

In compliance with the Open Public Meetings Act of the State of New Jersey adequate notice of this meeting has been mailed to The Daily Record and posted at the municipal building.

ROLL CALL:

Members Present: Steve Bedell, Joe Fleischner, Judy Johnson, John Mania, Dan Nelsen, Nelson Russell, Brian Schaechter, Scott Van Ness, David Koptyra, Michael Koroski, Howie Weiss

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

Professional Excused: Ed Buzak, Esq.

MR. WEISS: Thank you Catherine, before we get into our agenda the published agenda originally had PB 13-03 on tonight Elizabeth & Carl Soranno that will be carried with no further notice until August 8 so that will not be heard. If there's anybody here from the public for that application which is PB 13-03 it will not be heard tonight and carried to August 8 with no further notice.

APPROVAL OF MINUTES

April 18, 2013 Public Meeting

Motion: John Mania
 Second: Joe Fleischner

Roll Call:

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

APPROVAL OF RESOLUTIONS

Master Plan Reexamination Report

Motion: Scott Van Ness
 Second: John Mania

Roll Call:

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

Res. PB 13-14 – Parru Dharia – (Block 4400, Lot 86.09)

Motion: Steve Bedell
 Second: John Mania

Roll Call:

Steve Bedell - yes
 Joe Fleischner - yes
 Judy Johnson - yes
 John Mania - yes
 Dan Nelsen - yes
 Nelson Russell - yes

Brian Schaechter - yes
Scott Van Ness - yes
Howie Weiss - yes

Res. PB 13-04 – Aimee Krewinski – (Block 6900, Lot 19)

Motion: Brian Schaechter
Second: Dan Nelsen

MR. WEISS: Thank you Brian, Dan conversation I do have one for Tiena. I saw we had a red lined version.

MS. COFONI: Yes I was actually raising my hand as you said that. There were I believe two corrections in the resolution that had . . . oh no I'm sorry I was thinking of Siemens. There were a couple of minor changes and I'll go through them with the Board just for the record. Page two, paragraph three originally the resolution just said that all activities in the gymnasium had to end by 10:00 p.m., it's been clarified that they need to occur between 6:30 a.m. and 10:00 p.m. so we just added that start time as well, and that's seven days a week. And paragraph four on the same page; although page numbers might be a little off, the two trees along the property frontage are going to be removed even though they're not proposing a new sign. So those 8 replacement trees need to be relocated to the front of the property per Chuck's recommendation. So that was added there as well as a condition. And I think that's it.

MR. WEISS: Yeah and so those two conditions will be repeated on page 5 under Article I.

MS. COFONI: Right.

MR. WEISS: And of course . . .

MR. NELSEN: Mr. Chair?

MR. WEISS: Yes.

MR. NELSEN: I think there was also something about maximum 45 people?

MS. COFONI: I think that was already in there.

MR. WEISS: You're talking about as far as a red line change?

MR. NELSEN: I thought it was kind of highlighted there as a change.

MS. COFONI: You know what it was? I just separated it into two separate sentences that used to be one sentence.

MR. NELSEN: Okay.

MS. COFONI: But the 45 people was . . . that was already in there.

MS. NELSEN: Okay.

MR. WEISS: And then I have one other concern if we go back to page two, number three. This resolution starts listing different activities, I thought we wanted to stay away from that because what happens in three years from now there's a new sport or new activity that's invented and it's not here. Maybe we should use some word that says but not limited to. Chuck?

MR. MCGROARTY: Mr. Chairman actually I think in this case I mean as I remember the session we . . . the Board did or we recommended that you stay with the very specific list which is what they gave us. Except for the last item which, and that's why I didn't mean to preempt Tiena's comment but that's why that last sort of generic category that they had on the plans as we discussed at the hearing was going to invite trouble or potential trouble and so it was removed. So if the problem is if there's not a very specific list then down the road there could be some argument that they have problems. And so the way it's left I think it's good because if they do come across something different they can come back.

MR. WEISS: I understand that end of it but I think realistically if let's say I'm making up stickball and they want to have a stickball tournament they can't and that's kind of insane because it's in the same vain that they're asking for.

MR. MCGROARTY: It's like zoning you can never get everything but . . . it's up to the Board but . . .

MR. WEISS: I guess you're right I don't know if there's a better way we just have to understand that if the world changes in a couple of weeks and there's a new game and all the kids want to play then this applicant will have to come in front of us.

MS. COFONI: Yeah that's right.

MR. WEISS: Okay and they were willing to do that so . . .

MS. COFONI: Yeah.

MR. MCGROARTY: And that really applies to outside groups. I mean whatever their day care used to do is covered.

MS. COFONI: Right.

MR. WEISS: Okay I just wanted to have that conversation just so we're all aware of it. Okay so with those changes noted it's been

MR. RUSSELL: I still make the motion.

MR. NELSEN: Second.

MR. WEISS: Roll call please.

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

COMMITTEE REPORTS

MR. WEISS: Okay let's get into our committee report first one Ms. Johnson anything from the Mayor?

MS. JOHNSON: The Mayor had no report tonight.

MR. WEISS: Mr. Mania?

MR. MANIA: Yes I just want to inform you that the Township had applied for a grant of \$450,000 to pave International Drive South and it was rejected by the State and the Mayor contacted Senator Oroho's office who intervened for us and thanks to the Mayor, our Business Administrator and Gene Buczynski had a lot to do with it thank you Gene.

MR. BUCZYNSKI: Oh your welcome sir.

MR. MANIA: We're able to get half of that money \$225,000 rather than nothing. So that's to pave International Drive South.

MR. BUCZYNSKI: Actually the amount was pretty much what we were going to get anyhow. Normally they don't give you 100% but we submitted a large amount to try to get something and they refused us probably the first time in 30 years we didn't get the grant on the first round. But we got it afterwards.

MR. MANIA: And the other thing is a point of information, St. Jude's Church is installing a generator at the parish center so in the event of another major storm we have another place where people can go. There's a kitchen there and toilet facilities and so forth so that's going to be very helpful in the future.

MR. WEISS: Very nice.

MR. MANIA; That's it Mr. Chairman.

MR. WEISS: Thank you Mr. Mania. Environmental Commission, Nelson?

MR. RUSSELL: The meeting was cancelled.

MR. WEISS: Okay. Ordinance committee.

MR. FLEISCHNER: We did have a meeting and we covered a number of topics and I'm going to let Chuck explain exactly where we stand right now.

MR. MCGROARTY: We're working to implement the recommendations, some of them anyway, of the Reexamination Reports. Specifically the houses of worship we're working on new standards for conditional use standards for houses of worship lot area, parking and so on. Signs, looking at the electronic message board type signs standards for those and I know those two are the priority at the moment.

MR. VAN NESS: Was the other part of the discussion the . . .

MR. FLEISCHNER: Chickens.

MR. VAN NESS: Chickens and the mother/daughter set ups?

MR. MCGROARTY: Yes well the accessory apartment, the COAH accessory apartments. That I'm actually putting together the ordinance now for that we want to get that moving quickly. I thank you I forgot about that. And then the other one is this ordinance about pastoral animals, chickens.

MR. WEISS: I think we can keep that in the committee at this point. Thank you Chuck anything else Joe?

MR. FLEISCHNER: That's it.

MR. WEISS: Perfect. I have nothing for street naming committee. Open Space?

MR. KOPTYRA: Open Space we had a meeting and mostly we talked about the trails they're going to GPS the trails so we can make maps and hand them out to the residents and hikers and whoever wants them. And they're still cleaning up from Sandy on some of the trails that were . . .

MR. WEISS: Wow I guess once their GPS Dave do you think the committee will have a promotion, not a promotion

MR. KOPTYRA: So that's what they're trying to get something in for September.

MR. WEISS: Good then we have to do a little public relations on that to let people know that it's there.

MR. KOPTYRA: Yeah.

MR. WEISS: All right any other reports Chuck, Gene?

MR. MCGROARTY: Just that Catherine and I the other day went down to Trenton we met with some folks at the Green Acres office to update any revised and correct what we call a ROSI and it's the Open Space Inventory and so we're working on that now.

MR. WEISS: Were we able to correct any of the things that we wanted to change off of the original ROSI?

MR. MCGROARTY: That's what I'm working on now and what we talked about with them is what kind of documentation we need to put together so we're doing that now. So that bench crossing and other developments where the open space was identified on there and should not have been and some other corrections we're putting together our report on that at this time.

MR. WEISS: Is that an unprecedented kind of request? Have they normally not ever done that?

MR. MCGROARTY: I don't know. I'm not sure it's unprecedented there is a provision in their rules for removing properties. I just don't know the answer to that.

MR. WEISS: I was always under the assumption that once it's there it stays there.

MR. MCGROARTY: That's true, it's true unless you can provide in this case documentation that it was placed there in error in the first place and this is what we're doing.

MS. COFONI: Howie I can speak to that. I'll tell you that we're working on a project in another municipality where we're actually selling the property to the DEP and we've gone through extensive notice and procedural requirements in order to sell property that's on the ROSI to the DEP even. So they certainly don't make it easy to make any modifications to property that's on the ROSI.

MR. MCGROARTY: And that's a good reason for it because if you're using Green Acres money to put it on the ROSI they don't want you to turn around and sell it.

MS. COFONI: Sell something else or even swap it out.

MR. WEISS: Okay. Gene?

MR. BUCZYNSKI: No the only thing we went down to Trenton to the DEP a week ago or so regarding Siemens we're still going back and forth relative to firm capacity for the water system for the Flanders area. So that's ongoing right now we have to submit some more information to the DEP and we're waiting for an answer. That's the only thing holding back right now for Siemens to move ahead as far as the Developer's Agreement and going to construction.

MR. WEISS: I heard it was positive.

MR. BUCZYNSKI: It was positive I submitted a backup report to them two days ago I haven't heard from them so I'm hoping no news is good news. So we'll see what happens.

MR. WEISS: Okay. Catherine anything from your end of the office?

MS. NATAFALUSY: No nothing.

MR. WEISS: All right I just have a question for Tiena before we get into the rest of the agenda. I received a note today from your office regarding some litigation. Is that something that you want to discuss with us at the end of meeting? Or you're not even aware of it.

MS. COFONI: Can you tell me the title of the litigation?

MR. WEISS: ARD.

MS. COFONI: Yeah I'm not prepared to talk about that, Ed handled that I apologize.

MR. WEISS: No, no that's fine I just . . . if you wanted to the agenda is going to be quick tonight. So if you wanted to have us stick around for that.

MS. COFONI: I will make sure we can do that for the next meeting.

MR. WEISS: Whenever you're ready I saw it and I didn't know if you want to talk about it tonight.

DISCUSSION MATTER

PB 13-15 – SIEMENS HEALTHCARE DIAGNOSTICS – (Block 5400, Lot 25)

MR. WEISS: We have a discussion matter on PB 13-15 Siemens Healthcare Diagnostics there's a correction to the resolution which was adopted on June 20. Tiena do you want to review that with us?

MS. COFONI: Yes I can tell you there were two corrections, I believe two corrections made. The first one is paragraph one on page 12 has been revised to indicate that the sign is 21 square feet. And the second correction is Condition H on page 13 has been revised to indicate a double row of Evergreen trees.

MR. WEISS: So those were more typos.

MS. COFONI: They were definitely typos yes.

MR. WEISS: That's how I remember it was explained to me.

MS. COFONI: No further action needed by the Board we just want to make you aware of it.

MR. WEISS: Okay anybody have any questions or problems? Thank you.

DEVELOPMENT MATTERS

APPLICATION #PB 13-18 – MARCEIL LLC – (Block 2801, Lot 78)

MR. WEISS: Let's move on to our first developmental matter PB 13-18 Marceil LLC, here for variances to construct a single-family dwelling at 148 Sand Shore Road which is Block 2801, Lot 78. Good evening gentlemen.

MR. COHEN: Good evening Lawrence Cohen of Courter Kobert & Cohen appearing on behalf of Marceil. I have tonight as my only anticipated witness Mr. Ken Dykstra of Dykstra Engineering Company who is a professional engineer and a professional planner. And we have received reports from Mr. Buczynski dated June 28 and from Mr. McGroarty dated June 27. All right if you're all ready we'll get Mr. Dykstra sworn in.

MR. WEISS: Okay whenever you're ready Mr. Dykstra.

(KENNETH D. DYKSTRA SWORN IN FOR THE RECORD)

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

MR. DYKSTRA: It's Kenneth D. Dykstra (D-Y-K-S-T-R-A) business address is 21 Bowling Green Parkway in Jefferson.

MS. COFONI: Thank you.

MR. COHEN: Mr. Dykstra you're a professional engineer in the State of New Jersey?

MR. DYKSTRA: Yes I am.

MR. COHEN: How long have you been so licensed?

MR. DYKSTRA: Since 1989.

MR. COHEN: And by whom are you employed?

MR. DYKSTRA: Dykstra Walker Design Group.

MR. COHEN: And what general, what type of work do you do generally?

- MR. DYKSTRA: I've been handling land development engineering for the last 30 years.
- MR. COHEN: All right and your also a professional planner with the State of New Jersey?
- MR. DYKSTRA: Yes I am.
- MR. COHEN: And how long have you been licensed in that capacity?
- MR. DYKSTRA: As a planner at least 15 years, probably the early 1990's.
- MR. COHEN: And what is the background of your education?
- MR. DYKSTRA: Education is a civil engineering degree from Rutgers University and also a Masters in Business from Rutgers.
- MR. COHEN: And I presume you've testified before many approval Boards in northern New Jersey and perhaps other areas of New Jersey?
- MR. DYKSTRA: Yes throughout northern New Jersey and elsewhere.
- MR. COHEN: And also in Superior Court?
- MR. DYKSTRA: Yes.
- MR. COHEN: And this is the type of the application tonight is one of those types of applications that you work on on a normal basis?
- MR. DYKSTRA: Yes.
- MR. COHEN: I would offer Mr. Dykstra as a professional planner and a professional engineer.
- MR. WEISS: Perfect. Mr. Dykstra have you appeared in front of Mt. Olive before?
- MR. DYKSTRA: Only before the Board of Health not before this Planning Board or Zoning Board.
- MR. WEISS: Okay Mr. Cohen has advised us that Mr. Dykstra is going to testify as an engineer and a planner tonight. Does anybody have any questions or problems? Welcome Mr. Dykstra we will accept you as an engineer and a planner.
- MR. COHEN: Thank you. Mr. Dykstra would you explain first of all let's talk about the property in question, where is that located?
- MR. DYKSTRA: The property is located near Budd Lake on Sand Shore Road.
- MR. COHEN: All right and I see you have an exhibit up there if we can mark this A-1 with today's date on it.
- MR. WEISS: Also if you would explain what A-1 is.
- MR. DYKSTRA: A-1 is the plan that was submitted to the Board the only difference is the colorings that were added. So it's the plot plan last revised May 22, 2013.
- MR. COHEN: All right and the address is 148 Sand Shore is that correct?
- MR. DYKSTRA: Yes it is.
- MR. COHEN: Now there's a key map in the upper left hand corner is that correct?
- MR. DYKSTRA: Yes there is.
- MR. COHEN: And would you explain the general neighborhood and the size of the property that's in question and the surrounding properties.

MR. DYKSTRA: Yeah the general neighborhood on our side of Sand Shore Road which is the northeast side is a series of generally single-family homes. The lot immediately to our left which is known as Block 2801, Lot 79 is a similarly sized lot about the same size as the subject property. And the lot to our right or to the east is Lot 77 that's also a similar sized lot. The subject property is a 50 foot wide lot by 130 foot deep.

MR. COHEN: And the surrounding lots in the area shown on the key map in fact the lot in question is probably as large or larger than most of the lots in the area is that correct?

MR. DYKSTRA: It's at least as large as the two adjacent lots and larger than the lot directly behind us.

MR. COHEN: And describe generally the neighborhood is it single-family homes of what age, approximately what size, etc.

MR. DYKSTRA: Yeah they're generally at least 50 years old in my view and they're basically not real large home. Many of them are, there's a variety but primarily one story homes, single-family homes.

MR. WEISS: Converted bungalows?

MR. DYKSTRA: I would say so yeah.

MR. COHEN: All right so I was going to ask you that there were some appear to be converted summer homes at one time. Seasonal homes originally?

MR. DYKSTRA: Yes which is probably not unusual for this area.

MR. COHEN: Okay and the minimum, this is in the R-4 zone?

MR. DYKSTRA: R-4.

MR. COHEN: And the minimum area requirement is what?

MR. DYKSTRA: 10,000 square feet.

MR. COHEN: And how many square feet of proposed lot?

MR. DYKSTRA: This lot is 6,482 square feet.

MR. COHEN: All right now immediate adjacent on either side are both improved lots is that correct with homes on them?

MR. DYKSTRA: That's correct.

MR. COHEN: And also to the rear?

MR. DYKSTRA: That's right.

MR. COHEN: So there's no property adjacent to this property that could be acquired by the developer is that correct?

MR. DYKSTRA: That's right the lots all around us they are all undersized lots and they're developed.

MR. COHEN: Now would you go through the list of variances that we are seeking in order to construct the proposed home.

MR. DYKSTRA: Okay well the first variance is undersized lot. Currently the property is developed . . . it's an undersized lot and has two dwellings on it. Once the structures are removed we're going to have a vacant undersized lot with a (inaudible).

MR. COHEN: As a matter of fact there's a photo that's incorporated in Mr. McGroarty's report which shows the property and the two structures. One of the structures encroaches is that correct on adjacent property?

MR. DYKSTRA: Yeah the, I'll call it the front structure located on the westerly copy of mine, actually a footnote that goes over onto the adjoining lot by 1.7 feet so it's actually built over the survey lot line.

MR. COHEN: Yeah would you just show the outline of the existing structure please?

MR. DYKSTRA: On the exhibit it's a dash line that you see here and then it actually at a point about half way back in the lot it actually juts out for about 20 feet it's over the lot line.

MR. COHEN: And how about the other structure?

MR. DYKSTRA: The other structure is located in the back right corner of the property almost right in that corner we have a very minimal setback.

MR. COHEN: And have these been to your knowledge existing dwellings that have been occupied?

MR. DYKSTRA: Yes.

MR. COHEN: And the intention to remove both of those dwellings and all of the improvements on the property if this variance is granted to allow construction of a single-family.

MR. DYKSTRA: That is the proposal yes.

MR. COHEN: Now the property is presently serviced by a well is that correct?

MR. DYKSTRA: That's right.

MR. COHEN: And do you have any information on that well? How old is the well?

MR. DYKSTRA: The well is new, when I say new within the last two years it was drilled and it's as far as I know the well has a 10 gallon permitted yield based on the well log. So it's a new well about 70 feet in depth, static water I think was pretty close to the surface maybe 15 feet down and good yield.

MR. COHEN: And is the property presently connected to the sanitary sewer system to your knowledge?

MR. DYKSTRA: We believe it is because there is a series of sanitary clean outs on the property that we surveyed and located.

MR. COHEN: All right and as intended that if the variances are granted the new home is constructed be serviced by the existing well and the sanitary sewer system?

MR. DYKSTRA: That's right the municipal facility.

MR. COHEN: Fine. Now going through the variances again we talked about lot size, how about lot frontage?

MR. DYKSTRA: All right the reason the lot is undersized is really it's only 50 feet wide and your ordinance requires both a lot width and lot frontage of 80 feet. Now if this lot had the correct width of 80 feet by 130 you'd have your 10,000 square feet plus. So basically we have an exceptional condition of a narrow lot and that relates to one of those variances.

MR. COHEN: Front yard setback, what is required what are we proposing?

MR. DYKSTRA: 35 is required and the proposal is 32.9 feet to the proposed porch. The majority of this proposed two-story house will be set beyond the 35 feet, so just the porch section which is a small area will be 32.9 feet.

MR. COHEN: And why not move the house back?

MR. DYKSTRA: We have a minimum distance requirement to the well of 20 feet so you can't move it back without encroaching on the minimum dimension to the well. And I would point out that the existing structure; the existing house is only 25.6 feet from the front street line. So we've actually . . . the new house will be back further than the existing house by a substantial distance.

MR. COHEN: And as you can see on this exhibit it would be consistent, in fact set back further than the houses on either side of it would that be correct?

MR. DYKSTRA: That's right. Yeah certainly at least the same distance or slightly more.

MR. COHEN: Do you know the square footage of the house that's being proposed?

MR. DYKSTRA: Yes it's just under 2,200 square feet or 2,100 square feet and change a two-story four bedroom dwelling with one car garage, front entry garage.

MR. WEISS: I don't know if I saw them do we have architectural?

MR. MCGROARTY: Yes.

MS. NATAFALUSY: I'll pass them down sorry.

MR. COHEN: You can see it's a relatively modest house it fits in with the neighborhood. In any event Mr. Dykstra we're also seeking a side yard variance is that correct?

MR. DYKSTRA: That's right.

MR. COHEN: 12 feet are required on either side?

MR. DYKSTRA: Yeah the minimum side yard setback is 12 feet.

MR. COHEN: And what are we proposing?

MR. DYKSTRA: We're proposing on the easterly side of the dwelling 12 foot minimum to match the ordinance and on the left side or westerly side the proposed side yard setback of 10.4 feet.

MR. COHEN: All right and what's the reason that it would be impractical to narrow the house?

MR. DYKSTRA: Well the house itself is only 27.5 feet wide and with the garage and the need for steps and the garage to get into the first floor level if you go much narrower you really get squeezed internally and it becomes impractical and you end up with a very odd floor plan. So we think this is the better layout I also point out that the existing house on that side is actually over the line by 1.7 feet.

MR. COHEN: How about the houses that are on either side of the property? Do they have the proper side yard setback?

MR. DYKSTRA: No neither of those are . . . they're both . . . if you notice on the exhibit they are almost pinned on their opposite property lines and furthest away from our house.

MR. COHEN: And as we propose the new dwelling what would the distances, total distances between the structures be on either side?

MR. DYKSTRA: All right our distance to the house on Lot 79 which is to the west will be about 36 feet house to house. And the distance to the existing house on Lot 77 will be approximately 42 feet. But we still have a lot of open space between the physical structures.

MR. COHEN: All right now in reviewing the planner's letter we are in the Highland's area, has an application been made to the Highlands for an exemption?

MR. DYKSTRA: Yeah I believe that was just filed in the last day or so.

MR. COHEN: And do you believe this qualifies for an exemption?

MR. DYKSTRA: Absolutely yes.

MR. COHEN: And under what exemption?

MR. DYKSTRA: Well I don't have the exemption number here but this is

MR. COHEN: I don't mean the number but the general reason.

MR. DYKSTRA: Well the general reason is you have an existing lot that existed and was developed prior to the Highlands and your allowed to build a single family home on that type of a lot.

MR. MCGROARTY: And also if I may your going for exemption, two different ones but one is number 4 with the existing impervious coverage you're permitted to add to that 25 percent.

MR. DYKSTRA: Right well yeah you could also add 25 percent to your existing impervious coverage that's obviously another exemption.

MR. COHEN: And considering the two dwellings that are on there and the driveways we would be under the impervious surface by adding 25 percent to the existing impervious is that correct?

MR. DYKSTRA: Absolutely we're actually reducing coverage on this property. The impervious coverage allowed in the zone is 30 percent the existing coverage on this lot is over 45 percent. We're taking that down to 28 percent with this proposal so we're reducing the coverage so that's a substantial improvement. Of course that conforms with Highlands with no trouble whatsoever. Also the building coverage allowable is 20 percent the existing coverage is 22 percent so that's over the current building coverage and we're reducing that to just under 20 percent so building coverage we'll conform.

MR. COHEN: Now just a couple other comments. In looking at the rear of the drawing it would appear to eliminate the need for the utility pole. That utility pole will be removed that's on the property?

MR. DYKSTRA: Yes as I understand the wires have already been striped it's just now a matter of pulling the pole.

MR. COHEN: The oil tank has already been removed is that correct?

MR. DYKSTRA: That's what I understand yes.

MR. COHEN: All right. There's an issue about the sediment filter fence that would require entry onto the adjoining Lot 77 could you comment on that please?

MR. DYKSTRA: Well that's just a drafting issue. The sediment filter fence will be installed on the opposite side of that existing wood fence on our side.

MR. COHEN: It also mentions the existing ground treatment where you're going to remove the existing dwellings, is that going to be lawn area?

MR. DYKSTRA: Right all of the redeveloped areas not including the house and the driveway will become lawn.

MR. COHEN: Now are there presently any trees on the property?

MR. DYKSTRA: No.

MR. COHEN: All right. Now let's go to the planning testimony we indicated the variance. What do you think will be reasons or the reason for granting of this variance and how the Board can grant this variance for what reason?

MR. DYKSTRA: Well there's a couple of reasons. Number one the undersized lot is we have an existing undersized lot in an area where we cannot acquire additional land to make the lot conforming. And that's obvious because all of the lots around us are developed. So we have because of that condition we do have a practical hardship. The same is true for the lot frontage and lot width. With respect to the variances for the side yard now I think the house is designed to be this shape and size, of course we do have a variance for the front yard and side yard. However, we want this house and this lot

will improve the visual environment substantially in this area you know I think that benefit well outweighs any detriment to the granting of a variance.

MR. COHEN: Do you believe that this variance could be granted either under the C-1 requirements where it would provide peculiar and exceptional practical difficulty because of its narrowness?

MR. DYKSTRA: Yeah as I mentioned I think the undersized lot and the width definitely falls under the hardship situation. Under C-2 I think our side yard and front yard variances are more of a C-2 variance.

MR. COHEN: And that's for the reasons you had indicated?

MR. DYKSTRA: The reasons I just mentioned a desirable, visual environment, promotes the general welfare by allowing this house to be built here. It basically uplifts the whole neighborhood actually a nice brand new house in an older community.

MR. COHEN: And what about the negative criteria would this have any detrimental effect upon the neighborhood or the zoning scheme for this area?

MR. DYKSTRA: No this area is of course zoned for R-4 which specifically allows (inaudible) development and redevelopment, that's one of its purposes. The neighborhood is greatly enhanced by this redevelopment of this property in my view so I actually see no negative impact whatsoever to the . .

MR. WEISS: Ken can I interrupt though with that testimony that you just gave. Spend a little time if you would to talk about the property at 77 and Lot 79. I know you spoke about this home is going to end up being a two-story 2,200 square foot four bedroom.

MR. DYKSTRA: Right.

MR. WEISS: I just want to be . . . I'm kind of concerned that it's not going to be too big as compared to the houses on either side of it. Maybe just in a general description.

MR. DYKSTRA: Yeah well the other two houses as I recall they're just one-story houses and so they actually won't have as large of a square footage as this house, probably half that size.

MR. WEISS: Okay so you're saying each house will not . . .

MR. DYKSTRA: Yeah just judging by their footprints and yeah they're probably 1,000 square feet or slightly less.

MR. COHEN: By the way on this plan I presume those adjoining houses are to scale?

MR. DYKSTRA: Yeah very close yes.

MR. COHEN: All right so we can see that the footprint at least on, I don't know what that top lot is it's about 77 I believe is very similar to the footprint on this building.

MR. WEISS: I think Steve has a question.

MR. BEDELL: That was my question really if the footprint was similar to the same general size as basically . . .

MR. DYKSTRA: Yeah but I think it's typical when . . . to build any reasonable house 2,200 square feet is not a large house whatsoever by today's standards. And it's probably not unlikely at some point the other houses will be upgraded too and redeveloped.

MR. BEDELL: Exactly.

MR. NELSEN: On our plans here and it's probably an error, I think it says the first floor is 506 square feet? And the ground floor is 504?

MR. DYKSTRA: Those are floor elevations.

MR. COHEN: On the architectural plans and they are on the plans we submitted the first floor is 976 square feet, the second floor is 1197 for a total of 2,173. The footprint is 1,288 because of the front porch.

MR. NELSEN: Okay and one other question. On our plans here with this dotted line that part on the northern side of the drawing that juts out there's the existing house?

MR. DYKSTRA: Yes that's right.

MR. NELSEN: Is that actually off of the property line?

MR. DYKSTRA: That's right it's over the property line by 1.7 feet and it's obviously existed that way since the house has been there.

MR. NELSEN: Okay and the dotted line just indicates?

MR. DYKSTRA: That's just you know a limit of disturbance so that we can remove that part of the house and restore that area.

MR. NELSEN: Okay and that will be restored.

MR. DYKSTRA: Okay absolutely yes.

MR. NELSEN: Because that, I guess it's the neighbor's property.

MR. COHEN: We have no problem with a condition that we seek with approval from the neighbors and the neighbors have already been discussed and the neighbor is very happy I know the neighbor contacted my partner and is very happy with the proposed plan. If anybody is here to speak on it, they are okay. But and you'll obviously hear from them if they wish to speak. But that we, it can be a condition that we receive approval from them to go on and remove it and we certainly will restore it. It's only what, . . .

MR. DYKSTRA: It's 1.7 feet I believe.

MR. COHEN: 1.7 feet onto their property and we will need permission to do that.

MR. MANIA: Larry will the applicant be residing in this?

MR. COHEN: No the applicant is a developer and intends to put it up for sale. Mr. Ken Graceffo if you have any question Mr. Graceffo is present and I can call him and have him sworn. If you have any questions it is a . . . they're buying it to, as a developer to build it and to put it up for sale.

MR. WEISS: Is the applicant the current owner of the property?

MR. COHEN: I believe they're an owner under contract (inaudible) getting this approval.

MR. WEISS: Maybe what we'll do now we spent a lot of time over on Chuck's report. Chuck was there anything that you found an omission to?

MR. MCGROARTY: If I may just a couple things?

MR. WEISS: Sure.

MR. MCGROARTY: One the first comment just the review comments starting on page 3, and just by the way just for the record I know Mr. Dykstra had mentioned it in the justification for the variances, there is both a lot frontage and a lot width variance here.

MR. DYKSTRA: Yes.

MR. MCGROARTY: Just I indicated that the building coverage proposed is going to be very close to the maximum permitted which is 20 percent; you're at 19.89 or whatever it is. So my only point there is that you're not leaving a lot of room in case somebody wants to do a deck or a shed and in that event that future homeowner will be back in front of a Board for a variance. So it was just given the nature of

the undersized lot I wanted to at least put that comment out there and see if you had any thoughts on that, the applicant that is have any thoughts on that.

MR. DYKSTRA: Well yeah I admit it's a good point there's no space to add anything else here without coming back for a variance.

MR. COHEN: I think you would have that problem Chuck no matter what size house obviously. But for a practical matter I mean no matter what size house we would propose that could be saleable, nobody is going to build you know a 900 square foot house and propose to sell it. But you're going to have that same problem if someone wants to put a deck on they're going to need a variance and that's the nature of the neighborhood that you're in. I don't know, within the 200 feet I looked there's no lot that complies with your 10,000 square feet. At least it doesn't appear to I didn't measure them but I don't believe there's any lot that complies with the 10,000 square foot requirement. So they're all undersized, they're all developed and this is a problem area and therefore anybody that does anything for the most part is going to need variances.

MR. MCGROARTY: Well I don't disagree necessarily but although I have no knowledge of what the other lots in the area are, I'm simply saying that, and don't get me wrong, I mean you're taking down two abandoned houses that are empty houses and putting a brand new house I don't think there's any question it improves the value of the neighborhood. No question. I'm just saying, and I'm not arguing against the size of the house I'm just saying your maxing out the building coverage virtually and if it were a slightly smaller house that wouldn't be a problem I just for what it's worth I'm just putting it on the record that any expansion on the dwelling whether it's a deck or again a shed in the yard they're going to be back here for a variance.

MR. WEISS: Is there any way the Planning Board can enforce total transparency upon a sale of these? Can we request that the applicant note that, or they make that known to a potential buyer? Is that something that we can do?

MR. BEDELL: What that they can't expand any further?

MR. WEISS: Yeah that by purchasing this home you would need a variance, that it's unlikely that without a variance you'll be able to build anything else. I'm just throwing it out I don't know if we can do that. I suppose I can answer my own question anyone has a right to come for a variance at any time they want.

MR. VAN NESS: And that's (inaudible) when they apply for a zoning permit for the shed or a pool or whatever they want to do. We have to calculate the available space.

MR. COHEN: And I would bet that you have variances in this neighborhood before and I would bet probably granted them because of the nature of the neighborhood and on basically consistent of undersized lots.

MR. WEISS: I don't think we're allowed to bet but I would take you up on that.

MR. MCGROARTY: All right I just want to say this new house, so comparing it to variances for existing dwellings this is probably not as strong a comparison as you might otherwise have but I'll move on if I might. Just on 6.2 the plans indicates the proposed sanitary connection so I don't know do you know if an EDU has been secured? And if not that would be a condition of approval.

MR. DYKSTRA: Well I didn't personally check on the EDU but the applicant informed me that they did check and that there was no issue in obtaining an EDU if it's needed for this property.

MR. COHEN: I question that it appears that the existing houses have been on the sewer system, sanitary sewer system. I don't know why we would need a separate EDU if

MR. MCGROARTY: I don't know if they have been.

MR. COHEN: But we have no problem with that being a condition because I've spoken to the client and the client says that he has spoken with them and it definitely is available.

MR. MCGROARTY: Okay.

MR. COHEN: For a single family house of this size.

- MR. WEISS: Or they might even have one already.
- MR. BUCZYNSKI: It says existing sewer, it's sanitary so they probably have an EDU.
- MR. DYKSTRA: There's a clean out in front of the property that exists today it's right on the street lines.
- MR. WEISS: Okay well we'll make that a condition just to cover.
- MR. MCGROARTY: Okay so 6.3 and 6.4 have been addressed. The old tank has been removed correct?
- MR. DYKSTRA: Yes correct.
- MR. MCGROARTY: 6.5 Mr. Cohen just mentioned that, about the removal of the house as it encroaches onto the adjacent lot. Apparently the owner is here but you've talked with the owner and as an agreement that you'll be able to do work on that . . .
- MR. COHEN: If you require something in writing we'll get approval, written approval from the owner we can accept that condition.
- MS. COFONI: Yes.
- MR. COHEN: Okay we'll accept that condition.
- MR. MCGROARTY: And 6.6 you'll just fix that so the filter fence will be on our side of the fence?
- MR. DYKSTRA: That's right.
- MR. MCGROARTY: Okay. 6.7 I don't know Mr. Dykstra if that sentence . . . if you would know this but demolishing the houses?
- MR. COHEN: By the way I did ask the applicant and I got him to testify to it, this is going to be done all at one time. As soon as we get the approvals and the building permit is issued we're going to demolish the houses and build the new one all in one process. It's not going to be demolish the house and wait a year or two to build the new ones it's going to be all in one process.
- MR. MCGROARTY: All right that's good I mean in some cases there was lots that were left.
- MR. COHEN: No that's their intention.
- MR. WEISS: What do we do to protect the town if that doesn't happen?
- MS. COFONI: Why would you care if it did?
- MR. MCGROARTY: Well you care only if there is another lot which we don't want to necessarily go into tonight and on record but where the buildings were torn down but the improvements have not been (inaudible).
- MR. COHEN: If you want that we can't tear down the buildings until we obtain a building permit for the new home I have no problem with that.
- MR. MCGROARTY: I mean if the intention is to build a new home fairly soon and if the Board is comfortable with that I have no reason to doubt what your testimony is. I just wanted to raise it because in some cases if the old buildings are torn down and then debris is left and all of that sort of stuff.
- MR. WEISS: But even if the debris gets cleared I don't know if we need an abandoned piece of property in the middle of a residential neighborhood that gets overgrown and then you get who knows what's coming in there. So I just want to make the township as protected that we don't create a nuisance to the other homes.
- MR. VAN NESS: It's already a nuisance to the other homes.

- MR. WEISS: Well it's one type of nuisance I don't want to create a second nuisance.
- MR. VAN NESS: I agree with you.
- MR. WEISS: I just want to make sure if here's something that we can do to make sure that . . .
- MR. COHEN: I'm sure the neighbors would probably prefer a vacant lot than what they have right now.
- MR. WEISS: I would say a vacant lot that's cared for probably.
- MR. COHEN: Well there are Codes within your town that I'm aware of that if someone doesn't care for their property you can issue summons and require them to care for their property. If they don't remove weeds, if they don't cut the grass it's under your Property Maintenance Code. You can do that so you do have protection.
- MS. COFONI: Do you want me to put a condition that the existing dwellings cannot be demolished until building permits are obtained for the construction of the new home?
- MR. WEISS: I think the applicant is okay with that.
- MR. DYKSTRA: We're looking to get started right away.
- MR. COHEN: Yeah that's not a problem.
- MS. COFONI: Okay.
- MR. WEISS: Steve?
- MR. BEDELL: Because of the I guess the close nature of the homes next door and it's a very small lot it's very, it's a very tight community physically I assume the hours of construction will kind of comply with everyone's normal life?
- MR. BUCZYNSKI: Just according to the ordinance requirements.
- MR. COHEN: I would say you would have noise ordinances in the town that protect (inaudible) when construction can go on.
- MR. MCGROARTY: Mr. Chairman I'm done except I would suggest taking the tree detail off then if you're not going to be . . .
- MR. DYKSTRA: Understood.
- MR. MCGROARTY: Okay thank you.
- MR. COHEN: And Mr. Buczynski's report . . .
- MR. WEISS: Before we do that Larry let's see . . . we're done with a lot of the planning testimony, before we get too far ahead I want to get to the public. If anybody has any questions for Mr. Dykstra based on the planning testimony that was just delivered. What I'll do is Mr. Dykstra is going to talk a little engineering we'll ask him engineering questions and then I'll open it back up if anybody has any comments. So I'm going to ask anybody if they have any questions about the planning testimony no is a good time if not we'll come back to other testimony. Sir if you would come up to the microphone over here. State your name and spell your last name for the record.
- MR. HAYS: Bradley Hays (H-A-Y-S).
- MR. WEISS: And your address Mr. Hays?
- MR. HAYS: 150 Sand Shore Road.
- MR. WEISS: Okay.

MR. HAYS: I was just wondering what the 2,200 square feet, is that including the garage area?

MR. DYKSTRA: No.

MR. HAYS: No so it's 2,200 square feet and the garage.

MR. DYKSTRA: Plus the garage yeah.

MR. HAYS: All right.

MR. WEISS: Thank you Mr. Hays. Anybody else? Okay seeing none is there anybody from the Planning Board have any questions about Mr. Dykstra's planning testimony?

MR. VAN NESS: I think the young lady on the aisle had something that she wanted to say.

MR. WEISS: I'm sorry I'm blocked by the

? Not about the building no I just wanted

MR. WEISS: Okay perfect I'll make sure we'll open it back up. And so Mr. Dykstra why don't you continue now.

MR. COHEN: It's very simple Mr. Buczynski's report is relatively short. He says the applicant is required to install a dry well on site to effect run off from the house do you have any problem with that?

MR. DYKSTRA: No the dry well is no problem.

MR. COHEN: And obviously we'd have to do soil logs to see the permeability of the soil?

MR. DYKSTRA: That's correct yeah. The entire lot is straight forward it's a level lot it's fairly easy to grade so there's very limited engineering issues.

MR. COHEN: And the fact that the on site well should be verified by the Health Department we certainly have no problem with that condition. He notes that an existing clean out was located on the property and we

MR. BUCZYNSKI: Well I guess the question is they show a sanitary clean out with the proposed sanitary sewer. I imagine that was located on this lot?

MR. DYKSTRA: That's right there's actually two dots if you notice on the map, one near the street and then one back about 20 feet.

MR. BUCZYNSKI: Yeah right underneath the connection yeah.

MR. DYKSTRA: That's actually where probably the existing lateral is.

MR. BUCZYNSKI: Okay.

MR. COHEN: And he says a detail should be provided for the proposed paved driveway in accordance with the ordinance. That's not an issue right?

MR. DYKSTRA: No.

MR. COHEN: Okay that covers his report.

MR. WEISS: Okay. It sounded pretty simple if you've looked at Gene's report. Gene anything else?

MR. BUCZYNSKI: No that's it we're fine.

MR. WEISS: All right so although the testimony was brief if anybody has any questions for the engineer based on his brief testimony we will open it up again. Seeing none I'll close it. Thank you for the testimony Mr. Dykstra.

MR. DYKSTRA: You're welcome.

MR. WEISS: Anything else?

MR. COHEN: No I have nothing else.

MR. WEISS: Okay I'm going to open it up to the public. Chuck or Gene anything else that you might want to add that we didn't talk about?

MR. MCGROARTY: Nothing else Mr. Chairman.

MR. BUCZYNSKI: Nothing.

MR. WEISS: Okay so let's do this let me open it to the public for any comments, questions or concerns? Please come to the microphone state your name spell your last name and address for the record please.

MS. TODD: My name is Violet Todd I live on Lot 77 which would be right next door. I just wanted to say this would be a dream come true because that house next to us has been boarded up, there's garbage all over, the grass has always been 2 feet high in the front and the back and like I said it would be a dream come true. Thank you.

MR. WEISS: Ms. Todd thank you very much.

MR. BEDELL: So if they have ordinances that your grass can't be that high how has it been that high for so long?

MR. WEISS: We'll talk about that off line.

MR. BEDELL: Okay.

MR. VAN NESS: I'm sure they're going to cut it now though.

MR. WEISS: Okay anybody else have any comments, questions? Seeing none the applicant has wrapped up, is there anybody else from the public? Okay nothing from the public I will entertain a motion for this application.

MR. NELSEN: I'll make a motion we accept PB 13-18 and I'd also like to say the fact that they take away two semi-demolished homes and turn it into one decent nice positive thing.

MR. MANIA: I'll second it.

MR. WEISS: Comments? Seeing none Catherine roll call.

MS. NATAFALUSY: Do we want to know what the conditions are?

MR. WEISS: You know thank you very much because I have a list of conditions thank you sorry about that.

MS. COFONI: They will contact the neighbor to get written permission to go on their property for construction and demolition. The existing dwellings cannot be demolished until the building permit is obtained for the new dwelling.

MR. COHEN: And by the way we need a demolition permit also.

MS. COFONI: Yeah right. A condition regarding obtaining the EDU for the connection to the sanitary sewer, a condition to add the details for the proposed paved driveway.

MR. BUCZYNSKI: I think regarding the EDU if you want to put "if necessary".

MS. COFONI: Okay.

MR. WEISS: Or just to show proof that there's an EDU.

MS. COFONI: Okay I have Chuck's report.

MR. MCGROARTY: Well there would be some miscellaneous plan revisions for that . . . they'll do that; Mr. Dykstra should probably do that before the resolution is even created.

MR. DYKSTRA: We could.

MS. COFONI: What are those?

MR. BUCZYNSKI: The tree detail to remove from the plan.

MS. COFONI: Yeah that's on yours right Chuck?

MR. BUCZYNSKI: That's on Chuck's yeah.

MS. COFONI: Okay yeah I have that one, remove the tree protection detail; I have . . . well that's the temporary easement we already talked about.

MR. BUCZYNSKI: A dry well to be installed that's in my report.

MR. WEISS: The items on Gene's report were all of those conditions agreed to by the applicant.

MS. COFONI: Yes and the EDU is another one, and obtain the Highlands exemption. I think that's it.

MR. WEISS: I had two others I think Tiena.

MS. COFONI: Okay.

MR. WEISS: I think that we want to have written approval from the neighbor to do the work on the property.

MS. COFONI: Yes I have that.

MR. COHEN: She said that.

MR. WEISS: Did you mention the filter fence too?

MS. COFONI: To remove the fence oh no.

MR. MCGROARTY: Tiena it should also be if needed COAH, I don't know what the compliance is the existing houses may not.

MS. COFONI: All right let me put that.

MR. WEISS: Okay so those conditions as noted by Tiena accepted.

MR. NELSEN: That any property, the adjacent properties that has been used for construction purposes will be restored. It was just mentioned that they will have them access some of the . . .

MR. COHEN: We will restore the area that we're removing the building from which is 1.7 feet.

MR. NELSEN: And anything if you have to move the equipment onto the adjacent properties that will be . . . I mean it's kind of obvious that goes without saying.

MR. COHEN: Oh sure.

MR. WEISS: All right so the amended motion and second all good? Comments seeing none roll call.

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

MR. WEISS: Before I vote yes I just want to make a point that and maybe I direct it to you Mrs. Todd I know you spoke and it seemed to be very minor, it's that kind of testimony that helps us honestly. You live there every day and this application seemed to be pretty standard. I mean the testimony was very clear the direction seemed to be here but your testimony was very helpful. The fact that we know that we're going to do a good thing for that neighborhood (inaudible). So thank you for that. Gentlemen thank you.

MR. COHEN: Thank you. May I ask when the resolution would be considered, what date?

MR. WEISS: August 8 is our next meeting, we're going to cancel the August 15 meeting.

MS. COFONI: Okay August 8.

MR. COHEN: August 8 thank you.

MR. WEISS: Thank you everybody. Okay we're going to take a five minute break and let the next applicant get ready.

APPLICATION #PB 13-17 - EXETER 650 INTERNATIONAL LAND LLC

MR. WEISS: The next application is application PB 13-17 Exeter 650 International Land LLC which is a Final Site Plan located at 650 International Drive. Ms. Berger?

MS. BERGER: Yes my name is Wendy Berger I'm with the law firm of Cole Schotz I'm the attorney for the applicant.

MR. WEISS: We've done this type of stuff before I'll leave it up to you we have two applications I'm sure they're very similar in nature. If you'd like to swear in one of your experts for both we can keep the process moving.

MS. BERGER: That would be wonderful.

MR. WEISS: We have no problem doing that right Tiena?

MS. COFONI: That's fine.

MR. WEISS: And we can also refer to the testimony of the previous application, we can kind of treat them as one larger one. I mean we'll handle each of them separately but . .

MS. COFONI: I was with you up until the end.

MR. WEISS: No, no what I mean is we can go back to the testimony all right let's just move on. Let's handle it, we'll swear the experts in (inaudible).

MS. BERGER: Maybe we can swear them both in together?

MR. WEISS: That's a great idea.

MS. COFONI: Yes that's fine.

MS. BERGER: My first witness being Mr. Tom Allman and also Tom McGrath.

(THOMAS ALLMAN SWORN IN FOR THE RECORD)

(THOMAS MCGRATH SWORN IN FOR THE RECORD)

MS. COFONI: If you could each take turns please saying your first and last name spelling your last name and giving your business address for the record please.

MR. ALLMAN: Thomas Allman Exeter Property Group I'm the Midatlantic Property Manager, our address is 7595 Montevideo Road and that's Jessup, Maryland 20794.

MS. NATAFALUSY: I'm sorry I didn't get your last name.

MR. ALLMAN: Thomas Allman (A-L-L-M-A-N).

MS. NATAFALUSY: Thank you.

MCGRATH: My name is Tom McGrath I'm with the firm of Chester Ploussas Lisowsky the address is 100 Matawan Road, Matawan, New Jersey 07747.

MS. BERGER: Mr. McGrath have you appeared before this Board before and been accepted as a professional engineer before this Board?

MR. MCGRATH: Yes I have.

MR. MANIA: I can vouch for that.

MS. BERGER: So I wasn't going to go into his

MR. WEISS: So Mr. Allman you'll be testifying as?

MS. BERGER: Representative of the owner.

MR. WEISS: Okay so we can accept your experts. Does anybody have any questions about that? Good Ms. Berger back to you.

MS. BERGER: Thank you. And really Chairman I was bringing Mr. Allman just to tell the Board a little bit about who the company is, what they own you know that . . . what they bought the property so it's the same we're not going to do this testimony twice. So please have a seat.

MR. ALLMAN: Thank you good evening ladies and gentlemen like I said Thomas Allman with the Exeter Property Group. We recent purchased a portfolio of buildings in the ITC Industrial Park from JP Morgan. There's 8 buildings and 3 land parcels which we're talking about tonight. The Exeter Property Group we're a private equity investment real estate fund and we acquire, develop, manage and lease all our real estate throughout the United States. We have 50 million square feet of industrial/office and flex warehouse and that's our company in a nutshell we are a headquarters outside of Philadelphia and that's pretty much it.

MS. BERGER: Could you just tell the Board in this area what properties you've acquired.

MR. ALLMAN: Sure we acquired the 8 buildings in May and those buildings are 313 Waterloo-Valley Road, 330 Waterloo-Valley Road, 200 International Drive, 450 Clark Drive, 550 Clark Drive, 650 Clark Drive, 675 Clark Drive and 850 Clark Drive. And there are another 3 land parcels.

MS. BERGER: And then there's parcels on top of that. So I wanted the Board to understand that when we were coming here and saying we just acquired, literally it was just acquired and getting used to everything in the town and trying to figure out the whereabouts. But they're not going anyplace because they have quite a lot of property in the town.

MR. ALLMAN: Correct.

MS. BERGER: And you're in charge of overseeing the property management of these facilities?

MR. ALLMAN: That's correct we oversee the management, we're hands-on with leasing and management and all of our (inaudible) with our tenants. We have retained CBRE Richard Ellis to be our

boots on the ground there because they were in the past, they know the tenants and the properties and they know actually I think the township very well. Or just this acquisition in particular.

MS. BERGER: And with regard to the two, the properties we're talking about I'm just going to ask one general question in general for you the 650 International and the 750 Clark and I know we're dealing with 650 at this moment, both of those properties there are development approvals that we here tonight about and you're familiar with those development approvals for the flex buildings are you not?

MR. ALLMAN: I am correct.

MS. BERGER: And we're here to ask for final approval with regard to those flex buildings.

MR. ALLMAN: That is correct.

MS. BERGER: And the purpose of final approval is so that these properties can be developed.

MR. ALLMAN: Correct.

MS. BERGER: And is that what your company intends to do?

MR. ALLMAN: Correct.

MS. BERGER: And I think in one of the reports it was like you know when are you going to get started, what are you going to do? I know it's like 8 weeks since you've acquired the properties, all of them?

MR. ALLMAN: Yes.

MS. BERGER: So you're at this point.

MR. ALLMAN: We reserving our rights in getting geared up to move forward yes.

MS. BERGER: And at the time you acquired the property you were told "oh my God you've got to get final approval right away because it was expiring" so that was the first thing you jumped on doing is that correct?

MR. ALLMAN: This is correct yes.

MS. BERGER: But you do intend to go ahead and develop the properties?

MR. ALLMAN: Absolutely.

MS. BERGER: And at the time I think when I went by the properties and I'm not mistaken there's even signs looking for people.

MR. ALLMAN: Yes we market the buildings as well.

MR. BUCZYNSKI: There's no anticipated tenant at this point though right?

MR. ALLMAN: There is not no.

MR. WEISS: The approvals expire tomorrow?

MS. BERGER: I thought it was in June if I wasn't mistaken.

MR. WEISS: Do you know?

MS. COFONI: I could look that up.

MR. WEISS: It's not that important I just . . .

MR. BUCZYNSKI: July 19, 2012 was the last extension so tomorrow right?

MS. BERGER: Yeah tomorrow.

MR. WEISS: All right Gene do you want to go over your report?

MR. BUCZYNSKI: Do you want any testimony from the engineer first?

MR. MCGROARTY: I had one question of Mr. Allman.

MR. WEISS: Go ahead.

MR. MCGROARTY: Mr. Allman if you know the preliminary plans had architectural plans approved with them and we did not receive any changed architectural plans. To the best of your knowledge is it your firm's intention to build what was approved in terms of the style of building?

MR. ALLMAN: For the most part yes. From my understanding that's what we're going to move forward with.

MR. MCGROARTY: All right if there are changes to the architectural plans then I guess at some point, just so that you're aware the plans were approved and I'm not sure for the most part if you wish to make changes to them it may or may not be necessary to come back. I haven't seen any new architectural plans that's why I'm asking.

MS. BERGER: There were some conditions I believe in the prior approval with regard to, I don't remember which building off the top of my head, but even the color of the building there was some requirement so they would have to abide by those requirements unless we came back to the Board if they chose to do something different.

MR. MCGROARTY: I mean again we're not saying . . . well you can the original plan that were approved and if there's any changes to those that are beyond a minor adjustments of something whatever that might be, then you may have to come back. I just wanted to . . .

MR. ALLMAN: I understand.

MR. MCGROARTY: Okay.

MR. ALLMAN: If a tenant comes out to us tomorrow and wants a different building we have to come in front of the Board.

MS. BERGER: And also just I believe it was the 650 building that also had the amount of square footage within the building that could be allocated for different uses. So in that building there was a restriction on warehouse, assembly and office. And there was a provision that if you change the number of square footage and it affected the parking requirement that you would have to come back. You have a little more parking than you need I believe so if it was a few thousand square feet you probably would be okay because I think you had 4 spaces over what was required. But otherwise you'd have to come back to this Board.

MR. ALLMAN: Understood.

MR. WEISS: Okay does anybody on the Planning Board have any questions for Mr. Allman? There's nobody here from the public but if there would be anybody here I would imagine no one has a question so I'll close it to the public.

MS. BERGER: I have no further questions of this witness I'd like to have Mr. McGrath.

MR. WEISS: Thank you Mr. Allman.

MR. ALLMAN: Thank you very much.

MR. WEISS: We have Mr. McGrath for his engineering testimony.

MS. BERGER: Mr. McGrath we're going to go in order of the Board's agenda and that agenda started with 650 International Drive if you could. So with regard to 650 International Drive we had filed an application for final site plan approval is that correct?

MR. MCGRATH: That's correct.

MS. BERGER: And as a condition of the final site plan approval you provided plans to the Board is that correct?

MR. MCGRATH: That's correct.

MS. BERGER: And as a condition of the final site plan approval you provided plans to the Board is that correct?

MR. MCGRATH: That's correct.

MS. BERGER: And the plans you have before you are the plans that were submitted to the Board as part of the application package correct?

MR. MCGRATH: That is also correct.

MS. BERGER: And additionally since the filing of that application did you also file for the Morris County Soil Conservation District?

MR. MCGRATH: Yes we did.

MS. BERGER: Okay and that was on July 10, 2013 is that correct?

MR. MCGRATH: That's correct.

MS. BERGER: And with regard to final site plan approval did you receive a report from the Board's engineer with regard to your submission?

MR. MCGRATH: Yes we did.

MS. BERGER: And could you go over that report with the Board please?

MR. MCGRATH: I certainly can. Mr. Buczynski's report is dated July 1 it explains the project as it was approved and it has 8 comments on the first and second page. The first comment has to deal with final site plan approval has to be subject to the conditions of the preliminary. We have met the conditions of the preliminary approval, we have a letter indicating that when the plans were submitted under . . .

MR. BUCZYNSKI: From an engineering standpoint yeah but there's certain items and conditions in there so I think it would be best to just refer to that previous approval so everything is covered.

MS. BERGER: All of the conditions as contained in that approval that have not been met yet we will agree to abide by. Such as condition we spoke about with regard to the allocation of space within the building and parking. We understand they all still follow.

MR. MCGRATH: Okay item 2 had to deal with the discrepancy on our plan that two other sheets still remained preliminary, those will be changed to say final. We will provide the Board and the engineer with a cost estimate so that a developer's agreement can be established.

MS. BERGER: And 4 was addressed?

MR. MCGRATH: Was addressed by the previous witness. A preconstruction meeting will be arranged.

MR. BUCZYNSKI: (inaudible) when it's going to happen.

MR. MCGRATH: Whenever we get to that point. The applicant should note that NJDEP Treatment Works Approval is going to expire December of this year, my client is aware of that we're hoping to be under construction prior to that so that we can keep the approval. If for some reason something happens we are or will be applying for a . . .

MR. BUCZYNSKI: I just want to make a note I'm sure you're aware that you can't get any more extensions for that permit.

MR. MCGRATH: Yes. Number 7 had to deal with the recertification of Morris County Soil Conservation District as was mentioned we did submit a new application to the District for their approval. And Item 8 has to deal with the status of all permits.

MS. BERGER: I would like to just have this marked I'm going to submit it and we'll . . . you can just read it but it's a status report on all the permits and I guess I'll mark it A-1?

MR. WEISS: We'll mark that A-1 today's date. It's the status of permits. All right we'll call that status of permits Ms. Berger?

MS. BERGER: Yes.

MR. WEISS: Gene that's acceptable for you?

MR. BUCZYNSKI: Yes let me just look at it real quick. It basically covers all of the permits.

MR. WEISS: Okay.

MR. BUCZYNSKI: I don't know if you want it read into the record or not, I don't think you need to.

MR. WEISS: No that's why I asked you to review it.

MR. BUCZYNSKI: No it's fine it gives us the approval dates; the expiration dates the various permits.

MR. WEISS: Good I know that's what you asked for in number 8 and if you're satisfied then we can move on.

MR. MCGRATH: And I believe that was the last condition that we needed to satisfy in Mr. Buczynski's report.

MS. BERGER: We didn't have anything else to add with regard to the application. We've submitted all of our proof of service and notices.

MR. WEISS: Okay Gene it does look like they addressed all 8 of your issues.

MR. BUCZYNSKI: Yes they have Mr. Chairman.

MR. MCGROARTY: I have just one thing Mr. Chairman just it's for . . . just to be clear on the record, the original approval the resolution from the Board at that time since they will as Gene has indicated in his report and they have agreed that they abide by all of those conditions. But in the resolution for preliminary there was a reference to 128 trees to be replanted, at some point there were modifications to that and the plans now the plans we have in front of us are consistent with the revised preliminary plans that the Township has. They're actually 206 trees to be removed, 108 trees will be replanted on site and along Waterloo Road. And on sheet 2 of the plans note 28 indicates that the remaining 98 trees, by the way there was a variance granted to do a one for one replanting back when they got the approvals, so there are 98 trees they cannot be accommodated on site and as the note indicates they would do a payment of \$200.00 per tree. And the original resolution again said they would either put 128 trees or provide the appropriate payment to the tree bank. So you're consistent with complying with that earlier condition except that the terms have been changed slightly.

MS. COFONI: Chuck if I can just make sure that I got those numbers right. The current proposal 206 removed, 108 replanted and 98 for payment.

MR. MCGROARTY: Correct.

MS. COFONI: Okay.

MR. MCGROARTY: At \$200.00.

MS. COFONI: Thank you.

MR. WEISS: And that will be noted as a condition of the (inaudible).

MS. COFONI: I'll just note it as a findings.

MS. BERGER: It's on the plans as well.

MR. MCGROARTY: It just it differs from the condition that's in the preliminary resolution.

MR. WEISS: Does anybody have any questions for Mr. McGrath? Seeing none Gene, Chuck you're good?

MR. BUCZYNSKI: No.

MR. MCGROARTY: No.

MR. WEISS: Anybody from the public? Seeing none I'll close it to the public. Ms. Berger anything else?

MS. BERGER: No nothing to add.

MR. WEISS: Any open issues that you need to address? I see nothing, anybody on the Planning Board have any questions? I see nothing I will entertain a motion.

MR. FLEISCHNER: I move we approve PB 13-17.

MR. NELSEN: Second.

MR. WEISS: Okay having no comment Catherine . . . oh before we do that roll call we have some conditions to accept Mr. Fleischner and see if he'll accept and come back to Mr. Nelsen to approve those. And those conditions would be, if you would read them.

MS. COFONI: That the approval is subject to all of the same conditions of preliminary site plan approval. The modification of the plans to reflect final site plan instead of preliminary, a detailed cost estimate that is required per Gene's report, a preconstruction meeting to be arranged after the developer's agreement is approved and recertification by the Morris County Soil Conservation District.

MR. MCGROARTY: And the trees.

MS. COFONI: You think that has to be a condition?

MR. MCGROARTY: I would because it differs from the original condition.

MS. COFONI: Okay then I will.

MR. MCGROARTY: And then there was again the moratorium even though it expired the original was approved with the COAH obligation.

MS. COFONI: Okay.

MR. WEISS: Okay with those conditions Joe and Dan?

MR. FLEISCHNER: Accept them.

MR. WEISS: Okay. Roll call.

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

APPLICATION #PB 13-20 – EXETER 750 CLARK DRIVE LAND LLC

MR. WEISS: Okay so let's move on to PB 13-20 Exeter 750 Clark Drive Land LLC final site plan located at 750 Clark Drive which is Block 102, Lots 11 Con 4 and 14. What does that mean?

MS. NATAFALUSY: It's the Tax Assessor's code.

MR. WEISS: Okay so as I was trying to say earlier I think we've heard from Mr. Allman I would imagine his testimony would be identical because it's the same owner with the same history and the same condition. Am I correct when I state that Ms. Berger?

MS. BERGER: Yes.

MR. WEISS: Okay so I would suggest you don't need to come back Mr. Allman but we would note that his testimony applies for this application as well and then we will certainly hear different engineering testimony. And I'll let you Ms. Berger take us that way.

MS. BERGER: Mr. McGrath you're familiar with this original preliminary site plan approval on the extensions with regard to this property?

MR. MCGRATH: Yes I am.

MS. BERGER: And we've applied for final site plan approval with regard to this property and this property is proposed for 148,611 square foot flex space warehouse/ office building correct?

MR. MCGRATH: That's correct.

MS. BERGER: And there were certain conditions of the preliminary approval and there was a report by the township engineer with regard to this application. Could you review the application, the report I'm sorry.

MR. MCGRATH: Mr. Buczynski's report is dated July 1 the first part of the report is an introduction of the site and there are 8 comments on his letter. The first comment has to deal with final site plan approvals should be subject to terms and conditions of the preliminary approval. And we agree to that. Again two plan sheets on the set were still marked as preliminary and those will be revised for the next submission. The applicant's engineer should provide a cost estimate for bond per the developer's agreement and we will prepare that on this plan. The applicant should advise the Board when they plan to proceed upon construction. I believe that testimony was given and it's the same. Item five preconstruction meeting as soon as the project is ready to go we will arrange for one. Item six . . .

MS. BERGER: And I just marked for the record A-1 which is a list of all the permits and approvals and passed it to your engineer.

MR. MCGRATH: Item six is a comment about Treatment Works Approval and that it would not be required unless the gallonage exceeds 8,000 gallons a day. And at this point it is our understanding that that's not going to be the case. A recertification letter in item seven to Morris County Soil Conservation District has been submitted to Morris County Soil Conservation for a recertification of this application.

MS. BERGER: It doesn't expire until 2014 this certification that you have now.

MR. MCGRATH: The certification doesn't expire until then but the reason we had gone just in case there was an issue is because there was a change of ownership. So we were leaving it to the Morris County Soil Conservation District to make the determination.

MR. BUCZYNSKI: And I'm sure they're going to want the recertification so they can get a fee.

MR. MCGRATH: And the engineer should provide the status of all permits and I believe . . .

MR. BUCZYNSKI: I just received it Mr., Chair it looks fine.

MR. WEISS: Okay so A-1 for this application is the same document Gene you're satisfied.

MR. BUCCZYNSKI: Yes.

MR. WEISS: Okay thank you.

MS. BERGER: I have no further comments or questions with regard to this.

MR. WEISS: Chuck?

MR. MCGROARTY: Just one Mr. Chairman Mr. McGrath and I we talked earlier but there's one handicap space that it's on the northerly side of the building actually you can see it on plan sheet 4 and that's going to be shifted down closer to the front entrance. And Mr. McGrath said he had no objection to that.

MS. BERGER: And we'll provide a revised sheet because we have to change that sheet anyway it still says preliminary.

MR. MCGROARTY: Yes per Gene's comment so when you do that on all sheets that one space will be . . .

MR. MCGRATH: We'll shift it to the corner of that parking field so that it's closer to the . . .

MS. COFONI: Will be relocated, can you give me a direction?

MR. MCGROARTY: Yes northeast corner of the building closest to Clark Drive, the entrance at Clark Drive.

MR. WEISS: Okay anybody from the Planning Board have any questions for Mr. McGrath? Seeing none I'll open it to the public, there's no one here so I'll close it to the public for questions. Ms. Berger you said (inaudible) Mr. McGrath's testimony?

MS. BERGER: Yes.

MR. WEISS: If we were to entertain a motion I'll do it this way first Tiena has a few, I think it's kind of simple we basically went down Gene's report and there was eight items and I think seven of them were to be conditions with item number four being addressed (inaudible). Tiena why don't you read what the conditions will be.

MS. COFONI: Sure subject to the conditions of preliminary site plan approval, revision of the plans to reflect final site plan as opposed to preliminary site plan, provision of a detail cost estimate, preconstruction meeting be arranged after the developers agreement is approved, recertification by Morris County Soil Conservation District required and the COAH requirements and the relocation of the handicap space.

MR. WEISS: Okay that's what I had too. Those conditions being said would someone entertain a motion?

MR. FLEISCHNER: I move we approve PB 13-20 with the appropriate . . .

MR. WEISS: Thank you Mr. Fleischner.

MR. MANIA: I'll second it.

MR. WEISS: Second by Mr. Mania. Any conversation? Seeing none roll call.

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

MR. WEISS: Thank you very much good luck.

MS. BERGER: Can I just ask for the date of the resolution?

MS. COFONI: This is for August 8.

MS. NATAFALUSY: We're going to have a meeting on August 8, at this point we cancelled the August 15 meeting we did not schedule anything for that evening not a whole lot has come in, I've got a couple of variance applications.

MR. MANIA: Our next meeting is August 8.

MR. WEISS: Correct it's the second Thursday, we've been cancelling the second meeting but this one has been . . . we're cancelling the August 15 meeting. Does anybody else have anything to add?

MS. NATAFALUSY: I just have one thing, for the new Board members there is that mandatory training class. I've been giving you the information on it so check it out because you have 18 months from the time that you're appointed to take that class and I think David is coming close. Brian should probably and Michael I think you're the only ones that need to take it. Okay so let me know.

MR. WEISS: Scott?

MR. VAN NESS: Motion to adjourn.

MR. WEISS: Motion to adjourn has been made, all in favor?

EVERYONE: Aye.

MR. WEISS: Thank you everybody.

(MEETING ADJOURNED AT 8:30 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department