

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

**ROLL CALL:**

**Members Present:** Dan Nelsen, Brian Schaechter, Nelson Russell, Steve Bedell, Scott Van Ness, David Koptyra, Michael Koroski, Howie Weiss

**Members Excused:** Joe Fleischner, Jim Staszak, John Mania

**Professionals Attending:** Chuck McGroarty, Planning Consultant, Eugene Buczynski, P.E., Tiena Cofoni, Esq., Lauren Perkins, Acting Secretary

**Professional Excused:** Edward Buzak, Esq., Catherine Natafalusy, Planning Administrator

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**MINUTES FOR APPROVAL**

**October 11, 2012 Public Meeting**

Motion: Nelson Russell  
Second: Steve Bedell

**Roll Call:**

Dan Nelsen - yes  
Brian Schaechter - yes  
Nelson Russell - yes  
Steve Bedell - yes  
David Koptyra - yes  
Howie Weiss - yes

**December 13, 2012 Public Meeting**

Motion: Steve Bedell  
Second: Brian Schaechter

**Roll Call:**

Brian Schaechter - yes  
Nelson Russell - yes  
Steve Bedell - yes  
David Koptyra - yes  
Howie Weiss - yes

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**RESOLUTIONS FOR APPROVAL**

**Annual Report for 2012**

Motion: Scott Van Ness  
Second: Nelson Russell

**Roll Call:**

Dan Nelsen - yes  
Brian Schaechter - yes  
Nelson Russell - yes  
Steve Bedell - yes  
Scott Van Ness - yes  
David Koptyra - yes  
Michael Koroski - yes  
Howie Weiss - yes

**Resolution #PB 12-14 – Jennifer & Kevin Powers (Block 4600, Lot 6.09) – (Dismissed w/o Prejudice)**

Motion: Steve Bedell  
Second: Nelson Russell

**Roll Call:**

Dan Nelsen - yes  
Brian Schaechter - yes  
Nelson Russell - yes  
Steve Bedell - yes  
Scott Van Ness - yes  
Michael Koroski - yes  
Howie Weiss - yes

**Resolution #PB 12-26 – Takashi & Beth Blakey – Block 7600, Lot 66**

Motion: Brian Schaechter  
Second: Dan Nelsen

**Roll Call:**

Dan Nelsen - yes  
Brian Schaechter - yes  
Nelson Russell - yes  
Steve Bedell - yes  
Scott Van Ness - yes  
Michael Koroski - yes  
Howie Weiss - yes

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**DISCUSSION MATTERS**

(PROBLEM WITH RECORDING UNIT DURING MEETING)

THE FOLLOWING PORTION OF THE MEETING IS TYPED IN SUMMARY FORM

**MT. OLIVE CHILD CARE CENTER – BLOCK 8101, LOT 28**

Subject property is located at 150 Wolfe Road, also known as Block 8101, Lot 28. Applicant proposes to install a shed measuring 10 feet by 20 feet. The location of the proposed shed meets the setback requirements for an accessory structure in the zone district. There is a condition in the lease agreement that no construction or alterations can take place without prior approval by Mayor and Council.

The matter was approved by the Township Council and a resolution was memorialized dated November 13, 2012. In the Council resolution it was stated that the matter is to be reviewed by the Planning Board also.

The Planning Board agreed that this matter is a courtesy review. Everyone agreed with the placement of the shed on the property. No vote was necessary and a Zoning Permit will be issued for the installation of the shed by the Zoning Officer.

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**MT. OLIVE TOWNSHIP – MOUNT OLIVE BASEBALL SOFTBALL ASSOCIATION**

**IMPROVE MENTS TO DAN JORDAN FIELDS**

MR. WEISS: Introduced the next discussion matter which is Mt. Olive Baseball Softball Association. Called forward Mr. Matt Callahan & Dave Jeska.

IMPROVEMENTS CONSIST OF GRAVEL PARKING AREA ON BLOCK 6300, LOT 14  
INSTALLATION OF RESTROOMS ON DAN JORDAN FIELD

(THIS SECTION TRANSCRIBED VERBATIM)

MR. CALLAHAN: We would like to get running water we're proposing which is . . . what's proposed here is tapping the water main on Glendale as well as tapping the water main on Clover Hill. Not only for water for the fields but to keep the dust down. We have had some issues with neighbors on the Clover Hill side as far as when we go to groom the fields. And we host our tournaments that we have a dust issue and conditions of the fields are huge when your hosting State tournaments which we are hosting the State tournament this year. We're also like I said hosting the Regional's. So to apply water to the fields in July is a big thing for us to do. Last year the Township helped us with their so called water truck which in between each game we had to basically saturate the fields to keep them in good shape. And we were complemented from you know across the State for the conditions of our fields we take a lot of pride in it and the . . .

MR. WEISS: And obviously the area is serviced by public water so Jim you don't see any water issues by tapping into that system.

MR. LYNCH: Just to clarify Jim Lynch, Assistant Public Works Director. The tap is actually in existence on the Clover Hill side Howie that's the water that has fed that facility for 40 years that I know I've been in town.

MR. WEISS: It hasn't been used though.

MR. LYNCH: It's used for the concession it actually has a spigot outside of I believe Dan Jordan 2 so that they use.

MR. CALLAHAN: And 1 also.

MR. LYNCH: They service 1 and 2 off of that line.

MR. WEISS: But that's where the original concession building used to sit right? Between 1 and 2?

MR. LYNCH: Correct. So what we're looking to do and what Matt has proposed on the plan is it's an additional tap on the Glendale side but it's just an upgrade of the existing water line coming in from Clover Hill already. So really from a standpoint where we've discussed this within Public Works these upgrades are simply reestablishing connections. There was a sanitary sewer connection to the building that was there when we were children. So it's just that your reinitiating service on those connections is essentially what's going to go on.

MR. BUCZYNSKI: Quick question Jim, on Clover Hill Drive they don't have to go into the roadway do they by the tap?

MR. LYNCH: No. The other thing is actually a good point by Mr. Wilpert; it will not be used for irrigation of the turf. When they say to condition the field what we've had is in my previous experience as Buildings and Grounds Supervisor, a couple of the residences in the summer the dust off of the infield when it's groomed comes up and can hang in the air which can discolor a little bit of the siding. As some of you maybe had kids play there there's one house on Clover Hill Drive that's in very close proximity to Field 3 and the dust predominantly blows towards that gentleman's home. This will be an effort to alleviate and make a better quality of life throughout the playing season for the resident of Clover Hill Drive. So it will not be used to irrigate grass it will be used to just essentially perform dust control and make sure we are being good representatives, stewards of the land and making the neighbors appreciate what they have actually.

MR. WEISS: I don't have anything in front of me; I don't have the big print. Are you guys doing anything on Field 3 which is the field closer to Clover Hill? Are there any improvements?

MR. CALLAHAN: We did want to bring water there. We have no water there we wanted to tap the water main on Clover Hill so we'd have . . . and run it straight up on the third base line to the field just so we have water for dust control.

MR. WEISS: You know I don't want to interrupt I should be more specific are you going to upgrade that parking lot, are you going to upgrade those dug outs, the benches. I saw your overall plan are you going to do anything like that?

MR. CALLAHAN: It's basically fencing in the dug outs, wind-screens just minor improvements to the actual field. The structure of Field 3 is not going to change in any way other than we hope to put a scoreboard there with our fundraising efforts. We would love to put a scoreboard there and have electric on that end as well as what we did electric wise on 1 and 2 on the Glendale side last year.

MS. COFONI: Howie if I can I just don't . . . this is for Dan Jordan field and Turkey Brook field?

MR. WEISS: No you're looking at the Dan Jordan complex.

MS. COFONI: Okay, okay.

MR. WEISS: You have the same thing this is 1 and 2.

MS. COFONI: Okay so this is all Dan Jordan that's on the map that was provided. Are there other improvements or am I just missing them?

MR. CALLAHAN: You may be referring to a couple of emails and memos went back and forth between the Association and the town and we reference some changes to the Turkey Brook fields. Field 2 has a grass infield we were going to remove the grass from that infield and make it a dirt infield so that it's usable by Softball and Baseball. Hopefully improve the drainage situation there if that works we'll apply it to other fields up there as well.

MS. COFONI: Okay but nothing like what you're proposing on Dan Jordan like buildings and structures.

MR. CALLAHAN: Absolutely not.

MR. WEISS: For some reason the print we have shows 1 and 2 it doesn't go (inaudible).

MR. CALLAHAN: It should go to 3. The only new buildings would be the restroom which you have a copy of. It's basically a shed size it's a single toilet on each side. We're going to make them unisex one handicap accessible and so we have running water so you can wash your hands and we want to set that up nice. It's a prefab structure I'm still in the process of dealing with the manufacturer I don't have any solid numbers yet but we're trying to stay as basic as possible.

MR. WEISS: Well I can tell you mentioned that . . . I know you worked for Petillo and Petillo is involved and you don't have to convince me on it as being involved in the football program I know the work that they did and the effort that they're making for the children in Mt. Olive you're certainly on the right track. I just want to make sure from our perspective maybe Chuck if you look at the email that these guys had raised a couple of questions, I'm sure working with Frank and Jim you know you're asking us about permits on that is that . . . Dave you're talking about that email? At the bottom of your email you're asking about do you need permits.

MR. JESKA: Yeah I believe the permits would be for water taps for the sewer taps I believe we've already got influence from legal that we don't have to survey the neighbors or do any variances.

MR. CALLAHAN: It would be electrical as well.

MR. WEISS: Then I won't have to ask if there's any required variances for restrooms and you're asking about the Township having existing materials and I'm sure those guys will address that. Chuck maybe do you know if there's any variances or they're exempt from variances?

MR. MCGROARTY: You know I haven't actually looked at the plans until I just saw them but I mean that's a town facility. I don't know how you would evaluate variances for it.

MS. COFONI: I don't think typically we go down that road for a D-31 review for a Township property.

MR. WEISS: The only reason I ask is because the question is on the (inaudible).

MS. COFONI: No.

MR. WEISS: So there's your answer.

MS. COFONI: From the Planning Board perspective. Now I can't speak to anything like septic or electrical or anything like that but from a Planning Board perspective.

MR. WEISS: And we know you're not sitting in front of us requesting a variance we're not considering that and know that this is a courtesy review. Does anybody on the Planning Board have any questions for the job that they're doing? Scott?

MR. VAN NESS: The parking lot is not going to have any access to Route 206 is it?

MR. JESKA: No.

MR. CALLAHAN: Absolutely no.

MR. VAN NESS: And is there a tree, there's a tree row between the proposed lot and the homes there on the other side along Hillery is that correct?

MR. LYNCH: There's existing, I can't speak Scott from memory what exactly the type of trees are but there is an existing line of plant material. That will not be disturbed.

MR. SCHAECHTER: Are they planning to add to them?

MR. JESKA: Excuse me?

MR. SCHAECHTER: Are you planning to add to the tree line?

MR. CALLAHAN: If needed that would be easy on my part. I'm trying to alleviate the parking problems that we've had in the past on Glendale and I'm sure Scott is aware of it as well.

MR. LYNCH: Matt if I can interject on that. One of the issues we have is there is an existing stand of trees between the home on Glendale and the side where the proposed parking is going to go. Any plantings that would go in that right-of-way that is that . . . it's a separate lot from actually Dan Jordan it's a separate lot from actually Dan Jordan a separate Block and Lot number. We had trees that were there that were removed post 911 by the utility company. For power lines now we would have to go to the utility company and discuss placement, size and type of trees that we could possibly reintroduce back into that site. That's why that existing line of trees was determined by the utility five years ago that that was fine but there were Norway Spruces that had been planted between the tennis court and Route 206 those were removed by the utility specifically as part of their post 911 protocols. So any plantings that go on on any of the Dan Jordan site we would have to contact the utility for clarification.

MR. CALLAHAN: The other thing, now that the overhead power lines which Jim and I have been through before with mark out with what we did last year for installation of the electric was . . . there's also a gas main that runs right through there as well, you know right down that border of the power lines and the homeowners on the south side of the property. There is a major gas line there so that would be another thing to consider as far as plantings.

MR. VAN NESS: So you're not really going to touch those trees that are there then.

MR. LYNCH: No we are not looking to . . . the fact that they screen the homeowner presently from that Block and Lot we would look to leave that and not disturb any of that.

MR. VAN NESS: In the existing lot off of Glendale that's the shaded in area is just going to be squaring off the existing lot?

MR. JESKA: Actually a lot of that was done. You know we had made some improvements last year and then I had the aggregate available and . . .

MR. VAN NESS: The control of the water, who is going to have control of the water down there?

MR. WILPERT: It will be metered.

MR. LYNCH: It will be metered and it is always controlled by the Water and Sewer Department from Mt. Olive. What the process is is every spring we initiate a call as Recreation or as DPW to the Water Department, Mike Lata the Foreman assigns work the main is turned on for the facility and in the fall it's turned off and winterized. So it's always been in the control of the township it is used and it's courtesy metered to Mt. Olive Junior Baseball Softball and it would remain that way.

MR. VAN NESS: What's the security of it when the fields aren't in use?

MR. LYNCH: The security of it in the past we have only had one issue in my 11 years when I was Supervisor of Parks, Buildings & Grounds. There are several options Mike Lata has provided us in the past where we've had issues where we were concerned. There's always the shut off in the street the curb shut off. Additionally there are locks that can go over the actual spigot that is being used for each of the three fields as proposed now and what happens is it becomes a shared either a combination lock that we share the combination with the Association or we use what we've gone to in DPW is an Isolock system. Isolocks are basically high level security they're a very expensive keyed system only

myself Mr. Wilpert and Tim Quinn our DPW Director can have those cut. They are cut only by Kurts Locksmith for us; if another locksmith cuts an Isolock that he is not mastered on the file for I believe it's actually a felony for them to do that is what was explained to me so it's a very tight control system. We've gone to those logs for our water and sewer remote site for Turkey Brook some of the remote locks so it's a question of what we want to do and how we want to work it out with MOBSA when we get there. But we have control mechanisms to put in.

MR. WEISS: Gene?

MR. BUCZYNSKI: Just a couple of quick things for the record, I know you mentioned the restrooms and the parking lot but you're also going to be putting a snack bar up to correct?

MR. CALLAHAN: That's proposed for the future.

MR. BUCZYNSKI: Oh for the future okay.

MR. CALLAHAN: The future I figured if I'm there to run a sanitary and a water line up the property you know to improve the water line. And if I'm putting a sanitary line in I'm thinking for the future of our program for when we move on there will be a sanitary line up by our existing concession stand.

MR. BUCZYNSKI: Gotcha. And just a concern regarding buffer off of Grant Court those properties, is there trees buffering it right now? So that's not a concern with those residents right?

MR. LYNCH: Again there's an existing tree line there Gene that some of plant material lies on the residents properties and some of it is located on the Township facility. So it's been there, it's established and that does offer it seems adequate buffering so we would not look to disturb any of that.

MR. BUCZYNSKI: Okay.

MR. WEISS: Gene will we be able to add to that tree line if necessary through the trees on the tree bank?

MR. BUCZYNSKI: I imagine we probably could. I would think you know if need be. Once they finish construction if there's a concern with the residents I'm sure we can put some in.

MR. LYNCH: Again as I had referenced before we just have to check with the utilities both the gas and the power company.

MR. WEISS: Anybody else have any questions?

MR. BEDELL: How many more spots are you able to add?

MR. LYNCH: In the parking lot?

MR. BEDELL: Yeah for Dan Jordan.

MR. LYNCH: That actually Mr. Callahan might have a better . . . .

MR. CALLAHAN: From what I measured it it would help us tremendously it would almost double our parking capacity down there. And going back to our parking issues on Glendale, it would be so much safer for the kids as well and we've had double side parking. We've been through issues with the Police Department, we've put signs up which have been ignored and it would alleviate a lot of traffic issues on Glendale when we're hosting tournaments. The place is very busy when we're hosting tournaments with teams in and out.

MR. BUCZYNSKI: You probably could get 30 to 40 parking spaces.

MR. CALLAHAN: Easily Gene easily. I measured 175 by 80 and that's without disturbing any of the sidewalk to our tennis courts . . . .

MR. BUCZYNSKI: 20 on each side would be 40 right there right?

MR. CALLAHAN: Yeah so it would certainly help us tremendously with the parking issue we have.

MR. BUCZYNSKI: I'm sure you can squeeze some more cars in there too if you had them.

MR. CALLAHAN: And going right back to the kids you know on both sides of the road with traffic especially when we have, or even our rec. games when people like to cut through there when there's traffic on Route 206 and even during our recreation season our own Township parents are basically double parking on that road to get their kids to the field on time. So I figure it would be a huge safety issue I think it would help us all around.

MR. JESKA: The neighbors would be happy about it.

MR. WEISS: I have one question actually. I see where the bathroom is proposed which is fairly close to Lot 7 but did you consider any other location? Did you find that it wasn't . . . you were not able to put it anywhere else?

MR. CALLAHAN: Where it was existing Howie when . . .

MR. WEISS: I think you're proposing to go it seems to be fairly close to the back of Lot 7. It's very close to the home.

MR. CALLAHAN: Correct.

MR. WEISS: I know the lot is tight have you considered, have you looked into placing that somewhere else?

MR. CALLAHAN: The only consideration that I've had with it is where it was before it was torn down.

MR. WEISS: I don't remember where that was.

MR. CALLAHAN: It was right off of Glendale. It's right in the corner of the parking lot close to the neighbors. Those neighbors have been great you know they've been in town and with our school system as well all throughout. We've had very little problems with neighbors down there everybody is very much on our side except for our dust issue on the Clover Hill side. I was thinking if we put it where it was then we bring in the walkway traffic to the bathroom would have to go through the parking lot and I pictured the kids running through the parking lot to get to the bathroom. So the site that we propose is safe it's inside the gate and it's right off of our main walkway up to our fields.

MR. JESKA: The other advantage even for those lots that you're talking of though, is it's the back corner of both of those lots right on the border there.

MR. WEISS: The answer was excellent. It wouldn't have been right if we didn't ask that question. Very good answer I have no other questions does anybody else? Gene or Chuck?

MR. BUCZYNSKI: No.

MR. MCGROARTY: No.

MR. WEISS: Tiena?

MS. COFONI: No.

MR. WILPERT: Mr. Chairman, Frank Wilpert, Jr., Supervisor of Parks, Buildings and Grounds. With the future placement of the concession stand will the organization have to come back to the Board to construct that project or will this only have to require them to do a zoning permit in the future?

MR. WEISS: I don't know if I'm qualified to answer that but based on what we're seeing here tonight I would imagine that even tonight is a courtesy . . .

MR. WILPERT: Right.

MR. WEISS: I would imagine that . . . I don't even know if you need a zoning permit for that.

MR. MCGROARTY: Mr. Chairman I would suggest they do come back.

MS. COFONI: For the concession stand you mean?

MR. MCGROARTY: Because there may be questions about the size, it depends upon the proximity to residential properties and so . . .

MR. WEISS: Are these meetings noticed? Was this review tonight noticed to the public?

MR. MCGROARTY: It was not noticed tonight no but . . . it's Township property right?

MR. BUCZYNSKI: Right.

MR. MCGROARTY: So isn't it a 31 review?

MS. COFONI: Yes.

MR. MCGROARTY: So I don't know it's up to the Board I mean if the footprint stays where it's proposed then you know where it is, if it changes they should come back.

MR. WEISS: So perhaps the best answer is err on the side of caution and we see it's a painless effort I think perhaps maybe the only thing to do differently would be to notice it to the public, to the neighbors so that they at least have an opportunity to say you know if they object what their objections are and perhaps you could work through an open meeting with the neighbors that would have a concern. That's probably the smartest thing to do if you're going to build a structure.

MR. MCGROARTY: Well if I may though since you're not doing it now I'm not sure you want to . . .

MR. WEISS: That's why I asked.

MR. MCGROARTY: Well it's not . . . I'll let Tiena address it.

MS. COFONI: Yeah I mean it's not required and just looking at the surrounding . . . I mean that could be quite an expense for them to provide notice that you're talking about, 200 feet to everyone.

MR. WEISS: That's true.

MS. COFONI: I don't know . . . I mean obviously there isn't any detail on this proposed snack bar. At most it would be another D31 review it's up to the Board whether or not they want them to come back.

MR. BEDELL: Let's cross that bridge when we get there.

MR. WILPERT: I was just . . . as they were here they were proposing if you guys were going to move ahead with this plan this layout in the future if they wanted to do it you know if they didn't expand upon the size that they have on the plan would it just be a review for the Zoning Officer you know as far as height we treat it like a shed if it doesn't exceed a height of 12 feet they shouldn't have to come back to the Board for anything.

MR. MCGROARTY: I think the difference is that because it's municipal property under the Statute I think you really it at least ought to come in front of the Board. I mean if the Board can decide, you do have a detail for the restroom but I don't think you have one for the proposed snack bar.

MR. CALLAHAN: No we don't sir.

MR. WILPERT: Okay I just wanted to make sure we were clear on it.

MR. WEISS: All right that's pretty simple.

MR. WILPERT: Thank you.

MR. WEISS: All right anybody else have any questions? Certainly there's no Board action on this so I thank you for your time, good luck.

MR. CALLAHAN: Thank you Howie.

MR. WEISS: We're looking forward to . . .

MR. CALLAHAN: Okay thank you very much.

MR. WEISS: Thanks for coming out gentlemen. All right let's move on with the application.

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**EXTENSION REQUESTS**

**APPLICATION #PB 02-07 – TOLL NEW JERSEY V, LP (MORRIS HUNT)**

MR. WEISS: We have a few extension requests I'm sure Mr. Selvaggi will bring them both. We have PB 02-07 Toll NJ V, LP (Morris Hunt) and we'll address that one first. Good evening Mr. Selvaggi.

MR. SELVAGGI: Good evening Mr. Chairman, Board members it's nice to see you again. We are here this evening on behalf of Toll Brothers Inc. we'll start with the Morris Hunt. The application or the request is for an extension it's kind of a yearly appearance before this Board. In fact I had written a letter it kind of gave a brief outline of what our position was the letter was dated November 27, 2012. And essentially the Municipal Land Use contemplates extensions in situations where you have large projects, that take some time to build those out, it's complicated here simply because over the last several years the economic conditions being what they are have also put a dent in how quickly Toll Brothers would like to move this along. Obviously I have a witness who can be sworn and provide some additional detail so it doesn't just come from me as legal argument.

MR. WEISS: Let's do that. Tiena?

(JOHN PECK SWORN IN FOR THE RECORD)

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

MR. PECK: John Peck (P-E-C-K) 47 Sovereign Drive, Flanders, NJ.

MS. COFONI: Thank you.

MR. SELVAGGI: Mr. Peck to remind the Board members your current position with Toll Brothers the applicant here?

MR. PECK: Assistant Vice President for Toll Brothers.

MR. SELVAGGI: And you're aware that the Board can grant an extension under Section 52 given the size of the project and you know the economic conditions that I eluded to. What's the current posture or status of the Morris Hunt project, how many are under construction, how many lots remain and how many are sold?

MR. PECK: With respect to Morris Hunt the overall community has 83 home sites of which 23 were built several years ago and we shut down for a period of time and then reopened in February of 2010 with 60 home site left. Of those 60 we have sold 36, we have 24 left to go. Of the 24 we have 14 in backlog right now contracts outstanding, houses under construction to be delivered. So Morris Hunt essentially sells about one home per month on average 12 to 14 per year over the last two years.

MR. BEDELL: So there's 10 lots unspoken for . . .

MR. PECK: I misspoke of the 24 inclusive of that there are 14 in backlog.

MR. BEDELL: Okay.

MR. SELVAGGI: Okay but all of the roads all the site improvements are installed and you're in compliance in that.

MR. PECK: Yes, yes all of the roadways have now been at least base coated and we intend to top coat the first section where the original homes were built this coming spring and dedicate that to the Township.

MR. SELVAGGI: Okay. And obviously without an extension the risk, whatever you'd have incomplete partial constructed sites and everything else.

MR. PECK: Right. We've been back each year or as required by the extension as to provide an update as to our construction and we're still at the stage of ongoing active construction and sales at both of the communities.

MR. WEISS: Gentlemen I think as I sit here I do recall we've asked you to come back every year for this exact reason. So I don't think we need to grill you much longer. I only have one question, a simply question and I'm going to ask you for the next one as well. Where were you at this point last year? Do you think it was 12 . . . was it one a month?

MS. COFONI: I can tell you exactly where they were last year from the resolution.]

MR. WEISS: Perfect.

MR. SELVAGGI: The resolution said it.

MS. COFONI: And actually I didn't catch the number though is there anything else? 83 home sites?

MR. PECK: Right total. Morris Hunt is 83 total that's right.

MS. COFONI: 83 total, 43 were sold last year and then it said 40 remaining as of 40 you sold . . .

MR. PECK: Right out of the 83 we consider it 60 so if you look at it from 83 there's 24 left now.

MS. COFONI: So there's only 23 left to be sold and . . .

MR. PECK: 24 left to sell in the whole community.

MS. COFONI: Whereas last year they had 40 left to sell.

MR. WEISS: That was the number I was looking for. So obviously your making nice progress, you coming in front of us is very much appreciated. I think that was the whole nature of granting the one year extension just so we can it (inaudible).

MR. PECK: By way of an update given the economy and . . .

MR. WEISS: Exactly and for that reason I think it would only be fair if we accepted the testimony, we've asked them to come back they came back and gave us the answer we needed. Unless anybody on the Planning Board has any other questions, Gene or Chuck do you have any issues?

MR. BUCZYNSKI: No.

MR. MCGROARTY: No.

MR. WEISS: Tiena?

MS. COFONI: No.

MR. MCGROARTY: Is it a one year extension again?

MR. SELVAGGI: I mean obviously you have discretion to go beyond that but in light of the Chairman's comments we certainly have no problem coming here once a year just to give you guys an update given the size and the impact of the . . .

MR. BUCZYNSKI: (inaudible) think they're going to be built-out in two years I guess that's what you project . . . .

MR. PECK: For this community I mean if things hold . . . .

MR. BEDELL: So let's give them a year.

MR. WEISS: Oh absolutely I would have no problem for the same reason in a year let's see how close you are.

MR. PECK: We might be looking at the tail end 12 months from now.

MR. WEISS: I think it's good for us to know how the progress is and we're real happy your doing well and so it's kind of good news when you come in front of us. So I certainly would have no problem issuing a one year extension Mr. Selvaggi if that's acceptable to you?

MR. SELVAGGI: That's fine.

MR. WEISS: For the same reasons. Anything else?

MR. BUCZYNSKI: I just have one more question regarding status to get on the record. As far as the second entrance when do you think you'll get to the point to pave that?

MR. PECK: It is paved now.

MR. BUCZYNSKI: Sovereign Drive?

MR. PECK: Yes.

MR. BUZYNSKI: When did you do that? It wasn't paved it was just gravel.

MR. PECK: No it's been paved since before the holidays.

MR. VAN NESS: Base coat or top coat or both?

MR. PECK: Base coat only.

MR. BUCZYNSKI: Okay.

MS. COFONI: Just so I make sure I'm . . . I wrote all site improvements are complete.

MR. PECK: No that's not true. We're at almost to the 30 percent level Gene I think. The storm sewers are complete, curbing is complete, base coat is complete.

MS. COFONI: All right so 30 percent is left?

MR. PECK: 30 percent left.

MR. SELVAGGI: I mean all of the major site improvements are installed I mean we have to top coat and things like that that's the 30 percent.

MR. PECK: Top coat, remainder of the basin work and landscaping.

MR. BUCZYNSKI: One other thing the main entrance on Sovereign Drive are you still planning to pave that in the spring?

MR. PECK: As early as we can in the spring and at that point in time just if the Board is aware there's two entrances to Morris Hunt. Everyone is familiar with the one that's across from . . .

MR. BEDELL: The old Atlas or something?

MR. PECK: Yes, right the main entrance we call it. When we top coat that this spring all of our construction traffic and some of our residents will then use the second entrance. They'll simply continue down Flanders-Netcong Road and turn left into the second entrance. Certainly our

construction traffic will have to do that we'll have signs posted to force them to do that. So at that point in time school buses will be able to go into the first phase and that's the area where the 23 original homes were constructed years ago. So we're anxious to be able to dedicate that section.

MR. WEISS: We hope to hear that in your report next year.

MR. PECK; Yeah I hope so.

MR. WEISS: Wonderful. Anything else? Seeing nothing let's entertain a motion to move.

MR. RUSSELL: I'll move that PB 02-07 be approved.

MR. BEDELL: I will second that.

MR. WEISS: Any conversation? Before we do that I should, it wouldn't be fair if I didn't open it to the public. Is there anybody from the public has anything to say on the matter? Kathy Murphy please if you would.

MS. MURPHY: Actually this is just a comment. We've been working on some different trail issues for the town and we own adjoining property and we'd just like to throw the idea out there for both this property and Morris Chase that perhaps we can work with Toll Brothers to see if you'd be willing to allow some trail easements that might provide some additional amenities for your development. They will connect into town stuff. It's just an idea and it's not anything to do with this approval really I'm just opening that door and perhaps we can talk.

MR. PECK: Yeah we'd be willing to talk and investigate any opportunity to do that. The immediate impediment that I would see is that both communities are completely platted at this time. So creating new easements is somewhat problematic from a legal standpoint but we'd be willing to discuss it with you.

MS. MURPHY: Okay just something in the future. You know we've been working on these trails we think we have some good opportunities there.

MR. PECK: Yeah we can certainly sit down and take a look at some plats and look at it. If it's areas over which the HOA the Homeowners Association is going to control that's a little less problematic than trying to wrestle an easement away from an individual property owner.

MS. MURPHY: Yeah it would only be in the HOA areas.

MR. PECK: So feel free to give me a call or stop by at the office over there and we can sit down and look at some maps.

MS. MURPHY: Thank you.

MR. PECK: Sure.

MR. WEISS: Thanks Kathy. The motion has been made and seconded roll call.

MS. PERKINS: Dan Nelsen - yes  
Brian Schaechter - yes  
Nelson Russell - yes  
Steve Bedell - yes  
Scott Van Ness - yes  
David Koptyra - yes  
Michael Koroski - yes  
Howie Weiss - yes

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**APPLICATION #PB 01-04 – TOLL BROTHERS – (MORRIS CHASE – PHASE I)**

MR. SELVAGGI: Okay and then with this we're also seeking similar relief for Morris Chase Phase I.

MR. NELSEN: Excuse me Mr. Chair I've got to recuse myself on this one.

MR. WEISS: Okay. And we're talking about application 01-04.

MR. SELVAGGI: Yes. On November 14 I had written a letter basically spelling out our rationale for the relief that we're looking for. This project has a little bit more detailed history it started with ARD Mt. Olive Associates. Toll Brothers assumed responsibility for the development and has been proceeding with it. John I'll ask you the same questions, where are we now with regards to overall number of sites those sold, those remaining?

MR. PECK: Morris Chase a little more clear cut because there wasn't a start up and a shut down period, they started up in 2010. On the carriage the townhome side we have 91 remaining to be sold, we have sold 86 out of the 171 we're a little bit better than 50 percent. On the single family side we have 77 out of 105 left we've sold 28 out of the 105.

MR. SELVAGGI: And do you expect the same pace of development?

MR. PECK: Actually the single-family homes have started to sell quicker because we've released some additional home sites the amenities are under construction now, the tennis and basketball court has been put in, one of the tot lots has been installed, the clubhouse foundation is completed at this point in time that clubhouse should be open later this summer September, October. So we expect while the carriages are selling at a very healthy pace the single family homes they are to increase in pace as well.

MR. SELVAGGI: Okay and how does the status compare to last year if you recall?

MS. COFONI: I got it. Let's see 105 single-family homes 15 were sold and 7 were settled so 22 and of the 171 townhomes available 50 were sold and 29 had settled previously.

MR. PECK: Okay good so in the last year 36 townhomes have sold and 13 single-family's have sold.

MR. SELVAGGI: And site improvements generally the same status about 30 percent left?

MR. PECK: No a little bit more at Morris Chase. There's areas of the single-family homes and one section of townhomes where we haven't completed curbs or asphalt yet. Storm sewer is complete throughout the community, sanitary and water lines are complete throughout the community but you know we construct the improvements as the houses are sold and the lots released.

MR. WEISS: So would you say 40 percent? I'm asking that for Tiena because she is going to come back and ask in a second.

MR. PECK: Gene about right 40 percent left at Morris Chase?

MR. BUCZYNSKI: That's a good estimate.

MR. PECK: Okay.

MR. BUCZYNSKI: Probably a little less than 40 percent.

MR. PECK: It might be a little less than 40.

MR. BUCZYNSKI: Just one more thing go back as far as the numbers for carriages.

MR. PECK: Yes.

MR. BUCZYNSKI: How many sold?

MR. PECK: 86 out of 171.

MR. BUCZYNSKI: Okay.

MR. PECK: Tiena said there last year here were 50 sold so . . .

MS. COFONI: 29 settled.

MR. PECK: Settled (inaudible) sold.

MS. COFONI: Yeah 50 okay. So yeah you have 36 more on the . . . .

MR. PECK: Right on the townhouse side.

MS. COFONI: And then of the single-family 15 were sold and . . .

MR. PECK: Now we're at 28.

MS. COFONI: 28.

MR. PECK: Which is telling because last year we were open for sale for two years and had sold 15 whereas we've sold 13 in the last twelve months so the pace is quickening on the single-family's. Unfortunately, it appears that the townhouses will be sold out before the single-families do so we'll be here a little bit longer.

MR. WEISS: Anybody else have any comments or questions? Same story I think we should do the same thing. I agree I have no problem granting a one year if that works with you?

MR. SELVAGGI: That's fine.

MR. WEISS: And you'll repeat the process, hopefully you'll bring more good news? With that being said I'll open it to the public. I'll just close it to the public is there anybody from the Planning Board have anything else? If not let's have a motion.

MR. RUSSELL: I move that PB 01-04 be approved.

MR. BEDELL: I will second that motion.

MR. WEISS: Okay thank you. Comments? Seeing none Lauren roll call.

MS. PERKINS: Brian Schaechter - yes  
Nelson Russell - yes  
Steve Bedell - yes  
Scott Van Ness - yes  
David Koptyra - yes  
Michael Koroski - yes  
Howie Weiss - yes

MR. SELVAGGI: Gentlemen thank you very much we appreciate it have a good night.

MR. PECK: Thank you very much.

MR. WEISS: Dan are you joining us again?

MR. NELSEN: I'm back.

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**APPLICATION #PB 13-02 – LAND CONSERVANCY – (Block 8100, Lot 61)**

MR. WEISS: All right let's finish this celebration tonight with our lone developmental matter which is PB 13-02 The Land Conservancy site plan with variances for the community garden located on Wolfe Road Block 8100, Lot 61. Although I can't say I remember the name I do remember the faces so welcome back ladies we're glad to have you and looking forward to hearing what (inaudible). I think we also have plans in front of us including me this time thank you.

MS. MCDONALD: Thank you Mr. Chairman I'm Gail McDonald I'm the attorney for the applicant The Land Conservancy of NJ and this is for a combined preliminary and final site plan application. There is an amendment to this application the site plan for the parking area is for 51 cars and not 53. I've two witnesses with me tonight Barbara Heskins-Davis of The Land Conservancy of NJ and Mike Lanzafama of Casey & Keller.

MS. COFONI: Okay we can just swear you both in right now if you want.

(BARBARA HESKINS-DAVIS SWORN IN FOR THE RECORD)

MS. COFONI: I need you to state your full name and spelling your last name and giving your business address please.

MS. DAVIS: My name is Barbara Heskins-Davis my last name is (H-E-S-K-I-N-S) (D-A-V-I-S) and I'm at The Land Conservancy of NJ which is 19 Boonton Avenue in Boonton, New Jersey 07005.

MS. COFONI: Thank you.

MS. MCDONALD: Barbara can you explain to the Board your professional background experience and exactly what your duties are at The Land Conservancy of NJ.

MS. DAVIS: I am a licensed professional planner I have been at The Land Conservancy for 14 years. I've previously taught at Drew University and The County College of Morris and I've served as an environmental scientist for several engineering and consulting firms in Pennsylvania. I serve as Vice President of programs at The Land Conservancy I oversee our planning, stewardship and municipal advising programs. I led The Land Conservancy's successful application for land trust accreditation; we were the first land trust in the State of New Jersey to receive accreditation which means we meet the highest professional and ethical standards for preserving and owning land.

MS. MCDONALD: And can you discuss the application before the Board tonight.

MR. WEISS: Before you do that I just want to make sure that Barbara is here representing The Land Conservancy or as a planner.

MS. DAVIS: At the Land Conservancy of NJ.

MR. WEISS: Okay so as the applicant.

MS. DAVIS: As the applicant.

MR. WEISS: Okay fair enough so you're not going to necessarily give us planning testimony that you're not presenting Barbara as an expert witness except for what she does which is . . . .

MS. DAVIS: At the Land Conservancy.

MR. WEISS: Okay perfect I just want to make sure.

MS. DAVIS: Okay the site plan application before you is for the installation of a 69 plot community garden, a shed, a well for irrigation, storage bins for mulch and top soil and the construction of a gravel parking area for 51 cars. The property is located on Block 8100, Lot 61. It's approximately 300 feet south from the intersection of Wolfe Road which is a township road and New Jersey State Highway Route 46. This property is located on the north section of the Land Conservancy of New Jersey Southbranch Preserve. And the community garden and its supporting parking area is located at the northeastern corner of the property. The existing use of the property is that it's undeveloped and it was previously assessed as farmland. The location of the proposed parking area was once a location of the farm house, the barns and the gravel access drive and there are currently three existing concrete pads on this site from those former structures. There's the existing power line easement and the property is deed restricted for conservation use only. We're proposing that this section of the preserve be used for a community garden, the zoning is R-2 and C-2 and the total size of the lot is 109.642 acres.

MS. MCDONALD: Can you discuss why the Land Conservancy is pursuing this project.

MS. DAVIS: The Land Conservancy of New Jersey is completing this project at the request of the Township of Mt. Olive. Originally Mount Olive Township had planned no constructing and managing a community garden on its own. The Township did not move forward with these plans and instead has asked the Land Conservancy to undertake this project on their behalf. The Land Conservancy prepared an application to sustainable New Jersey on behalf of the municipality and the municipality did receive a \$10,000.00 grant to assist with the completion of the community garden.

MS. MCDONALD: And are there any variances being sought as part of this application?

MS. DAVIS: The Land Conservancy is seeking approval for the following variance. A front yard setback for the variance for the parking area, specifically this variance is from schedule of bulk requirements C-2 front yard setback of a parking area 100 feet is required and 45 feet is proposed.

MS. MCDONALD: And can you discuss any sign waivers that are being sought?

MS. DAVIS: The Land Conservancy is seeking approval for the following design waivers. Section 400-57D parking lots over 10 spaces shall have concrete or Belgian Block curbing, none is proposed. Section 400-57E size of parking stalls and aisles 180 square feet with 25 foot aisles required, 162 square feet with 24 foot aisles are proposed. Section 400-57G parking areas to be paved, gravel is proposed. Section 400-57K (7) no parking in the front yard, 8 cars are proposed in the front yard. Section 400-58B(3) parking stalls to be striped, no striping is proposed. Submission of an environmental impact statement and submission of a traffic study.

MS. MCDONALD: And can you discuss the impervious surface coverage involved with this project.

MS. DAVIS: Impervious surface coverage will utilize the existing concrete pads from a farmstead building that used to be on the site. Gravel will be utilized in existing disturbed areas for the balance of the parking facility. There will be a net increase in existing impervious surface coverage of 3,040 square feet.

MS. MCDONALD: And can you discuss the kind of impact that this project will have on this site.

MS. DAVIS: The community garden at Southbranch Preserve is a seasonal use and will have a low impact on the area. The garden will open in May and close in October upon completion of the growing season. No trees will be taken down as part of this development of this garden and the parking area.

MS. MCDONALD: And who will use the community garden?

MS. DAVIS: The community gardens were used by gardeners who will stay at the facility for one to two hours or less as they manage their plot. It's open primarily for residents and members of the Land Conservancy. Hikers will also use the parking facility to access a trail which will wind through the Preserve. The Preserve is only going to be open during daylight hours.

MS. MCDONALD: And I have nothing further for Ms. Davis so she is available for questions.

MR. WEISS: I have a question and I'm a little bit embarrassed to ask but what is a community garden?

MS. DAVIS: A community garden is a public . . . a community garden is an area by which a resident can go and manage a plot. The plots are going to be 10 by 10 where they can grow their own vegetables or flowers. The advantages of a community garden is that they're surrounded by deer exposure fencing so you don't have problems with animals or rodents, there's typical water provided which there will be here in order to grown the vegetables. It also becomes a real social gathering spot for people of similar interest to come and garden together. There is no community garden in Mount Olive it's one of the points in terms of the Sustainable Jersey Program when you're seeking certification to have a community garden and especially in Mount Olive where you have such a wonderfully diverse and ethnic community it gives people ability to grow foods that they may not be able to easily get in a supermarket. This garden will also encourage a donative benefit to gardens, many community gardeners don't realize how much they can actually grow in a 10 by 10 plot so we are establishing partners for local food pantries for gardeners to be able to donate their excess produce so you can have healthy choices.

MR. WEISS: Is there a cost involved to someone who wants to garden a 10 by 10?

MS. DAVIS: Yes.

MR. WEISS: How does it work?

MS. DAVIS: Yeah there is and again this is very typical and actually the proposed rates are lower than what we've seen for other gardens. The Land Conservancy will charge for the use of the garden an annual rate of \$20.00 for someone to purchase a plot, there will be a one-time fee of \$35.00

for the irrigation there will be a one-time fee. If you live outside of the municipality or you're not a member of the Land Conservancy the rate will be slightly higher.

MR. WEISS: I mean is there a process for accessing these?

MS. DAVIS: It will be on a first come first serve basis.

MR. WEISS: For one year?

MS. DAVIS: For one year.

MR. WEISS: Dan?

MR. NELSEN: You mentioned for residents, is this residents only? Then I believe you said if someone comes from outside . . . .

MS. DAVIS: Right the garden is going to be open to residents of the municipality and residents of the Land Conservancy if they don't fill the 69 plots it will be open to people who are outside of the community.

MR. WEISS: Scott?

MR. VAN NESS: If you do fill it and there becomes a waiting list you'll maintain a waiting list?

MS. DAVIS: Yes.

MR. VAN NESS: Will residents be priority in the waiting list or is it first come first serve for even non-residents.

MS. DAVIS: It will be residents and members of the Land Conservancy that will receive first priority.

MR. VAN NESS: Thank you.

MR. NELSEN: In that order?

MS. DAVIS: It can be; I hope we have that problem.

MR. WEISS: Anybody else have any questions? Seeing none I will open it to the public. Kathy?

MS. MURPHY: Kathy Murphy 31 Camelot Drive, Budd Lake, NJ. The location is excellent here because it's fairly close to large apartment complex where people do not have any ability to garden and so here they can just you know go down the street it's within walking distance they can go rent a small garden and that technically is a low income area the town is able to qualify that area for community development grants actually with those apartments. So we're taking a low income area your giving them an opportunity to grown their own food, it's within walking distance, you have a large ethnic community there where they might be able to grow food that they can't ordinarily find in the grocery store and your also providing an educational component for them too.

MR. WEISS: Kathy as the former Grant Coordinator in town and officially you can take that title . . . .

MS. MURPHY: Official until June, I'm still official.

MR. WEISS: Okay so you're still the Grant Coordinator. I understand I mean I heard Barbara talk about there was a grant received for the construction of this?

MS. MURPHY: Yes the town is a Certified Sustainable Jersey Community, meaning we applied to that program which sort of encourages the town to adopt certain environmental or sustainable practices in town. Whether it's planning or recycling or even including things like open space plans and community gardens. We did receive a \$10,000.00 grant which will help offset the cost of them drilling the irrigation well for this property. So that was one contribution the town was able to make.

MR. WEISS: That was my question \$10,000.00 does that cover the cost?

MS. MURPHY: It will go a little bit over but at least it offsets the cost and they'll pick up the rest of it. And then the last thing really is that the town obviously owns other properties, we had considered putting a community garden on one of the township properties but we really felt that the location of their property was much better suited to the population that needs the service and also they're willing to man it's program so we saw it as a win/win on the township process. So we've been talking with Administration, Mayor and Business Administrator everybody is really on board for the project.

MR. WEISS: So I guess the follow up question to the grant money was Barbara is the money that's collected goes to the Land Conservancy?

MS. DAVIS: The grant that was received . . . .

MR. WEISS: No, no I'm sorry the money that's collected for the use of the garden.

MS. DAVIS: Yes it will go specifically into a fund to manage the garden. The cost of the irrigation system and the ongoing maintenance of the garden is really going to just break even with what comes in in terms of the membership fees.

MR. WEISS: So as a follow up are you governed in any way on how you set your fees? I know you said \$20.00 plus a one-time irrigation fee of \$35.00. It sounds kind of actually very inexpensive.

MS. DAVIS: It is.

MR. WEISS: Is there any reason why it's so inexpensive?

MS. DAVIS: Because we want to encourage people to utilize the facility. The mission of the Land Conservancy is to preserve land for open space for people and we want people on the property. So it's really an encouragement and an enticement.

MR. WEISS: Okay. Dan?

MR. NELSEN: In consideration of the proximity of the school the Middle School is there any effort to work with the school to bring some kids there and have them . . . .

MS. DAVIS: We hope to. Typically the growing season for the community garden is when the schools are off session so what we're really hoping is that we can bring some of the produce to the schools and have small groups at the garden as appropriate with the educators.

MR. NELSEN: Okay. And Steve brought up another interesting . . . .

MR. BEDELL: Well one thing is there's what 69 plots at 100 square feet?

MS. DAVIS: Right.

MR. BEDELL: Which is about like a about a (inaudible) of an acre so would they open up more lots or plots or . . . .

MS. DAVIS: Yes the garden is designed to be expanded.

MR. BEDELL: Okay.

MS. DAVIS: You know when it's needed. Right now we felt 69 was a manageable number to start out with.

MR. BEDELL: Okay. Where is the access?

MS. DAVIS: Off of Wolfe Road.

MR. BEDELL: Okay is it going through Vasa Park or is there a different entrance?

MS. DAVIS: No, no.

MR. WEISS: Steve I think we have testimony coming that will give more answers to that. Let's hold off on that.

MR. BEDELL: Okay.

MR. WEISS: Scott?

MR. VAN NESS: The rest of the property is, or it used to be farmed. Is it going to continue to be farmed?

MS. DAVIS: Well that's an exciting question so I'm glad that you asked it so thank you. The property itself is . . . the Southbranch Preserve is in two sections. This is the north section which in total with all of the surrounding lots is 208 acres which incorporates 12 former agricultural fields and associated woodland areas. This particular lot in Block 8100 is the focus of a forest restoration initiative. We received a large grant from the United States Forest Service that's being matched with funding from the United States Fish and Wildlife Service and the Natural Resource Conservation Service to actually restore the native forest on those four fields that are part of this particular lot to help improve the water quality and insure the high water quality of the Southbranch of the Raritan River which runs right through this site. So those four fields on this particular lot and block are restoration fields which is why the community garden location is so ideal for the Land Conservancy in addition to the municipality. Because the community garden is going to be adjacent to this restoration initiative so it's a wonderful educational opportunity for people to see how former farm fields that have a kind of a higher purpose of protecting the water supply can be restored and successfully managed and the trail will actually weave through the restoration site and run along the outside of the fencing for the community garden to kind of educate the public on what can be done on protected lands. The remaining component of the north section of the Southbranch Preserve which has the remaining 8 agricultural fields which is on the other side of Route 46 and the other side of Wolfe Road we received grant funds to transition those fields to organic farming. So all of the corn was plowed under last year, the fields were tilled and they were replanted with native oats and they will be coming up and we've been interviewing farmers which is very exciting to manage the farms organically. Which will help again with the water supply and will be part of the educational initiative, we've applied for funding from the New Jersey Department of Environmental Protection to put up educational kiosks at the Southbranch Preserve to help educate the public on what we're doing and why. So thank you for asking the question.

MR. VAN NESS: The reforestation of this particular area is it going to be done naturally or strategic plantings?

MS. DAVIS: Strategic plantings and it's actually going to start this spring I just authorized the expenditure of funding so today was a big day I took a big breath. We're going to be . . . the planting is going to be done in two phases this spring and then next spring. We have a restoration team that we've utilized experts that actually recommended by the Forest Service and the National Forest Foundation and the strategic planting will be done almost as an island so that the trees will expand beyond those islands. And we're starting with the closest field and then working our way back towards the river with the plan that the trees will naturally extend. So there will be several thousand plants planted over the two year period, we're utilizing local landscapers to help us with the planting and we're very excited with this initiative.

MR. VAN NESS: Will they be using seedlings or semi-mature trees?

MS. DAVIS: The planting plan incorporates whips which are bare root plants and a combination of some potted plants. But primarily whips you can plant more of them because you're going to have a die off and there's going to be a certain percentage of success rate. And the more you plant the higher the probability that they will actually take to the site. And they're all native plants which wasn't so easy to do either to get a nursery that had this volume of plants available. So we've been working with the Morris County Soil Conservation District on it and they've been incredibly helpful.

MR. VAN NESS: Thank you.

MR. WEISS: Dan?

MR. NELSEN: One other question. This, the community garden itself the 69 plots is that a fenced in area? Is it overseen by anyone?

MS. DAVIS: Yes the entire property for the restoration site does have deer enclosure fencing on it now so if you drive down Wolfe Road you'll see the deer enclosure fencing that was put in last May. The garden itself will have fencing we'll use two sides of the deer enclosure fencing and then two sides will be fencing to fence off the garden. We the Land Conservancy will be managing the garden directly and we're in the process of forming a garden steering committee and we've actually had half a dozen people come forward, we've announced it on our website and in our electronic media and now we'll form the steering committee that will actually be the on the ground. But until that becomes underway the Land Conservancy is going to take a very active role in going to the garden and making sure that it's being done properly for the first year. We anticipate a three year kind of start up to get the garden going.

MR. NELSEN: And the people utilizing this property will they have . . . will it be a lock and key situation? Will they just have free access to it?

MS. DAVIS: It's going to be a combination lock.

MR. NELSEN: Okay. I wouldn't want to see people you know people arguing hey you stepped on my zucchini.

MS. DAVIS: Right well actually it's really extraordinary; community gardens are . . . there's a respect for the community gardens. I don't know if you've been in Morristown but there is an urban garden in Morristown on Hurley Street right near the high school right near the Morristown neighborhood house that is completely unlocked and you can walk in, you can walk out they've had no issues with neighbors or anyone walking by. It's fenced but it's a wonderful resource so we don't anticipate a problem but we will have a fence that has a combination lock on it.

MS. COFONI: Just Dan wait, aren't the . . . at least the ones I've seen, aren't the individual plots so to speak fenced?

MS. DAVIS: No.

MS. COFONI: Or are they just like dirt walkways in between them.

MS. DAVIS: Yes.

MS. COFONI: Okay.

MR. WEISS: Scott?

MR. VAN NESS: Is there room for expansion?

MS. DAVIS: Yes.

MR. VAN NESS: And how much extra space or was that something that your experts are going to . . .

MS. DAVIS: Mike will speak to that.

MR. VAN NESS: Thank you.

MR. WEISS: Anybody else have any questions for Barbara? Is there anybody else from the public that has any questions? Seeing none Barbara thank you so much for your testimony.

MS. DAVIS: Thank you.

MR. WEISS: And Ms. McDonald you can move on to your next witness.

MS. MCDONALD: Okay my next witness is Mike Lanzafama.

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

MR. LANZAFAMA: It's Michael Lanzafama (L-A-N-Z-A-F-A-M-A) I'm a licensed professional engineer, land surveyor and planner I'm a principal with the firm of Casey & Keller Inc. 258 Main Street, Millburn,

New Jersey. I hold a Bachelor of Science Degree in Civil Environmental Engineering from New Jersey Institute of Technology. I've been licensed as a professional land surveyor and engineer since 1984 and as a professional planner since 1985. I've been with Casey & Keller for approximately 40 years I've testified before numerous Boards throughout the State on similar matters although not one as exciting as Barbara sells it she does a great job. She's gotten me excited about it as well. So I think this is the first time I'm before Mount Olive however.

MR. WEISS: And you're testifying tonight as an engineer.

MR. LANZAFAMA: As an engineer and a professional planner and a land surveyor we can throw that in too.

MR. WEISS: Okay does anybody have any questions although we've never met Mr. Lanzafama we welcome you and welcome you to Mount Olive and look forward to what you have to say. If anybody has any objection we'll accept Mr. Lanzafama as an expert engineer, planner and surveyor.

MR. LANZAFAMA: Thank you. I'm just referring to some drawings that I do have mounted on the easel. These drawings are the exact same drawings that you have in your set of plans that were submitted to the Board for the Board's consideration and approval. This drawing is the boundary survey that was prepared for the acquisition by the Land Conservancy of the Southbranch Preserve as Barbara had described. The area that we are primarily concerned with is the intersection of Route 46 and Wolfe Road it's the southwest corner of that property and it's bounded by Wolfe Road and the power lines that kind of bisect Lot 61 in Block 8100. As you can see this large tract is over 109 acres in size and the area that we're proposing for our community garden is just on the southwest side of the power lines, just beyond the limit of the power lines. The area we're proposing our parking field is going to be located on the north side of the power lines and you can see the annotation on this plan says remains of old foundation and it shows some access roads through there. Looking at the blow up of that area you can see to get you some more orientation the power lines are running east and west on this map or from bottom to top. On the left side or the northern side of the power lines are the proposed parking area that we're proposing for the use by the hikers and the people that would utilize the community garden. The community garden is an area approximately 112 by 100 feet you can see that 69 plots, 10 by 10 plots are set up in a very rectilinear arrangement. We have 2 and 3 foot wide wood chip paths between each of the plots, the plots would be edged with some type of wood treatment perhaps to define that area. In the center portion of the community garden is an area where fellow gardeners' could congregate we have some benches and a lawn area so people can kind of make it a sense of place where people can congregate and share ideas about their gardening. We're proposing a shed enclosure on the western side of the community garden this is setback in conformance with the zoning. The lot itself is actually split zoned, the area to the south of the power lines is actually in the R-2 zone, the area north of the power line is in the C-2 zone. We are proposing some storage bins for top soil, mulch and wood chips. There will be a compost pile at one corner of the community garden, the line that you see on the plan with the little "x"s in it that represents the existing deer fencing that is in place on the site now. There is going to be a well drilled at one point to provide irrigation for the community garden, there will be a little yard hydrant that would be constructed immediately adjacent to the shed so that the gardeners can access clean water for irrigation of their plant material. The parking field itself is going to be construction in the area of the site where the old barn and sheds and old farmhouse were located. You can see the limits of the existing concrete areas that are still remnant there there are still access points, remaining access points coming in from Wolfe Road which is a graveled area. There's a graveled loop road as well as a graveled area that goes from where the old house was which was very close to Wolfe Road back through to where the barns were. So we tried to limit the location of our parking field as we stated we're proposing 51 cars at the site we were hoping to get more but because of the site constraints we are limited by the fact that there's a 300 foot buffer along the Southbranch that we have to adhere to. And we made sure that we pulled that parking area out of that zone so we were not doing any type of development within that area. The parking area itself will be gravel surface; we're not going to put down any new asphalt with the exception of an asphalt apron at the Wolfe Road intersection. The parking stalls themselves will be 9 by 18 with a 24 foot wide aisle. As Barbara had mentioned we're asking for certain design waivers. Because of the low intensity of use that we anticipate for this parking area and the desire to blend in with the nature of the site and not put down an asphalt surface with curbing and really intrude into the area but try and create a parking area that blends in with the topography and doesn't disturb to much of the site. So we would ask that we be allowed to only use a gravel surface instead of asphalt. We're proposing log type curbing instead of a concrete or granite block type curb at the limits of the parking lot. There will be no method of striping the parking stalls but we know we should be able to accommodate 51 spaces. And there will be no lighting proposed for the parking lot because it's dawn to dusk type operation. So there will be no need for that and all of the major trees in that area are being preserved we worked the parking lot design

area that fact. We will be removing some of the gravel surface in an effort to keep down the impervious areas on the site. As Barbara mentioned there is going to be increase of about 3,000 square feet of new impervious area. By impervious I mean gravel area. The Highlands Act considers gravel impervious because of the compaction of the soils below. And as a result there will be a very, very slight increase in stormwater run-off from that increase in the impervious area. For the 100 year storm we determined that that increase would be about .13 cubic feet per second, that's the equivalent about a gallon of water per second coming off of this area. And when you consider the fact that it's a 109 acre site you won't even perceive that increased runoff. And as the runoff sheets off of the site it will flow through a wooded area a heavily vegetated area getting filtered before the water enters the stream corridor. So we don't see this as posing any significant problem. The one variance we're seeking is the fact that the parking that is located closest to Wolfe Road will be only 45 feet from the right-of-way line. Accessory structures under your ordinance in the C-2 zone need to be 100 feet from the right-of-way line. In my opinion that variance could be granted under the C-2 criteria of the Municipal Land Use Law I certainly see the benefits of allowing this type of project to go forward it certainly has more benefits than negatives associated with it. The fact that the existing structure was even closer to the roadway, now it's gone of course, but that had no impact I don't see how the additional parking would have any impact. We're also asking for a waiver to allow these 8 parking stalls to intrude into that front yard as well. And again this is due to the site constraints we're trying to stay within the areas of prior disturbance which is a requirement of the Highlands Act so we're keeping our increase in the expansion of the disturbed area less than 25 percent over what exists under current conditions. We are in the process of applying to the Highlands Council, we qualify for Exemption No. 4 for the redevelopment of areas of prior disturbance as long as we're not disturbing more than 1 acre which we're not here. We're not increasing impervious area by more than 25 percent. In my opinion I believe that the development would not pose any substantial detriment to the public good or the intent and purpose of your zone plan.

MR. WEISS: You know I think the only think I want to do is just maybe for the last five minutes or so Michael you've been testifying to the plan that we have in front of us which is drawing number 2 of the map that we have in front of us. Prior to that when you showed us the overall layout of the way you show us the 200 plus acres we don't believe we have that one.

MR. LANZAFAMA: That was submitted with the original application. We submitted three copies of that.

MR. BUCZYNSKI: The Planning Board has that.

MR. WEISS: Okay I wasn't sure.

MR. BUCZYNSKI: Yeah we have that. Just regarding the site plans the ones you have there they are the ones that were revised I think February . . . .

MR. LANZAFAMA: February 11<sup>th</sup>.

MR. BUCZYNSKI: Okay and regarding the parking are you going to submit a revised plan showing the correct number of parking stalls?

MR. LANZAFAMA: Yeah I already corrected on this exhibit but I'll send you another copy. Yeah we had a miscount on cars.

MS. COFONI: I'm sorry the plans that you're talking about?

MR. LANZAFAMA: Are dated February 11, 2013.

MR. BUCZYNSKI: You may not have them.

MR. LANZAFAMA: Yeah we submitted two sets of plans.

MR. BUCZYNSKI: You might not have the revised plans.

MS. COFONI: I don't have the amended application or the amended plans.

MR. WEISS: Does anybody on this side have the . . . .

MS. COFONI: I think he said he only submitted two copies.

MR. BUCZYNSKI: I made a couple of sets in my office.

MS. COFONI: Perfect. Gene was kind enough to just give me a copy.

MR. WEISS: Okay so your testimony was complete Mr. Lanzafama and I think we clearly heard your proofs.

MR. BUCZYNSKI: One more item.

MR. WEISS: Oh go ahead Gene.

MR. BUCZYNSKI: Just curious as far as if you know the distance between that entrance and Route 46.

MR. LANZAFAMA: It's about 300 feet.

MR. BUCZYNSKI: Its 300 feet? I thought it was a little over 200 okay.

MR. WEISS: And to go from the garden to the parking lot you see there's a path?

MR. LANZAFAMA: It's through this path there's going to be a wood chip path that will take pedestrian traffic through people will be able to turn off and walk onto a hiking trail that will (inaudible).

MR. WEISS: How far is that walk from the edge of the parking lot?

MR. LANZAFAMA: Good question, don't know. It's about 300 feet.

MR. WEISS: Okay too far for me on that. Scott?

MR. VAN NESS: I have a few questions. The concrete pad that exists in the parking lot to the north of the lot.

MR. LANZAFAMA: Right here.

MR. VAN NESS: Yes. Why is that remaining, is that just to save costs?

MR. LANZAFAMA: Yes.

MR. VAN NESS: The wood chip path is that going to be the access . . . obviously that's going to be the access to the storage bins. How would the storage bins be replenished by truck? Or by bags, by . . .

MR. LANZAFAMA: No it would small volumes that we're talking about.

MR. VAN NESS: Will this be the tenants that are bringing in those supplies or is that brought in by the Conservancy?

MR. LANZAFAMA: I'm going to have to defer to Barbara for the operation.

MS. DAVIS: The Land Conservancy for the initial start up will bring it in ourselves and then the expectation will be that the tenants will supply it.

MR. VAN NESS: Okay. So basically my concern is that you know will vehicles be using this wood chip path?

MS. DAVIS: No.

MR. LANZAFAMA: No that's not the intention, you know wheel barrels you can grab a few you know bags of top soil and wheel barrel it in and dump it into the bins as you need it.

MR. BEDELL: Will there be a sign or should there be a sign like to that effect that no motorized vehicles beyond this point?

- MS. DAVIS: Yes.
- MR. BEDELL: Okay.
- MR. VAN NESS: You can see that in the plan as well.
- MS. DAVIS: Well what we'd like to do is we don't want to have any signs on the property we're going to have a kiosk and the kiosk will have a notice on it that will have the rules for the site.
- MR. NELSEN: Will there be any machinery used on this like rototillers or backhoes or anything like that?
- MS. DAVIS: In terms of the construction of the garden?
- MR. NELSEN: Not just the construction but the maintenance of it and people using their own little plots?
- MS. DAVIS: If anything it will be hand held I'm not sure if I'm answering the question correctly. No one is going to drive on to the site.
- MR. NELSEN: I know I just wondered if the Conservatory supplied anything like a rototiller or anything like that.
- MS. DAVIS: No I don't believe we will.
- MR. NELSEN: All right so people will bring their own tools to this?
- MS. DAVIS: Well the people are going to have access to the shed so if they want to store items in the shed they'll be able to access the shed.
- MR. NELSEN: Okay but you won't supply those tools or anything.
- MS. DAVIS: No we're going to supply the hoses for the garden for the water but I believe at this point that was what we had planned.
- MR. BEDELL: You mentioned that there's going to be no lighting for the parking lot. You said it's from dusk till dawn. Who monitors that? I mean let's say someone stays it's after dark you know it's now dark and they're there 8:00 at night you know should there be any light or a few lights?
- MR. LANZAFAMA: I don't think there should be. We will have electric service coming into the shed for the pump and the well but there really is no intention to put any type of lighting there.
- MS. DAVIS: We don't want to encourage it either. If you light it then . . . .
- MR. BEDELL: I mean there is no gate at the front, that gate doesn't get locked at the entrance every night?
- MS. DAVIS: There's a gate now but the gate will be removed.
- MR. BEDELL: Okay so that will always be an open entrance.
- MS. DAVIS: Yes.
- MR. SCHAECHTER: So if someone is walking on the hiking trail and it's late at night or . . . .
- MS. DAVIS: They better hustle back to their car.
- MR. WEISS: I think Gene had a question for you.
- MR. BUCZYNSKI: Regarding buses, do you expect a few buses or . . . .
- MS. DAVIS: No.
- MR. BUCZYNSKI: You may have school trips possibly right?

- MS. DAVIS: Not at this time.
- MR. BUCZYNSKI: No? Okay. I was just concerned about backing up.
- MS. DAVIS: Yes that was our concern as well.
- MR. BUCZYNSKI: They will back up in the parking lot and not in the roadway correct?
- MS. DAVIS: Right.
- MR. WEISS: Scott do you have another one?
- MR. VAN NESS: The parking lot by the handicap spots?
- MR. LANZAFAMA: Yeah we put two handicap spots on one of the concrete areas.
- MR. VAN NESS: The back side of that lot is not delineated? Is it going to be?
- MR. LANZAFAMA: We will delineate the handicap stalls because that will be on the concrete.
- MR. VAN NESS: I understand that. Across the parking lot from that it doesn't indicate where the edge of the parking lot ends.
- MR. LANZAFAMA: Oh, oh you mean along here?
- MR. VAN NESS: No go west young man.
- MR. LANZAFAMA: Along here.
- MR. VAN NESS: No that's north.
- MR. LANZAFAMA: That's well northwest okay.
- MR. VAN NESS: Just right across from the handicap spots.
- MR. LANZAFAMA: Oh, oh right here.
- MR. VAN NESS: Yes.
- MR. LANZAFAMA: No that's just going to be the edge of the gravel there's no delineation proposed there. That's an existing gravel edge now, if you think it's necessary we could you know run a log curbing along there like we did on the rest of the site. We just didn't think it was necessary.
- MR. VAN NESS: Well I would imagine that's going to be access to the larger plot overall for your equipment to get your plantings in and out and such so I expect that that's probably where the access will be. As long as the gravel is obvious different than the rest of the plot that seems acceptable.
- MR. WEISS: Will there be anything to deter cars from parking back there? Is that what you're worried about Scott?
- MR. VAN NESS: No just I really don't want to see access of vehicles getting into the . . . you know I don't want to see . . . we have a tendency in this region, I'm not going to say Mt. Olive, to seem to think that we can drive our cars and park wherever we want to. Whether it be on grass or someone's lawn or corn stalks or whatever, I just don't want to see vehicles . . . I just don't want to see people thinking that they're lazy and want to drive to their plot as opposed to parking in the parking lot where they belong. So maybe a removable barrier for your . . . just something, it needs to be delineated. However you all come up with an idea to keep the people in the parking lot as opposed to driving all over the place that works for me.
- MR. LANZAFAMA: Fair enough.
- MR. SCHAECHTER: They can get a wheel barrel through but they can't get a car through.

MR. VAN NESS: Wooden bollards just I know that you want to keep it as natural as possible and I recognize that.

MS. DAVIS: Okay.

MR. VAN NESS: Wheel barrel friendly.

MR. WEISS: Anybody else? I see no other questions for Mr. Lanzafama, is there anyone from the public?

MR. MCGROARTY: One thing though if I may. I'm not sure Scott that's a good idea to totally block access from the parking lot to the garden area because in the event you know as you well know as Police or First Aid . . .

MR. VAN NESS: I'm not asking that it be blocked off just as long as there is a delineation.

MR. MCGROARTY: Okay. I thought when you said bollards I thought you meant in such a way as to prevent a vehicle from . . . .

MR. VAN NESS: Well the bollards that delineate the border of the parking lot.

MR. MCGROARTY: Oh okay.

MR. LANZAFAMA: We probably wouldn't do bollards . . . .

MR. MCGROARTY: I'm sorry but I just wanted to . . . .

MR. VAN NESS: I agree with you completely.

MR. MCGROARTY: People are going to have to back out of those spaces though right? You don't want to put anything there that's going . . . .

MR. VAN NESS: Agreed.

MR. MCGROARTY: Oh okay.

MR. VAN NESS: Well it looks like they're . . . . I mean if they're going to be going based on what the gravel exists there now that's not going to be enough space to do anything there. So obviously they're going to have to expand the aisle so to speak behind the handicap spots to the appropriate width to allow them to ingress and egress to those spaces.

MR. MCGROARTY: Well I think that . . . they can clarify but I don't think they want to put any more gravel down because they're going to have to try to stay within the limit so it doesn't trigger a major Highlands development. But your point is well taken you don't want people driving all over the site it's just . . . I misunderstood I guess I was think you were suggesting them block off access to the garden. As long as it discourages it but it doesn't totally prevent it that makes sense.

MR. VAN NESS: Right we just need to see . . . . impede the people from driving into the area.

MR. MCGROARTY: Right.

MR. BEDELL: Or even parking behind where those handicap spots are so those cars can back out.

MR. VAN NESS: There's not a lot of . . . . I mean we're probably talking about you know 100 square feet here or something like that that just looks like it needs attention in some fashion. I know that they want to use the space, I'm thinking they want to use a space to access the property for the other work they'll be doing there. That also will encourage others to drive their vehicles in there as well.

MR. BUCZYNSKI: You're figuring they're going to drive down that 6 foot wide path.

MR. VAN NESS: The 6 foot wide path, I know we're going to need access to it but it just needs to be . . . . you know they need to know that they can't drive there. You don't want people parking up there.

MR. WEISS: Okay anything else?

MR. BUCZYNSKI: Can't there just be one small sign there saying no vehicle access beyond this point?

MR. BEDELL: I would like two posts with a rope or something you know like I don't know . . .

MR. VAN NESS: We've had ugly experiences with cross ropes I think we should avoid them.

MR. BEDELL: Oh okay.

MR. BUCZYNSKI: Just one sign it could be a wooded post and just a sign against the post saying no access beyond this point.

MR. VAN NESS: Get someone to engrave it for you it doesn't have to be a traffic sign just something to delineate something.

MR. BUCZYNSKI: Now regarding those six spaces that's all going to be gravel correct beyond the concrete pad?

MR. LANZAFAMA: That's correct.

MR. WEISS: Anybody else? Seeing none Ms. McDonald I would turn it back over to you.

MS. MCDONALD: Okay I have no other witnesses I just ask that if the Planning Board issues the approval for this that it doesn't have to be conditional upon the NJ Department of Environmental Protection granting a waiver so we can move forward with the construction of the parking lot and the well.

MR. MCGROARTY: Mr. Chairman I think what's being discussed because we talked about it with the applicant, they are seeking a Highlands Exemption as the engineer described to you and I've talked with Highlands staff about it and Gene and I have looked at it. I mean I don't think there's any question that they're going to qualify for the waiver I'm just not sure that the Board has the authority. I mean I don't know . . . you're recognizing that they will have to pursue the exemption. I'm not sure what the request though is to say that the Board is not going to make that as a condition of approval.

MS. COFONI: Meaning I guess, and Chuck you can kind of clarify the exact process, I mean I guess if it's a condition of approval they don't have it they wouldn't get what?

MR. MCGROARTY: Right as I understand it if it is a condition of approval and it takes time for them to get this verification that the exemption is granted then they lose that time. I mean they can't do anything apparently on site, or I guess they can but they're at their own risk.

MS. COFONI: Well that's my question like do they need like a building permit?

MR. BUCZYNSKI: The question is will they be issued a zoning permit. I imagine we're not going to go into a developer's agreement process for this but a zoning permit.

MR. MCGROARTY: I don't think there's a . . . I mean I think the Planning Board's approval would trump a zoning permit but I think . . .

MS. COFONI: The question is what would they be held up on.

MR. BUCZYNSKI: Well I (inaudible) our position but the Health Department I'm not sure if the Health Department say it was a condition for Highlands if they don't have the Highlands they won't let them get a well permit.

MS. COFONI: Yeah and that we can't do anything about. But my question would be what exactly would you not get if our resolution says yes you have to get a waiver from Highlands.

MS. DAVIS: We're not going to be able to open this year.

MS. COFONI: You wouldn't be able to go forward?

MS. DAVIS: No.

MR. MCGROARTY: Well the Health Department has a memorandum and they're saying the proposed well is required to obtain a State Water Allocation Permit. Now I don't know if that type of permit, I mean who issues that the State or they do? Because if the State, does the State may . . .

MS. COFONI: So I would . . . I'm just trying to get clear in my head the process. Why wouldn't you be able to go forward if we have that as a condition?

MS. DAVIS: We won't be able to put in the parking lot.

MS. COFONI: Because you need what to put in the parking lot.

MS. DAVIS: Because my understanding is that if the Planning Board issues the approval conditioned upon the Highlands issuing their waiver that we are going to have to wait for the Highlands to issue the waiver and we won't be able to put in the parking facility or open the garden this year.

MS. COFONI: And what would you need in order to do the parking? Like for example if you were doing a building I would know you would need a building in order to start construction. Do you need any kind of permit like that or something? You know what would prevent you is my point, from even if we have that in our resolution from going ahead and doing it at your own risk. You don't need anything further from the town do you to start construction?

MR. MCGROARTY: I mean in another circumstance if this were a different situation we'd probably say that you'd need an LOI also because you're bumping right up against the 300 foot buffer so you know I mean you're doing what you're doing at your own risk it would seem. I can tell you my conversations with the Highlands staff is there's no question the exemption is going to be . . . they would qualify for the exemption.

MS. COFONI: Yeah I mean my point is exactly your point. I can't put that you can go forward without it in the resolution. I just can't we don't have jurisdiction to do that. So what I'm trying to do is determine whether or not you can do what I think maybe you can do is and that is go forward at your own risk and there would be no other document or approval or permit you'd need from the town in order to start that our resolution would stop you from. Although I don't know whether that's 100 percent true.

MR. VAN NESS: I mean I realize the Planning Board gives approval or not but they still have to get their permits to start any of their work.

MS. COFONI: What permit would they need?

MR. VAN NESS: They need a driveway permit to start there; they're going to need . . .

MR. BUCZYNSKI: They need a State Water Allocation Permit, they're going to need the well permit. I'm not sure if they're going to get stopped anywhere because they don't have Highlands. I don't know because normally we don't do that we always put in a condition and normally projects don't start until they get all the permits.

MR. VAN NESS: Even though we're 99 percent sure that they would get whatever they need what if that 1 percent comes true and they've already built their parking lot, then what? Do they have to tear the parking lot out?

MS. COFONI: I guess in theory that if they do it at their own risk they have to get . . . certainly it would have to be Highlands. My point is, I can't say that you can go forward without the Highlands permit in the resolution but I was trying to determine and ascertain is whether or not that mattered and that you could still go forward at your own risk and like what Scott said if Highlands for some odd reason denied you you'd have to rip it all out but there may be other permits that you have to get that's going to stop you. You know like a driveway permit maybe they won't issue that because you haven't satisfied the resolution.

MR. BUCZYNSKI: I'm not sure how quick they can get a State Water Allocation Permit for the well.

MS. COFONI: So that may hold you up anyway.

MR. MCGROARTY: Yeah I mean the driveway permit is a town permit that's not an issue. It's the well.

MR. VAN NESS: I'm just using that as an example that's all.

MR. MCGROARTY: No, no I'm not saying that's a bad example Scott I was just saying that's less an obstacle than perhaps this State Water Allocation. Because that's going to be coming . . . it sounds like it's coming somewhere from within DEP.

MR. BUCZYNSKI: You haven't started any process with them have you?

MR. LANZAFAMA: With the Highlands we have.

MR. BUCZYNSKI: With the DEP for water allocation.

MR. LANZAFAMA: No we didn't realize that an allocation permit would be necessary.

MR. BUCZYNSKI: I guess he's treating it as a private well.

MS. DAVIS: We can talk with the Health Department but when we met with the Health Department, we met with the Health Department this didn't come up and what he had requested was a release from Mt. Olive Villages to put in the well which we have in writing. So this is news to us and it's . . .

MR. MCGROARTY: We just got it.

MR. BUCZYNSKI: We just go it.

MS. DAVIS: Yeah.

MR. LANZAFAMA: This is contrary to the information we had before.

MS. DAVIS: Right it's just . . . and I'm not going to speak well so I really do apologize for that. But the Land Conservancy is doing this project at the request of the municipality. This is the right spot for the right use. And it's very difficult on our end to try when we receive this type of information to then know how to follow through. Casey & Keller Engineers is very graciously donating their services to the Land Conservancy for all of this work that's been required to create the site plan and to create the application to the municipality and to the State of New Jersey. So there's a breakeven point where we're going to be able to go. We have a certain amount budgeted for the parking facility, we have a certain amount budgeted for the well and you know I'll have to speak with Mr. Wilpert tomorrow to find out why this memo was delivered and the decision was made. All right, which is outside of your preview.

MS. COFONI: Yeah that's outside of . . .

MR. BUCZYNSKI: We can't waive the permit Barbara if that's what he says you have to . . .

MS. DAVIS: No, no, no I'm not asking you to I'm kind of reacting and that's where my apology comes in. But I'll follow up with Mr. Wilpert tomorrow. So my understanding now, if it's all right because this is again a bit different for the Land Conservancy we don't normally come to the Planning Board for these type of reasons, is that the Planning Board will issue the approval on this project hopefully and then we will submit to the Highlands Council and we can move forward with the parking facility at our risk that the Highlands Council will issue their exemption.

MS. COFONI: If the Board is so inclined they'll actually grant the approval tonight and then the resolution will be issued a month from now. So you'll have kind of the written form of the approval a month from now. As for getting your Highlands that is going to be a condition of the resolution, what effect that has on you going forward I can't to be honest I just can't say at this point.

MS. DAVIS: That's okay.

MS. COFONI: But to the extent that you're able to give another permit and whatever you have to do to get started then maybe you can go at your own risk I just don't know the process well enough for this kind of unique thing.

MR. BUCZYNSKI: Well even a driveway permit I'd be hesitant . . . I'd be personally hesitant to give the driveway permit with an outstanding permit. With the Highlands still being outstanding, I would.

MR. VAN NESS: And that's just, I mean that's just a simple thing but it's . . . .

MR. BUCZYNSKI: It's a simple thing but you install it and then if something happens . . . .

MR. VAN NESS: The advantage they have is that they're already using an existing apron and driveway there. So . . . but it's just about . . . because what has to happen in their plan is that apron needs to be paved or redeveloped. And that's where the driveway permit comes in. So if they were to move forward without that . . . .

MR. BUCZYNSKI: And I guess we have to see what's the story with the allocation permit. Nobody says they can't but I'm going to sign the driveway permit without the Highlands and not knowing where you stand with the water allocation permit.

MR. WEISS: I get the Highlands I don't know if that's a loaded question but something like this is it expedited?

MR. MCGROARTY: I don't know why it would be to be honest with you. I mean a project is a project I mean I don't know you know I don't know how they deal with it to be honest with you.

MS. COFONI: When were you hoping to proceed?

MS. DAVIS: This spring.

MR. LANZAFAMA: Well we have 30 days between hopefully tonight's vote and a formal resolution.

MS. COFONI: Yes.

MR. LANZAFAMA: So we can get our application pushed down at the Highlands and maybe we'll have an approval by then. I mean I'm the eternal optimist.

MR. MCGROARTY: I mean administratively the checklist allowed the town, allowed Mt. Olive to administratively waive the requirement that they get it prior to coming here with the checklist as it is now. But we did that only based on the information that was submitted by the applicant and also in our own analysis that we felt would it would qualify. But again we don't . . . .

MR. BUCZYNSKI: It's pretty simple but I know it's been other applications that went to Highlands and the next thing you know they send it over to DEP because there's other permits involved you know and you never know what's going to happen.

MR. MCGROARTY: I agree with you.

MR. BUCZYNSKI: Because if there's nothing but Highlands but they're going to see all the State permits. The Water Allocation Permit so now it's going to go to the DEP and then they're going to start questioning this and that.

MS. COFONI: I think the answer is I think assuming that there will be an approval that the town certainly is interested in helping in any way they can. But our reach only goes so far and sometimes their hands are tied because they don't want to issue you permits, that permit you to go forward not knowing whether you've gotten bigger and more important approvals like Highlands you know who in theory with other applications having to redo their whole project. You know so which wouldn't happen here but you know that's . . . .

MR. BUCZYNSKI: I have another question to although I think they're fine but the buffer line, the wetlands is based on the wetland delineation from Ploussas from years ago. I'm not sure if the State will come out and look at that line and see that's where it belongs. It's a very simple application but I think he's got to wait until it goes through the process.

MS. DAVIS: Okay.

MR. WEISS: It seems to be the story of our lives.

MR. MCGROARTY: Well I mean we didn't ask for this stuff this was imposed on us, on towns I mean it's not our . . . .

MR. WEISS: Chuck do you think a letter from Administration would help? Maybe because it serves good with the community that Administration can help the Conservancy on . . . . .

MS. COFONI: On Highlands you mean?

MR. WEISS: Yeah to write a letter to the Highlands that this has been essentially approved by the Planning Board and it's good for the community and it's not a private application it's . . . .

MR. MCGROARTY: Yeah I mean Mr. Chairman I don't think it . . . it certainly wouldn't hurt you know again the feedback we got from the staff up at Highlands is it's not a problem but I think DEP is another . . . who knows. But it certainly can't hurt.

MR. WEISS: Okay Kathy maybe we'll work on that we'll see if we can get Administration to draft a letter that it could help. Brian maybe make a note and follow up with the Mayor.

MR. SCHAECHTER: I've already got it.

MR. WEISS: Okay so is there any other . . . I know Gail you were mentioning some other things.

MS. MCDONALD: Nothing further that's it.

MR. WEISS: Okay anybody from the public have any comments based on all the testimony we heard tonight?

MR. BUCZYNSKI: Just one other thing, Barbara if you speak to Frank tomorrow let us know what transpires and let us know if he relinquishes the need for the Water Allocation Permit?

MS. DAVIS: Okay.

MR. WEISS: Gene you don't have any opinion on that do you? Do you stop short of giving (inaudible).

MR. BUCZYNSKI: I'll leave it to the Health Department.

MS. DAVIS: Okay thank you.

MR. WEISS: Okay anybody else have any questions or comments? Seeing none I will entertain a motion on this application.

MR. NELSEN: I make a motion we approve Planning Board 13-02 Barbara good luck to you I'm sorry you have to face the meat grinder of the DEP and Highlands. Good luck to you.

MR. RUSSELL: I'll second it with the same comment.

MR. BEDELL: What do we need to word in there?

MR. VAN NESS: Well there's a variance.

MR. WEISS: Motion has been made by Dan and seconded by Nelson. If we were to go ahead and approve such modification I know that Tiena has made some comments.

MS. COFONI: Yeah there is as Scott mentioned there's one variance and several waivers included in that and I assume the motion includes granting those?

MR. NELSEN: Yes.

MS. COFONI: Okay. Conditions that I have noted in my notes, no vehicles to use the wood chip path from the parking lot to the plots and that will be indicated on the informational kiosk. A delineation of the border of the parking lot across from the handicap spaces discouraging but not preventing access. The Highlands exemption and that's all I have unless anybody else has anything.

MR. WEISS: Do we need to make a note about the Health Department's review?

MS. COFONI: I'll make a note to follow up on it.

MR. VAN NESS: Is there a variance required for the distance of the parking lot to the street.

MS. COFONI: That's the variance, one variance. There's only one variance now right the original application had two but just one now right?

MR. LANZAFAMA: Right we moved the shed.

MR. WEISS: Those being said your motion and second still stands. Any conversation? Seeing none Lauren roll call?

MS. PERKINS: Dan Nelsen - yes  
Brian Schaechter - yes  
Nelson Russell - yes  
Steve Bedell - yes  
Scott Van Ness - yes  
David Koptyra - yes  
Michael Koroski - yes  
Howie Weiss - yes

MR. WEISS: And again good luck.

MS. DAVIS: Thank you very much.

MR. WEISS: Before we adjourn this evening I just want to have a little brief conversation. I spoke to Kathy Murphy the other day in Town Hall here and we had a very good conversation about the ROSI. Kathy wanted to bring us up to speed on some changes, additions and maybe you might want to for the benefit of some of the newer members explain what the ROSI is and why it exists.

MS. MURPHY: The ROSI is an abbreviation for the Recreation and Open Space Inventory. It is a list of all of the properties that the town owns that are held for conservation, open space, recreation purposes. And the list is basically certified to the State. The reason for this is Green Acres obviously does not want to be giving out money for us to purchase property only to find out that the town is selling property on the side. They always want to see that list growing. The town has updated its list on occasion and any time that we have a Green Acres closing, well receiving Green Acres funds we're required to update this list. So I'm about to complete a closing on the (inaudible) of the old Presbyterian Church property down the street I'm going to be adding that to the historic site so I need to update the list. It was last updated in 2009 and from that time I'm adding six properties to the list. That includes the Morris Hunt Homeowners Association properties with a notation that it's not for general public access but it is required open space as part of that development agreement. There's also a piece of land down in Clover Hill that should have been donated when Clover Hill was completed 40 years ago that has been listed as vacant and it's land locked and under water. And then we also required a couple of properties on Route 46, the Ehrgott properties up near Joy Drive using some open space funds. So any time you use open space funds those properties are also required to go on the list. So the Council passed a resolution last night authorizing the update of the Open Space Inventory but it's also something that the Planning Board Chairman would sign.

MS. COFONI: Kathy let me just ask you the one I don't remember if you said Morris Hunt or Morris Chase to be honest with you.

MS. MURPHY: Morris Hunt.

MS. COFONI: Morris Hunt open space, my understanding and correct me if I'm wrong is that properties that go on the ROSI are only properties that are township owned.

MS. MURPHY: No, no it can be anything where the town actually holds on an easement or a restriction against a property and because that was required as of a developer's donation, in other words when they did their cluster agreement . . .

MS. COFONI: Yeah.

MS. MURPHY: They were required to dedicate open space.

MS. COFONI: Yes.

MS. MURPHY: And so with that even though it went to a Homeowner's Association we add it to the ROSI just so the State knows that that is encumbered as open space. And it does not mean that there is public access to all of that but that it is encumbered as open space.

MS. COFONI: I guess my concern about adding, and I may just be off here, but my concern about adding . . . my understanding of the ROSI is once it's on you can't take it off.

MS. MURPHY: Correct.

MS. COFONI: And the impression is that things that are on the ROSI should be property that was bought with open space trust funds, County perhaps, certainly State Green Acres funds. But things that are held privately that happen to be open space but certainly that aren't even held by the town and some that are even held by the town but weren't bought with any of those funds don't have to be on there and therefore I always worry about putting more on there than you have to because you can't take it off once it's on.

MS. MURPHY: I know. It's a common discussion that comes up we've already added open space. For example the lands over at Flanders Crossing at Westminster whatever I can't remember the name of that development off of Route 206 they have some Homeowner's Association, Country Oaks.

MR. MCGROARTY: Yeah but I think the question though Kathy is I don't recall that ever coming here to the Planning Board but maybe I'm mistaken. But why would you add Homeowner Association lands that encumbers what . . .

MS. MURPHY: It's basically a way to monitor open space within the township. Because the town had those requirements, basically the town in effect holds an easement on those that they be dedicated to conservation. In the Green Acres regulations they do require that I've discussed it with their stewardship and Legal Department and they've said yes that should go on there.

MS. COFONI: Does Morris Hunt know that this is going on the ROSI? Because I will tell you they're going to be very opposed to it. Because I would never personally want, if I were part of a Homeowner's Association any property that the Homeowner's Association owned to be put . . . Now it's one thing perhaps, although I still don't necessarily think it would go on the ROSI, if they as part of the open space dedicated it to the town even then I wouldn't personally put it on the ROSI but maybe an argument could be made. But certainly property that's not even owned by the Town so it's privately owned property. It can't be developed but it's privately owned property. To me that doesn't make sense.

MS. MURPHY: Well that notation is made on there that it is owned by the Homeowner's Association and that the access is not granted.

MS. COFONI: I mean that to me would be a real concern.

MR. BUCZYNSKI: I think if nothing else you'd have to at least get some approval from the Homeowner's Association that they agree to have it put on the town ROSI.

MS. COFONI: I mean yeah unless it was in the easement that they signed I don't know what ability you would have to even bind someone else's property like that.

MS. MURPHY: Well I'll double check it with them I don't have a problem calling Green Acres just to double check that.

MS. COFONI: Well my concern with calling Green Acres, I hate to say this in open session, however whenever you call the entity that wants you to do it it's kind of like calling the Government

Records Council about an Opra Request. They're always going to tell you to provide the document. Green Acres calling them they're always going to tell you to put it on the ROSI because they want more and more property on there. It's a matter of whether it has to be not whether they want it on there. And so that's where you know people get led astray sometimes.

MS. MURPHY: Um, um.

MR. BUCZYNSKI: A couple on Morris Chase they have open space . . . .

MS. MURPHY: Well Morris Chase hasn't dedicated anything but it should be. I mean that's my understanding of it that in the future . . . .

MR. BUCZYNSKI: If we did that, I know you're not doing it right now, but the town is looking at taking that property where we're going to have the Gold Mine access road and if we were going to widen their easement they have, if it went on the ROSI we wouldn't be able to do that.

MS. MURPHY: Well if you have for example you can have exceptionaries within that lot. For example the Blue Atlas property which we purchased with Green Acres funds has an exception area around the house. In the ROSI we note the property we own over at Bennington where there's well and pump stations that that property is on the ROSI but it does have those facilities and they are an exception area to that. So I mean if we are thinking of increasing a driveway access or something we should try to mention that in it.

MR. BUCZYNSKI: But they can make a municipal roadway, try and make a municipal roadway there's been discussions with Administration, the Mayor and Toll Brothers.

MS. MURPHY: So at the time of the dedication we would just take care of that.

MR. WEISS: So short of any property that's purchased through public funds, is there a benefit to putting properties on the ROSI? I don't see it. So I would think that until we're mandated to put something on the ROSI why put it on the ROSI at all.

MS. COFONI: Because there are other . . . . because putting it on the ROSI doesn't necessarily save . . . anything that's bought with public funds or bought with Mt. Olive Open Space Trust Funds or other . . . we had an easement that's the mechanism that prevents developments. You've got an easement, you've got dedication to the town, there's other things that proceed putting it on the ROSI that in theory will prevent it from being developed and maintain it as open space. The ROSI is a document that the Green Acres and the State uses to regulate what we do with property. And therefore if we decide that one of these lots that we have as open space that wasn't bought with Green Acres funding that we just acquired because the property owner donated it to the town, and it's a lot and it happens to be on the ROSI and we decide you know what, we don't need it for township purposes for any reason we're going to sell it it's a lot let's get it back on the tax rolls. You can't do that once it's on the ROSI. You know that's an extreme example there's a big notice requirement and a big process to get it off of the ROSI once it's on there I would hesitate to put anything on there unless you had to. And that's not saying I would discourage open space by any means, it's just that extra step of putting it on the ROSI. I've been involved in a couple of deals where you know we found out at the last minute things were on the ROSI and that's it you're done.

MS. MURPHY: It's a tough process purposely.

MS. COFONI: Yeah, oh yeah.

MS. MURPHY: Oh the other hand that's the whole point if we're going to require open space that we're serious about it that we give it thought, we give it planning and once it's open space it is open space just so people can't be turning around and selling it to put it back on the tax rolls to do whatever else . . . . If the town went to the issue that they had to cluster that they went through the process to cluster a development and get the density that they wanted and agree to certain conditions that yes its open space and that's what they had to agree to.

MS. COFONI: Yeah I understand I guess fundamentally we have a little bit of a difference there. I think the real key though is where in my mind there's a very clear problem is when it's not even owned by the township. I don't know what authority we would have. I would really go and check on that because that could be a real you know I don't want to see any kind of a liability on the township because we're somehow encumbering other people's property beyond what was agreed to.

MS. MURPHY: No I understand that I mean it has been explained to the Council the Council did take a vote to do it the other night but . . .

MR. MCGROARTY: But some of these properties were put on the ROSI in the past. I mean Flanders Crossing that wasn't just on the other night.

MS. MURPHY: All of those have been noted and explained each and every time that we go to Council.

MR. MCGROARTY: But the Planning Board Chairman never signed on those did they?

MS. MURPHY: In 2009 they would have. I'll look it up but any time we go to Council there's always a list of what properties are going on, what the new properties are, what the justification is for adding them.

MS. COFONI: What's the process? Is it to the Council and then here? Or here and then to the Council usually, or it doesn't matter.

MS. MURPHY: It doesn't matter.

MS. COFONI: Okay.

MR. WEISS: Well there's obviously concerns.

MS. MURPHY: Because the Council is proceeding on this development and we need to close that's our triggering mechanism to get it done at this time.

MS. COFONI: And I think that the development that you're talking about they're buying the Green Acres funding, there's no question and in fact you have no choice.

MS. MURPHY: Oh those automatically that's for sure.

MS. COFONI: If you're accepting Green Acres funding to purchase property I am 100 percent positive you have no choice you have to put it on the ROSI. That's almost not even up for discussion and some of these others that are . . .

MR. BUCZYNSKI: You mentioned Morris Hunt and I think twice you mentioned a cluster development, that wasn't a cluster.

MS. MURPHY: That wasn't a cluster?

MR. BUCZYNSKI: No.

MS. MURPHY: Okay.

MS. COFONI: It applies to open space though isn't it?

MR. BUCZYNSKI: Yeah it was open space dedicated yeah.

MS. MURPHY: They have two large lots that were open space. Once those are seen as open space on your tax maps or it appears on your tax maps, if it appears on resolutions or anything like that and Green Acres considers it to be open space and it should be noted on the ROSI. That's part of the . . . it's in their statutes I should say.

MR. WEISS: I'm getting some differences of opinion though.

MS. COFONI: I mean I would certainly fight Green Acres on that. I mean what requirements . . . if we didn't purchase it with Green Acres you can't tell us what to do with our property. Yeah it's still on the tax map that's how it's taxed that doesn't even show . . . I mean you can't rely upon a tax map for ownership that's how it's taxed. I mean but again I believe whole heartedly that's what Green Acres says.

MR. WEISS: I'm very surprised is if that Council has endorsed this, what's next?

MS. COFONI: I'm unclear about . . . .

MR. MCGROARTY: Well you have to sign it also Mr. Chairman as the Planning Board Chairman. The Executive Officer of the Township the Mayor and you as Planning Board Chair have to sign.

MS. COFONI: So maybe you hold up on signing until you find out some more information and get some verifications.

MS. MURPHY: I'll get more information that's not a problem.

MR. WEISS: Let's gather more information and I'll speak with the Mayor.

MS. MURPHY: What I'll do is I'll . . . . Well actually I think I did send, or I will send you the Green Acres statement you know on what goes on the ROSI.

MS. COFONI: And if you could have a list of what's currently on there and what you're proposing to add?

MS. MURPHY: Oh sure yes the list has everything that's currently on there and then highlighted the properties that were being added.

MS. COFONI: Yeah that would be great thank you.

MS. MURPHY: We're up to 2,300 acres now of open space.

MS. COFONI: Yeah I'm all for as much open space as you want but as little on the ROSI as you can.

MR. WEISS: Okay Kathy we have some work to do.

MS. MURPHY: All right.

MR. WEISS: All right thank you. Any other business tonight? Anything else? Lauren was there anything that you'd like to say?

MS. PERKINS: No thank you.

MR. WEISS: Thank you for coming out tonight Lauren we appreciate it.

MS. PERKINS: Oh sure.

MR. WEISS: I'll entertain that motion.

MR. VAN NESS: Motion to adjourn.

MR. BEDELL: Second.

MR. WEISS: All in favor?

EVERYONE: Aye.

MR. WEISS: Opposed?

(MEETING ADJOURNED AT 9:15 P.M.)

Transcribed by:  
Lauren Perkins, Secretary  
Planning Department

