08-07.

MR. RUSSELL: Second.

MR. FLEISCHNER: Second by Nelson. Discussion?

MR. BEDELL: I just have a question, so let's say they come back next June and it's there this is their last and final, so what happens next June like they're out of extensions how does that work?

MS. COFONI: What they're doing is they're extending the protection period against zone changes. So basically it's just in case the township changes the zoning they're protected against it. If they're protection period expires and they're not able to get anymore extensions then they're subject to additional zone changes. If there are no zone changes nothing happens.

MR. BEDELL: Okay.

MR. QUINN: It's just a risk that we have and we're trying to protect my client from. And the other option we have is we can always come back and get final site plan approval and which will be the next application has a two year period of three one year extensions. After that so that would give them five more years to see whether they need protection from any changes in the zoning ordinance.

MR. FLEISCHNER: Roll call Catherine.

MRS. NATAFALUSY: Joe Fleischner - yes
 Dan Nelsen - yes
 Nelsen Russell - yes
 Steve Bedell - yes
 David Koptyra - yes

APPLICATION #PB 10-18 – MOUNT OLIVE INDUSTRIAL REALTY

MR. FLEISCHNER: Okay the last item PB 10-18 Mount Olive Industrial Realty extension request for one year extension preliminary and final site plan 200 International Drive Block 103, Lot 2.

MR. QUINN: This particular property was back in 2010 there is an existing building on the property it's approximately 221,000 square foot mixed use building it was the old BMW building where they were the primary occupant of the building and when they vacated it became a multi-tenant building. So in 2001 there were two tenants in there initially and we were proposing to have a third tenant come into the building Integrated Microwave Technologies. And they've occupied (inaudible) occupied the building and we did certain site improvements to accommodate them but at the same point in time those improvements were a generator and some loading spaces and work to accommodate loading spaces for them. But in addition to that to make the property more marketable or more attractive to other perspective tenants we added some other features or improvements which we felt would be beneficial to future tenants. Additional parking, additional loading docks and some space for trailer parking. That aspect which was identified in the resolution as technically a second phase of our construction schedule those were never constructed and we're seeking extension of that approval with respect to those particular items in the resolution that we (inaudible) yet. And again in the resolution itself it noted that we were doing some initial work to accommodate IMT and the rest of the work will be done once we have a tenant to go into the building.

MR. BEDELL: Is this the one where it backs up to a residential neighborhood? I mean we've had somebody come in from . . . just out of curiosity?

MR. PLOUSSAS: No it backs up to Wills Brook.

MR. BEDELL: Okay.

MR. PLOUSSAS: It's right off of International Drive. I believe the original tenant there was Seiko. It was the first building and BMW was the second that's 300.

MR. FLEISCHNER: Any questions from the Board? Gene, Chuck you guys have any comments?

MR. MCGROARTY: I have none thank you.

MR. BUCZYNSKI: I have none.

MR. QUINN: So this is a final site approval and this is our first one year extension of final approval and it would take us through September 16, 2013.

MRS. NATAFALUSY: And this is just for 200 International Drive.

MR. QUINN: 200 International Drive.

MRS. NATAFALUSY: Because we got an application for 300 International Drive for final so that's separate.

MR. QUINN: Yes.

MRS. NATAFALUSY: Okay.

MR. FLEISCHNER: Can I have a motion please.

MR. NELSEN: I'll make a motion we accept 10-18.

MR. BEDELL: I will second that motion. A one year to 9/16/13.

MR. FLEISCHNER: Any other discussion? Seeing none, roll call Catherine.

MRS. NATAFALUSY: Joe Fleischner - yes
Dan Nelsen - yes
Nelson Russell - yes
Steve Bedell - yes
David Koptyra - yes

MR. QUINN: Thank you very much for your time tonight.

MR. FLEISCHNER: Thank you.

MR. QUINN: And with respect to this final site plan approval for 700 International Drive the first application we are meeting initially with the Board professionals we are hoping that we have the resolution at the next meeting just because they are on a very tight time frame to get the work done. If that's at all feasible.

MS. COFONI: When is our next meeting?

MRS. NATAFALUSY: July 12.

MS. COFONI: Oh yeah I can do that that's fine.

MR. FLEISCHNER: Any other items that the Board members want to bring up? If not may I have a motion to adjourn?

MR. RUSSELL: I'll make a motion to adjourn.

MR. NELSEN: Second.

MR. FLEISCHNER: All in favor?

EVERYONE: Aye.

MR. FLEISCHNER: Thank you all a pleasure doing business with you.

(MEETING ADJOURNED AT 8:40 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Board