

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, Judy Johnson, David Koptyra, John Mania, Dan Nelsen (7:05), Nelson Russell, Brian Schaechter, Kim Mott, Howie Weiss

Members Excused: Scott Van Ness

Professionals Attending: Tiena Cofoni, Esq., Catherine Natafalusy, Planning Administrator/Secretary

Professionals Excused: Chuck McGroarty, Planning Consultant, Eugene Buczynski, Township Engineer, Edward Buzak, Esq.

APPROVAL OF MINUTES

April 17, 2014 Public Meeting

Motion: John Mania
Second: Joe Fleischner

Roll Call:

Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes
Kim Mott - yes
Howie Weiss - yes

May 8, 2014 Public Meeting

Motion: John Mania
Second: Brian Schaechter

Roll Call:

David Koptyra - yes
John Mania - yes
Brian Schaechter - yes
Kim Mott - yes
Howie Weiss - yes

APPROVAL OF RESOLUTIONS

Resolution #PB 13-04 – Aimee Krewinski –(Block 6900, Lot 19)

Motion: Joe Fleischner
Second: Nelson Russell

Roll Call:

Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes
Nelson Russell - yes
Kim Mott - yes
Howie Weiss - yes

Resolution #PB 12-05 – Mt. Olive Ind'l Realty – (Block 104, Lot 4)
(Successor Applicant: Exeter 700 International Land LLC)

Motion: John Mania
Second: Nelson Russell

Roll Call:

Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes
Nelson Russell - yes
Kim Mott - yes
Howie Weiss - yes

Resolution #PB 14-05 – Sean & Sharon Dalton – (Block 7501, Lot 5)

Motion: Joe Fleischner
Second: John Mania

MR. WEISS: Okay we do have some conversation about this slight change coming, Tiena did you want to . . . let me turn to Tiena.

MS. COFONI: I can let you know on the first page I neglected to mention Mr. Severud who represented the applicant so I added that in since we were doing a black line version anyway. And then you'll see in paragraph two which actually is the second half of paragraph two on page two at the very top, I originally had put that the shed was going to be 6 feet from the principal structure, Mr. Severud said it actually is approximately 5 feet so I wanted to change that to 5 there and also in paragraph one right below that same page I put approximately 5 there as well. That's the only change I have on this one.

MR. WEISS: Okay perfect and obviously the copy that I have in front of me Tiena reflects those changes. Okay Mr. Severud that's acceptable?

MR. SEVERUD: Yes when we added it up it was actually 5 foot 6 inches and the way it was originally worded was within 6 feet and it was just in case a couple of inches difference.

MR. WEISS: Okay that seems to fine for right now. Any other conversation? Seeing none roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes
Nelson Russell - yes
Kim Mott - yes
Howie Weiss - yes

MR. WEISS: And gentlemen as you know you can pick up a copy tomorrow I suppose.

MS. NATAFALUSY: I'll process them and send them in the mail okay?

MR. SEVERUD: Good thanks.

Resolution #PB 13-29(A) – Fratelli Berretta USA Inc. – (Block 102, Lot 14)

Motion: John Mania
Second: Nelson Russell

Roll Call:

Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes
Nelson Russell - yes
Kim Mott - yes
Howie Weiss - yes

Resolution #PB 14-06 – Toll NJ XII LP (Regency at Flanders) – (Block 6000, Lots 5 & 6)

Motion: Joe Fleischner
Second: John Mania

MR. WEISS: Okay so let's have a conversation about this then. Tiena I know there was a couple and we had some input from Chuck as well which I made some notes on.

MS. COFONI: Yes would you like me to go through them?

MR. WEISS: Why don't you do that.

MS. COFONI: Okay paragraph three change families to households with regard to the COAH units, and then there were some other minor changes. The second paragraph in number three there were also some changes with regard to the variance and specifically there was . . . well let me go ahead and read it if you don't mind.

MR. WEISS: No go ahead.

MS. COFONI: The Board found that the variance should be granted given that existing State Law supersedes the township ordinance in this regard. However the application shall provide written confirmation from COAH by December 31, 2014 that the Township of Mount Olive will not be required to provide for the low income units not constructed in this development elsewhere within the municipality as reflected in the township's Housing Element and Fair Share Plan and in its Spending Plan. In the event such written confirmation from COAH is not obtained by December 31, 2014 the applicant shall make 50 percent of the COAH units available to low income families and the remainder available to moderate income families. In addition in the event the applicant does not secure funding through the Federal Low Income Housing Tax Credit Program the afford mentioned examples of UHAC and Public Law 2009 Chapter 82 will not apply and thus the variance shall be considered nullified in compliance with the township ordinance requirement to provide at least 50 percent of the affordable units to low income households shall be enforced. And I'm not sure if the entire Board is aware but we already did receive written confirmation from COAH on that matter. I left it in the resolution because I think it's an important point for the record that we require that and they've now submitted it but we did receive that.

MR. WEISS: Okay so that's good news because the last time I heard from Chuck is that Mr. Thompson from COAH said that we could use his words but now he sent a letter.

MS. COFONI: A new letter.

MS. NATAFALUSY: But that has to do with the phasing plan about what Sean sent the letter today about.

MS. COFONI: Oh yeah.

MS. NATAFALUSY: The other day we got a letter from Sean about the . . .

MR. WEISS: The fact that it's okay.

MS. NATAFALUSY: That the fact that it's okay that we're not going to be obligated to put those low income units someplace else. As long as they get the federal low income housing and tax credits as long as it's built under that.

MS. COFONI: Yes.

MR. WEISS: Well I know that was really a big concern of the Planning Board so that happened very quickly.

MS. COFONI: Correct and this paragraph number 4 which is the next revised paragraph deals with the phasing and I'll read that for the record. *The applicant also seeks approval to modify the phasing for the construction of the COAH units. As previously approved the entire development both marketed and affordable units and related on-site and off-tract improvements are assigned to three phases. The previous approval required the affordable units to be provided in each of the three phases with 21 units to be installed in phase 1, 18 units in phase 2, and the final 18 units in phase 3. This phasing of the affordable units was determined to be consistent with that required in COAH's rules and in accordance with Section 400-100 M(14)(b). The applicant now requested not to construct any units in phase 1 and instead to have all 57 affordable units contained within buildings A, B & C complete and ready for occupancy at the point of the 113 certificate of occupancy for the market units which represents the 50 percent of the percent market units. The current proposal requires variance relief from*

Section 400-100 M(14)(b) of the Township Code, and then it goes on. But I read to you the revised portion and in fact as we just referenced we got email confirmation from Sean Thompson that that phasing is acceptable to COAH.

MR. WEISS: Okay so that puts those COAH units somewhere at phase 2 based on our information.

MS. COFONI: All in phase 2.

MR. WEISS: All in phase 2. I had one other note from my notes and I might have missed it so Tiena tell me, we had a conversation during that hearing about the Council approving the Administrative Agent, is that listed in here?

MS. COFONI: Yes it is.

MR. FLEISCHNER: That's H isn't it?

MS. NATAFALUSY: K, the applicant shall obtain approval from the . . .

MS. COFONI: Yeah it's the new K so then actually let me just go through some of the changes in the conditions. F) I added at Catherine's request; *The improvements to the Clover Hill Treatment Plant and installation of the traffic light shall be completed by the end of phase 1.* G) has been revised; The applicant shall provide to the Board and the Township written confirmation, well this actually relates to what we just spoke about about the low income units and they've actually already complied with this condition so I probably don't need to actually read it into the record. H) Is a new condition; *The applicant shall submit documentation to the Township's Planning Administrator that a portion of the funding for the 57 affordable units within this development will be provided through the Federal Low Income Tax Credit program prior to the issuance of a building permit for the construction of Buildings A, B, and C containing the affordable units.* And that just folds into the other COAH exemption that they can make the units available to all moderate income households but only if they have the funding through the Federal Low Income Housing Tax Credit because that's what provides them the exemption from otherwise having to do the 50/50 split.

MR. WEISS: These COAH designations they're 30 year deed restrictions is that . . .

MS. COFONI: Yes that's my understanding yes.

MR. WEISS: Okay and we don't necessarily have to put that in the resolution.

MS. COFONI: No.

MR. WEISS: Because it's all part of what COAH handles.

MS. COFONI: Yeah.

MR. WEISS: Okay and of course one of the other things we noted that we wanted the applicant to appear in front of COAH but not necessary because we have a letter.

MS. NATAFALUSY: Because we have the letter and that was the whole thing this week on when COAH even meets anymore.

MS. COFONI: Yeah so both of the COAH which obviously were the big issues both have already been satisfied which is nice. But like I said I wanted to keep that in the resolution because I want to keep it in the record.

MR. WEISS: Okay I didn't have any other notes I did note a couple of conditions that needed to be in there they seem to be there. Does anybody else have any input or questions? And also you should note too that the applicant the other change was that the number was wrong. It was originally 14-06 that was a change you've made.

MS. COFONI: Yes I did make that yes.

MR. WEISS: And that's how we introduced it tonight as PB 14-06.

MS. COFONI: Yes correct.

MR. WEISS: Okay perfect anybody else have any comments, questions? That being said I'll entertain a motion.

MS. NATAFALUSY: We did that already.

MR. WEISS: I did do that that's right with the changes. Okay acceptable Catherine roll call.

MR. FLEISCHNER: Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes
Kim Mott - yes
Howie Weiss - yes

COMMITTEE REPORTS

MR. WEISS: Okay and we'll just finish our meeting tonight with some committee reports. Ms. Johnson do you have anything from the Mayor?

MS. JOHNSON: The Mayor did not provide a report.

MR. WEISS: Thank you. John anything from Council?

MR. MANIA: Yeah just that the Council passed a resolution we opened Gold Mine Road, make a left turn on Gold Mine because of that development with a lot of young teenagers coming eligible for licensing and we're just concerned about left handed turns onto Route 46 and the accidents that could occur.

MS. NATAFALUSY: John is that a one-way?

MR. MANIA: Right one-way.

MR. WEISS: One-way out of Country Oaks.

MS. NATAFALUSY: On Gold Mine right.

MR. MANIA: Right.

MR. WEISS: Yeah I suppose that although it shouldn't come in front of this Board we might want to be aware of people coming and asking for other roads to be and I know I've been at your meetings where people want Flanders-Netcong opened and who knows what is going to happen now but I think that's a fight that we've been trying to have with the State for a long time to put a traffic light at that intersection. Nothing on the horizon that seems to be a very nice alternative. Perfect all right Nelson anything from the environmental commission?

MS. RUSSELL: The environmental commission met July 2 we've reviewed the plans for the new BP Station at the western intersection of Route 46 and Sand Shore Road. That was it.

MR. WEISS: That's going to go up on that corner right where Sand Shore meets.

MR. MANIA: Where that building was demolished.

MS. NATAFALUSY: Is the environmental commission going to send the Board a letter?

MR. RUSSELL: I believe so.

MR. FLEISCHNER: I think the only concern, and we could ask, we certainly can ask them to do it . . .

MS. NATAFALUSY: Well it would be good to have something in the file.

MR. FLEISCHNER: It was just a concern for ground coverage because I think in, which the Board will see, the applicant is like 36-1/2 percent of impervious. For some reason that number sticks in my head, which is a lot but it's a gas station so that . . .

MR. RUSSELL: The general consensus was that it was better than what's there.

MS. NATAFALUSY: Right and I think if I remember correctly it's higher in the commercial zone district than it would be in the residential zone so I think 36 is not as bad as we think.

MR. FLEISCHNER: Right. We could maybe even ask the Chairman to send a note that it was . . . oh he wasn't there maybe John Grecco could send a note to this Board saying what the committee found.

MS. NATAFALUSY: Just even their comments about it so we have it in the file.

MR. WEISS: I think that's a pretty good procedure any time the environmental commission has a concern just put it in writing that way we can make it part of the record and share it with the applicant as well. Catherine when do you think that's going to come?

MS. NATAFALUSY: It's on August 14th.

MR. WEISS: All right Joe anything from the ordinance committee?

MR. FLEISCHNER: No waiting for when Chuck or Catherine tell me we've got a lot of them.

MS. NATAFALUSY: We actually sat down a couple of weeks ago and went through all of the definitions. We're doing what we can to get something together without having to do a Master Plan right now. So we're doing more administrative stuff you know cleaning up the ordinance and stuff so we did, we're starting it.

MR. FLEISCHNER: We will before the end of the year we'll get a slew of them.

MS. NATAFALUSY: Yeah, yeah.

MR. WEISS: Okay nothing from the street naming committee. David anything from open space?

MR. KOPTYRA: Nothing.

MR. WEISS: Okay and before we adjourn Catherine our next meeting in August?

MS. NATAFALUSY: August 14th.

MR. WEISS: Are we going to have two meetings?

MS. NATAFALUSY: Right now I have Road Ranger on August 14 I received an extension request from Eleventh Hour they're going to ask for another extension on their approvals and I just got a new variance application in this week. So I might just schedule all those three for that night and then cancel the second meeting.

MR. WEISS: So we're definitely on for the second Thursday which is August 14th.

MS. NATAFALUSY: Yes August 14.

MR. WEISS: Anybody else have any old business to discuss? Seeing that let's open it to the public if anybody from the public has anything they'd like to add? Being that there is nobody from the public here we'll close it to the public and I'll entertain a motion to adjourn.

MR. MANIA: So moved.

MR. WEISS: Second?

MS. MOTT: Second.

MR. WEISS: All in favor?

EVERYONE: Aye.

MR. WEISS: Again thank you everybody for coming out.

(MEETING AJOURNED AT 7:20:16 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department