

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, Nelson Russell, Jim Staszak, Scott Van Ness, Steve Bedell, Howie Weiss

Members Excused: Joe Fleischner, Mayor Robert Greenbaum, David Scapicchio, Pat Walsh, Brad Zwigard

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

Professionals Excused: Chuck McGroarty, Planning Consultant, Edward Buzak, Esq.

MINUTES FOR APPROVAL

October 20, 2011 Public Meeting

Motion: Jim Staszak
Second: Steve Bedell

Roll Call:

Nelson Russell - yes
Jim Staszak - yes
Steve Bedell - yes
Howie Weiss - yes

November 10, 2011 Public Meeting

Motion: Scott Van Ness
Second: Dan Nelsen

Roll Call:

Dan Nelsen - yes
Nelson Russell - yes
Jim Staszak - yes
Scott Van Ness - yes
Howie Weiss - yes

COMMITTEE REPORTS

MR. WEISS: All right move on to committee reports with a small attendance I'm sure this will go fast. We'll have no Mayor's report; we'll have no Council report, Nelson Environmental Commission?

MR. RUSSELL: We meet next Wednesday.

MR. WEISS: Ordinance committee who's the Chair of that? Who is the liaison?

MRS. NATAFALUSY: Ordinance committee was Jim.

MR. STASZAK: Nothing at this time.

MR. WEISS: Yeah although Jim I did have a conversation with Chuck and it looks like . . .

MR. BEDELL: We didn't have anything.

MR. WEISS: I'm sorry Steve?

MR. BEDELL: We didn't really have anything yeah we didn't have any meetings.

MR. WEISS: My comment was that it needs to get some meetings soon and Chuck is going to reach out there's a bunch of things that need to be revisited. So you might want to coordinate a schedule to Chuck soon.

MRS. NATAFALUSY: I will help work on that.

MR. WEISS: Okay I know we had a conversation and I thought it will be best addressed in committee rather than bringing things to the Planning Board. Chuck and I just had a long conversation about a lot of different directions so I'd like to see that done in committee and then come back and report to it. I have nothing from the Street Naming Committee, and Open Space was Pat Walsh and Pat's not here. So let's move right into our developmental matters.

MRS. NATAFALUSY: Mr. Chairman the one thing about the Highlands (inaudible) we were going to talk to the Board tonight about if they reviewed it we're going to have some discussion next week if they have any comments on it or questions.

MR. WEISS: Thank you about that Catherine we did talk about that we were going to put that on the agenda tonight but Chuck was not able to attend we are going to address the Highlands conformance and the progress made and we'll address that next week.

APPLICATION #PB 11-27 – TOMASA JALLAD

MR. WEISS: Also before we get into the developmental matters if anybody is here for PB 11-27 that is carried but it's . . . I guess we have to have a discussion about that Catherine right? It looks like it's not going to be on for next week?

MRS. NATAFALUSY: It is on for next week Mr. Selvaggi has requested it be carried but I believe the objector is asking that we

MR. WEISS: Wasn't he here?

MRS. NATAFALUSY: Yeah the property owner next door was just here I believe he is outside talking with Thea Dunkle from our Historical Society.

MS. COFONI: Okay well I think what we're going to do is let's carry it to next week and if for some reason it's worked out that it's not going to go forward next week we'll make an announcement next week but that way we preserve the notice.

MR. WEISS: Perfect.

MS. COFONI: I know that the objectors has objected to the fact that it's being carried so I'll work with Catherine and we'll see and work with Mike Selvaggi to see if that can be worked out because my understanding is also that they'd need an extension of time if we go beyond next week. So we'll work on that and but either way we'll carry it for the purposes of notice to next week.

MR. WEISS: Okay so that is for PB 11-27 Tomasa Jallad is carried through next week no further notice. Next week is the . . .

MRS. NATAFALUSY: February 16th.

MR. WEISS: It's the 16th. Okay any other business before we move onto developmental matters?

APPLICATION #PB 11-20 – S and S REAL ESTATE

MR. WEISS: All right seeing none let's bring up the first application which is PB 11-20 S and S Real Estate it's a "d" variance request preliminary and final site plan with variances and waivers located at 142 Route 46 which is Block 3207, Lot 3. Welcome and good evening.

MR. KRON: Good evening Mr. Chairman for the record Larry Kron of Nusbaum, Stein, Goldstein, Bronstein & Kron appearing on behalf of the applicant. The Board heard this matter on September 8th of last year and since that time there's been a hurricane, snow storm, I think you had a power failure and finally we're back here again. Since that time two things have happened on the application number one in accordance with the Board's request we have reduced the height of the building submitted revised plans and the height is being reduced from 27.33 feet to 24.5 feet which is eliminating that "d" variance. That was a "d" variance for the height that is now eliminated no variance at all is required with regard to the height. In addition to that the town vacated South Rose Lane and the affect of that was to reduce a significant number of the other variances. It reduced the maximum lot coverage from 61.44 feet to 56.82 feet. The rear yard setback was previously 5.2 feet whereas 25

was required, we now have 20 feet. So we've significantly reduced the rear yard setback. The floor area ratio has been reduced both because of the fact that we reduced the height of the building also there had been an architectural error in the calculation which the architect will explain which further reduced it as well as the vacation. So the floor area ratio has actually been reduced from .49 to .27 and ultimately our engineer will when he prepares the final plan incorporate all of these so the variances have been significantly reduced and as I've indicated the one of the two "d" variances has actually been eliminated with the height. I have the architect here briefly we'll go over the changes that he's made and also I would like to offer initially as an exhibit a revised drawing showing the new building as its proposed.

MR. WEISS: Let me review actually before you do this just to make sure and you can check our notes, I have us leading up we have exhibit A-1 which I lost what that explanation is but I have A-2 which is five photos or renderings of the neighbor's property, I have exhibit A-3 . . . I found A-1 was a plan of revisions showing details of each level. And we left off with A-3 so this would be if you're correct A-4.

MRS. NATAFALUSY: That's what I have.

MR. WEISS: Okay so we'll mark this one A-4 and again this was a new rendering?

MR. KRON: This is a new rendering that we have submitted.

MS. COFONI: These are all just copies of the same thing right Larry?

MR. KRON: That's correct.

MS. COFONI: So this is A-4.

MRS. NATAFALUSY: Mr. Chairman can I just put on the record that Mr. Nelsen, Mr. Scapicchio and Mr. Staszak have read the minutes from September 8 and they have certified that so they're eligible to vote on this application.

MR. WEISS: Perfect thank you. Gentlemen thank you for doing that as well. So A-4 replaces A-1 essentially correct?

MR. DHARMA: Yes.

MR. WEISS: Does anybody have a copy of A-1 in front of them? If they wanted to see I'll send A-1 down. It was the original A-1 just so you could see the difference before the application continues. Okay Larry right back at you then.

MR. KRON: We'd like to recall Mr. Dharma who was previously been sworn. He is the architect on the project. Mr. Dharma you have prepared a new set of plans and revised the plans that you had previously submitted to the Board is that correct?

MR. DHARMA: Yes sir.

MR. KRON: Okay would you describe for the Board, first of all you indicated there was an error in the original plans?

MR. DHARMA: Yes sir.

MR. KRON: Would you explain to the Board what that error in calculation was?

MR. DHARMA: I will, I'll be brief but before I start I really apologize for this inconvenience to Catherine and the Board members because of the error on my part. What happened is that in the original design this orange area which is all of the rooms around the center hall, these rooms had a sloped ceiling as you can see in the section here and the miscalculation you made me keep on going back and forth with a suspended ceiling which will bring us to 91 square feet, 9107 or it will reduce to the second solution, that's the mistake I made. We calculated this whole thing as an aggregate, well it's not an aggregate (inaudible) ceiling. So because this went all around the mistake multiplied. So anyway after that I found a (inaudible) my office contacted Catherine and she was kind enough to have our new set of plans and she will always be helpful to us. This was the second set of plans with a correct area which was 7694 and that was reduced from the earlier one. Now what happened is after this I had

discussion with the applicant Dr. Sandhu that we have to further reduce the area to bring it close to the ordinance. And he said do whatever you have to do because he wants to start the construction he doesn't want it delayed so what I did is I (inaudible) a new revised plan. What the revised plans are, can you see sir? What the revised plans are the footprint of the building stays exactly the same all right. And what we have done is we did omit the basement we don't have a basement anymore. I had 8 feet high attic above this space here which we omitted that also. Above the 8 feet high space, attic space we had a 4 feet low attic space and then we had a flat roof. So I did omit all of those things and what I have now is it's a standard attic space above any building, one story building. And the section is right here this is the section through the building. So what happened is that's the normal height (inaudible) 4 feet 6 inch, the slope of the roof is still (inaudible) I think to look nice it's a steep slope and so by doing that now the total area is 5,429 which is a lot less than what we started with 91 or 7 or something.

MS. COFONI: Excuse me I'm sorry, Howie can I?

MR. WEISS: Yes go ahead.

MS. COFONI: Can you say the number again?

MR. DHARMA: Oh let me make sure that . . .

MR. WEISS: Are you talking about the proposed square feet.

MR. DHARMA: Yeah the proposed square feet, the total building area.

MR. WEISS: Total building you had told us last time 9107.

MR. DHARMA: Yeah, yeah. So now it's down to 5,429 that's what I said? Okay so in addition to this now this attic space will have basically two furnaces, one for each section. You come from the main entrance here, we have actually this is all one medical office but it's divided into two. One side is general practice the other side will be specialty for the cardiologist, gynecologist, whatever. So when they're not here you can turn off the heat to 55 whatever you want so still you have heat in the area which is general practice. So that is just because of energy, that's why we have two furnaces. Now the building is . . . the total building is 2,735 it's a very small building it's like a house. But I'm having two furnaces to save energy whenever this actually is not occupied you can turn off the heat here, if this is not occupied you can turn the heat off there. Now what I have done on the exterior is I have some materials. I'm going to show you I just want to show you a board which shows the neighborhood which I did (inaudible) last time. This is basically the existing building, this is the house on the left side, this is an office building on the right hand side and next to that is this Days Inn, and these are some buildings across the street.

MR. WEISS: That's not currently an exhibit correct?

MR. DHARMA: I beg your pardon?

MR. KRON: Has this been marked as an exhibit yet?

MR. DHARMA: This is exhibit A-1 actually it says.

MR. WEISS: It's been revised though.

MR. DHARMA: It's been revised now.

MR. WEISS: So let's mark that as A-5 which is essentially seems to be an update of A-1 to reflect the new A-4.

MR. DHARMA: Yes sir.

MRS. NATAFALUSY: Well A-2 was the color five photographs and a color rendering of the building. So that was A-2 I thought.

MR. WEISS: It might not have been that A-2 though.

MRS. NATAFALUSY: Okay.

MR. WEISS: A-1, oh no A-1 was

MRS. NATAFALUSY: A-1 was the artist rendering of the building. But then A-2 was the five photographs and a color rendering of the building.

MS. COFONI: Oh I see what happened A-1 is just tapped to that board.

MRS. NATAFALUSY: Right.

MS. COFONI: So A-1 yeah so A-1 was tapped to the board. So I think A-1 was added to what was . . .

MRS. NATAFALUSY: A-2.

MS. COFONI: A-2. So it's a combination of an updated A-1 and A-2.

MR. KRON: Is it necessary to mark that again?

MR. WEISS: I think we should because we're referring to . . .

MR. BUCZYNSKI: Yeah because it's updated it's different.

MRS. NATAFALUSY: Okay so now we're at A-5?

MS. COFONI: Yes.

MR. BUCZYNSKI: A-5 revised A-1 plus A-2.

MR. KRON: Do you want me to mark it on here?

MR. WEISS: Please. And A-5 again gentlemen for the record is simply a combination of the old A-1 and A-2.

MR. DHARMA: Okay I just want to . . . there was a discussion last time that this building looks much larger than the actual building. It so happens, see this rendering here is drawn exactly to scale. It's an 1/8 inch scale its isometric you're looking at the top. This building is looking at the low end but the building looks massive because of its design. If you raise the footprint of this thing from here to here and if I go . . . this is exactly the same (inaudible) of building from here to here like this is. The difference is that because this is that 8 feet high attic space and 4 feet attic space above that the building just appears to be much larger. But it's exactly the same footprint and exactly the same from here to here to what I have now which is to scale. So it's just the appearance because of the design, it was not in my opinion (inaudible) but it looks bigger. I just want to let the Board know I'm not defending anything I'm just saying that I just wanted to make this thing overlay so the Board can see.

MR. KRON: Okay and now you've also eliminated the . . . you've reduced the height of the building correct?

MR. DHARMA: I have reduced the height of the building so we have maximum 24 feet 6 inches height now. Actually it will be less than 24 feet 6 inches, the lowest point is 24 feet 6 inches, average will be less than 24. I just want to show the materials to the Board what I have in mind.

MR. BUCZYNSKI: Larry what's the actual height of the building? Before it was 24.45 he just said 24'6".

MR. KRON: Yeah what is the actual height of the building?

MR. DHARMA: 24 feet 6 inch maximum.

MR. NELSEN: 24.5.

MR. DHARMA: Same thing.

MS. COFONI: So it's 24.6?

MR. KRON: Is it 24.6?

MR. DHARMA: If you go (inaudible) to the 24 foot 6, if you go with the you know 24.5.

MS. COFONI: Oh that's right I gotcha. Okay.

MR. DHARMA: In this new building the roof is basically fiberglass light grade. They call it that (inaudible) absorb heat so that's good for the building. On the top portion what we have is each end is almost the same because it's like a (inaudible) kind of floor plan. So what I have is on the top the attic space I have (inaudible) scale what they call half ground then I have a siding, it's not a siding but actually it is a siding it looks like cedar shakes. But it comes in like 4 or 5 feet of 6 foot panels and just to make sure you know what it looks like. With this look this is a much better product than vinyl siding it has a fire rating and it has a much longer life. This is half brown shingles or half brown at the peaks in these peaks here. And the siding is this in here which is buckskin so this will give an accent color at the top and buckskin color at the bottom and that's kind of standard in older they used to do that to give an accent.

MR. WEISS: Tell me again what color are you proposing for that top attic space?

MR. DHARMA: This is half round terra cotta.

MR. WEISS: Half brown?

MR. DHARMA: No it's half round you can call it . . .

MR. WEISS: Terra cotta.

MR. DHARMA: Yes sir terra cotta.

MR. WEISS: Okay.

MR. DHARMA: And the siding is buckskin. Actually what I did is on each rendering I have all of these colors so that's like the record. And what I'm doing is we are unfortunately we can't use geothermal it's really expensive it's like three times more expensive than standard heating system. But what I'm going to do is I'm going to go beyond the energy code required, I'm going to add 6 inch walls outside walls, I'm going to have windows with blinds built in (inaudible) top of the line. I'm going to have more insulation in the ceiling so it will be very energy efficient. The furnaces I'm going to use would be high efficiency units and I think that's what you're going to do instead of we can't use the geothermal its cost. This is the Timberline roofing which is this gray color right here which is on the roof. So I think between gray, buckskin and terra cotta I think it will give a nice (inaudible) and it will give an accent of the building and it will blend with the residential on the left side, we have a contemporary medical building on the right side and the back of this building a residential, there are a lot of residential looking buildings on Route 46 and I think it will add to the community and it will be a nice building. And the materials I'm going to use are much (inaudible) than vinyl siding so that's (inaudible).

MR. WEISS: Okay does anybody have any questions so far? Anybody from the public have any questions for Mr. Dharma? Come up to the podium. Mr. Dharma do you have other testimony?

MR. KRON: Just one more question, can you tell the Board what the floor area ratio is now taking into consideration the error that was made, the reduction in the size of the building and the addition of the vacated space.

MR. DHARMA: Actually it will be it will be Mr. Nelson will go . . . that I spoke to the engineer and I think he gave information to Mr. Nelson he's the planner.

MR. KRON: Okay so we'll have Mr. Nelson give that.

MR. WEISS: Wait who is going to give that?

MR. KRON: Mr. Nelson the planner.

MR. WEISS: Perfect okay I have that as an open issue. Go ahead sir.

DR. ABRAMS: I have a few questions I'm the neighbor next door Dr. Abrams, welcome to the neighborhood. My question is what type of energy are you going to be using just since you mentioned it?

MR. DHARMA: Last time (inaudible) was we use geothermal

DR. ABRAMS: Right but I heard you say

MR. DHARMA: We will have two furnaces in the attic space.

DR. ABRAMS: Oil or natural gas or electric?

MR. DHARMA: Natural gas.

DR. ABRAMS: Natural gas okay.

MR. DHARMA: And it will be high efficiency units and the condensing units will be up front on the right hand side and they will be away from any house. Actually it will be (inaudible) building and they have a parking lot in between so there will be no noise level for any residences at all.

DR. ABRAMS: I looked at your plans but I didn't see a landscaping plan? Do you have anything?

MR. DHARMA: Mr. Nelson the planner he will show the landscaping plan.

DR. ABRAMS: All right.

MR. KRON: The next witness will testify.

DR. ABRAMS: All right so I'll hold off on that. Now you also had Rose Lane vacated?

MR. DHARMA: Yes sir.

DR. ABRAMS: Do you have title to it? It's been recorded or is it in the process of being recorded? I'm just asking a question.

MR. KRON: We received a copy of the ordinance from the town that the town vacated the town then has to record that with the County to make it official. But we did receive from the Clerk a copy of the ordinance from the town vacating it.

DR. ABRAMS: Okay and its decrypted also correct? There's a description in there that said it was standard. What was the cost of that do you remember off hand? Was it a sale to Dr. Sandhu or was it just

MR. KRON: It's just what the town did is they said they don't want it anymore they vacated and he gets halfway across there.

DR. ABRAMS: Okay so they just vacated it.

MR. KRON: Yeah.

DR. ABRAMS: How about the neighbors in back?

MR. KRON: They would get the other half of it.

DR. ABRAMS: They took the other half and they accepted that?

MRS. NATAFALUSY: The ordinance does not become effective until February 23rd okay?

DR. ABRAMS: All right but we're looking at something that's being built so we want to make sure everything is in line. So they did take that property.

MRS. NATAFALUSY: Well they have to change their deeds to incorporate that property into their property.

- DR. ABRAMS: Right but they already admitted that they're taking it as far as you're concerned?
- MRS. NATAFALUSY: They requested the vacation.
- MR. BUCZYNSKI: I think he's now referring to . . . Dr. Abrams you're referring to the adjacent properties in the rear right?
- DR. ABRAMS: Right I'm on the side. I'm talking about the rear.
- MRS. NATAFALUSY: I don't know about the adjacent properties in the back.
- MR. WEISS: That vacation of the land was in front of the Council that's not really our . . . you know we don't really have that information I think you'd have to check with Council to find out if there was a
- DR. ABRAMS: I don't have a problem with that but we're putting a building up I just want to make sure that land has been acquired.
- MR. WEISS: Based on what we heard last meeting the neighbors seemed to be extremely satisfied with what was going to happen. What happened after that wasn't under this Board's jurisdiction.
- DR. ABRAMS: Okay fine I understand your response. All right so how about wetlands was there any classification of wetlands to the rear where the runoff is going to be? Was that addressed at all or is that not being considered? I'm just putting that on the table.
- MR. KRON: I don't believe there was any issue of wetlands on the property.
- MR. DHARMA: There is no wetlands at least as I know.
- DR. ABRAMS: All right so I'll wait until the landscaping is proposed and then I'll return. Thank you very much.
- MR. BUCZYNSKI: Mr. Chair just one thing?
- MR. WEISS: Sure Gene.
- MR. BUCZYNSKI: If I could just read one thing for Mr. Abrams. Per the ordinance that was approved by Council, Section 2 stated by virtue of such release of such dedication the land as a matter of law becomes the property of the respective contiguous land owners.
- DR. ABRAMS: Thank you.
- MR. WEISS: Any other questions? Seeing none let me close it to the public. Larry I guess Mr. Dharma
- MR. KRON: If the Board has no further questions of the
- MR. DHARMA: Thank you very much.
- MR. KRON: Mr. Nelson?
- MR. WEISS: Let's swear Mr. Nelson in. Good evening Mr. Nelson what we'll do is we'll swear you in.
- (KENNETH NELSON SWORN IN FOR THE RECORD)
- MS. COFONI: If you could state your full name spelling your last name and giving your business address for the record please.
- MR. NELSON: Kenneth Nelson (N-E-L-S-O-N) 2 Volcanic Hill Road, Wantage, New Jersey.

MR. KRON: Mr. Nelson testified before either the Planning Board or the Board of Adjustment here a while ago but if you want I will just give a brief background of his credentials.

MR. WEISS: Sure.

MR. KRON: Okay Mr. Nelson would you give the Board the benefit of your academic and professional background?

MR. NELSON: Yes I have an undergraduate degree from Texas A&M, I have a Masters Degree from Rutgers. I'm a licensed Planner in the State of New Jersey, I'm also a member of the American Institute of Certified Planners. I provide planning services to four municipalities currently and I have testified on a regular basis before Planning Boards and Boards of Adjustment.

MR. KRON: And you said you had previously testified on an application before this . . . in Mt. Olive?

MR. NELSON: A number of years ago I can't recall how long.

MR. KRON: And you're also a landscape architect is that correct?

MR. NELSON: Yes I'm not currently a licensed landscape architect but my undergraduate degree is in landscape architecture.

MR. KRON: I request that he be qualified as a planner.

MR. WEISS: Any questions for Mr. Nelson? We're going to accept Mr. Nelson as a planner. Welcome Mr. Nelson.

MR. KRON: Mr. Nelson you're familiar with this application?

MR. NELSON: Yes I am I've visited the site on several occasions, I've looked at the surrounding neighborhood, I've reviewed all of the application materials, all of the municipal reports that have been issued, the applicable portions of the Master Plan and Land Use regulations of Mt. Olive.

MR. KRON: And you're familiar with the property and the neighborhood?

MR. NELSON: Yes I am.

MR. KRON: Okay would you describe the existing conditions and the history of the property?

MR. NELSON: Yes the structure on the property is a residential structure and the property has been used for residential purposes. It's not clear whether there was a commercial use associated with the residence at one time I noticed that there's an old sign frame still on the site. But it's my understanding that the property historically has been a residential property. The site is an undersized lot, well it will be just under a half an acre once the vacated right-of-way is added to the property. The zoning in the surrounding area is a mixed zoning pattern. On our side of Route 46 the zone is the PB zone professional business district zone, on the east side of Route 46 it's the C-1 commercial zone, and then behind those two non-residential zones there are several residential zoning districts that exist. Directly behind our property is the R-4 zoning district. The professional business district zone allows this use I always need to emphasize in a case where I'm not dealing with a d-1 variance and this is a d-4 I always need to emphasize, I think it's important to emphasize that this is a permitted use. It's a use that is envisioned by the zone and encouraged by the Municipal Planning Policies. Route 46 of course is a major arterial roadway and this is one of the reasons obviously that these properties along Route 46 are zoned for non-residential use. And to continue this property as a residential use would not be a good planning practice. Now with respect to the proposal itself, and I'll try to be brief, because I know there's already been a lot of testimony about the site and about the site design and about the building design but I'd like to start off by emphasizing which the applicant's attorney did in his opening remarks that this application has been modified to address certain concerns of the Board and to a large extent the proposal has been downsized to make it more appropriate for the site and the neighborhood. The existing residence will be eliminated and not only is it a nonconforming use but it's also a nonconforming structure it doesn't meet the front yard setback, it doesn't meet the side yard setback so eliminating the structure and the use will bring this property more into conformance with what the planning policies of the Township are. The proposal will result in an attractive building being located on

the property; the property will be substantially landscaped. And in connection with the FAR issue let me just remind everybody that there's an existing structure here already that structure plus the garage on the property accounts for about 2,000 square feet. So it's not as if this is a vacant property where we're adding new floor area to the site, this is an already developed property that already has about 2,000 square feet of floor area on it. The use will be a medical facility it will provide a needed service in the area and it will be done under controlled conditions because the clientele, the patients will be scheduled by appointment. Obviously there is no walk-in traffic in a situation like this. Now with respect to various planning and zoning issues and also in connection with some comments that your planner has expressed in his report, the lot is undersized for the zone but there's no opportunity to add to the size of this property or add to the width of this property because the properties on either side on the north and south are already developed. However via the vacation of the paper street in the back we are able to add about 1,500 square feet to the land area of the lot. So the lot will not be increased up to around 20,000 square feet and as the attorney said the engineer and the surveyors will have to provide you with the detail down to the last decimal point information about how the change in the size of the property affects other dimensional issues. But basically we're comfortable by saying that this property will now be about 20,000 square feet. But it can't be brought up to the full acre requirement of the zone and it can't be widened to the required 200 feet for lot width. The applicant, and I certainly and your planner are very mindful about the need to protect the residential area in the back and the residential lot in the back. And I had a conversation with your planner about the landscaping and I will get into more detail about the overall landscape plan but what I had suggested to him and I think he's in agreement with it based on his response to me is that we have a general agreement about what's going to be put in the back beyond the parking lot between the parking lot and the new property line in terms of some Evergreen trees and some understory shrubs. But I suggested we wait until the parking lot is roughed in before we come up with a final plan for that area for a couple of reasons. This site has a number of existing trees on it, deciduous trees that we would like to try and save as many as we can. A number of them have to be removed because they're in the way of the parking lot and the building but toward the rear of the property there are a number that can and should be saved. But I want to get a better sense of how that parking lot is going to relate to the adjoining property in the back before we come up with a final plan and also I want to take another look at that area under various conditions to determine the best plant species that should go in there. And also related to that there are a couple of trees that are leaning at precarious angles that if we can save them if they're not going to create a safety problem we'll do that but I'm concerned and I want to wait until the parking lot gets in there to see if that is going to be a problem. So we have a landscape plan it's been submitted to you it shows a substantial amount of plantings but the final landscape plan it's my recommendation await the rough grading of the parking lot.

MR. KRON: Did Mr. McGroarty agree with that?

MR. NELSON: I have an email from him and I believe it was passed on to the Board that he's in agreement with that and would be willing to work with me in connection with that. Now the floor area ratio, the requirement is .15 we don't meet that we're well at one time we were up close to .5 which might have been a more difficult variance for me to try and justify. But we have reduced the number down to .271 based on what the applicant's engineer has indicated to me he believes the final number will be. So we've brought it down to much closer to what the requirement of the zone is. However there is a couple of things related to that that

MR. BUCZYNSKI: Mr. Nelson just one thing.

MR. WEISS: Mr. Nelson can you hold on a minute?

MR. NELSON: Yes.

MR. BUCZYNSKI: Because we're throwing out a lot of numbers out today. We had .294 now .271 is that because of the dedication?

MR. NELSON: Yes the vacation.

MR. BUCZYNSKI: Yeah because we don't have a plan that shows any of these numbers.

MR. KRON: I understand there were three changes. The original proposal there was an error as testified to

MR. BUCZYNSKI: Understood, understood. But I mean the Board is looking at these plans and we're looking at the plans and none of the numbers agree to what you're saying because we don't have a plan that shows the numbers after the dedication. That's the confusion.

MR. KRON: Okay that's correct.

MR. WEISS: Gene I can tell you although I certainly am not testifying I've been running the numbers I've been following they're exactly right it was .29 before the 1,500 square feet for the dedication, when you add the 1,500 square feet into the property the total amount of the property jumps to 19,972 square feet and then if the building based on what we heard tonight, that building is going to go to 5429 that makes the floor area ratio of 27.18.

MR. BUCZYNSKI: Understood it's just that usually when you have testimony at a meeting you have a plan that's (inaudible).

MR. WEISS: I agree, I agree.

MR. KRON: But because the whole thing was influx and we didn't have our engineer go back and resurvey it we will submit to you the final plan which will show you the number but . . .

MR. BUCZYNSKI: I don't want to get ahead of myself but I would think we would have to get all of that information to look at prior to the Board taking action on the application. Not action but approving the resolution.

MR. WEISS: A condition of approval would be that the numbers that are testified here this evening would be shown on a map.

MR. BUCZYNSKI: I'd like to be able to get a plan at some point. That's what I'm saying before maybe the resolution is adopted which would be a month that we get the revised plans.

MR. KRON: What we could do is that we would . . . assuming the Board approves it tonight and authors a resolution you can make a conditional clause submitting the numbers which would be substantially in accordance of what we're testifying to and presenting on the record.

MS. COFONI: I think Gene is looking for actual plans.

MR. BUCZYNSKI: I think we want plans so it would help the attorney to do the resolution too.

MS. COFONI: Yeah I don't have all of these numbers and I need to know the numbers in order to go through the variances. And I am working off at least the latest plan I have and I don't think these numbers are right.

MR. KRON: We will submit those within two weeks, we will submit a revised plan that will show you the correct numbers, the numbers calculated by the engineer.

MS. COFONI: Okay.

MR. WEISS: So we can proceed with that as a condition?

MS. COFONI: Yeah I mean it would be a condition but it won't be in the resolution because we'll have it before the resolution will be prepared.

MR. WEISS: Okay we'll handle that as we get there.

MS. COFONI: Okay.

MR. NELSON: With respect to the floor area ratio and as I said I'm fairly confident it's around .271 but the point to emphasize here is that this is a two-level structure the basement has been eliminated so that square footage is out of the way. And the second level is basically for storage and utilities. And the first level really is where the activity will be taking place within the structure. Now FAR provision is intended to control the level of activity on a property it also has a secondary purpose of controlling the mass of the building so that the building isn't too large. So in this case the level of activity is really limited to that first level which is about 2,700 square feet which makes it under, or if you're just dealing with that first level, it meets the FAR requirement it's under .15. It's only when you

add in that second level that's basically un-utilized space that we trigger the d-4 variance related to the FAR provision.

MR. WEISS: Mr. Nelson I'm going to stop you for a second. Go back and tell me again what you estimate the main floor area to be.

MR. NELSON: Well I don't want to estimate I believe the architect had . . . the first floor is 2,735 square feet.

MR. WEISS: That number didn't change.

MR. NELSON: That number hasn't changed since the original proposal. And again just to reiterate what I had said earlier; remember that we're eliminating 2,000 square feet from this property by virtue of the demolition of the existing buildings. Now with respect to the dimensional variances that are involved I'll try not to be repetitive here I've already talked about lot area, frontage those are existing conditions, the side yard we do not meet the 25 foot side yard requirement we're at 10 feet. Now your planner had questioned whether we could meet that by shifting the building more to the center of the property and possibly putting the parking in the front. If we shift the building to the center of the property then we can't get a driveway in there to have parking in the back so the parking would have to be in the front and I don't think that would be a good solution here. The 10 foot even though it's short of the 25 foot requirement is an improvement on the setback that's there now which is 2.8 feet. So we are improving a non-conformity, granted we're still deficient but it is an improvement and there will be some landscaping in that additional area to provide more buffer. However again I would like to emphasize and I did bring photographs with me but the Board probably is as familiar with this site as I am, immediately to the north of the subject property is a parking lot. So we don't have another building immediately adjacent to the subject property it's Dr. Abrams facility and his parking lot is immediately adjacent to where this substandard side yard setback will be.

MR. KRON: But you're also improving it you said from an existing 2 feet to 10 feet.

MR. NELSON: Right and we're further enhancing that area with landscaping.

MR. WEISS: Actually I think Mr. Nelson said it's right now 2.8.

MR. NELSON: 2.8 yes I'm sorry. Lot coverage the requirement is 40 percent

MS. COFONI: Excuse me Mr. Nelson I'm sorry but I notice, and I remember actually there was actually a side yard setback issue with regard to the trash enclosure? Is that being relocated?

MR. NELSON: You know I'm not certain because we've gone through a number of changes here.

MS. COFONI: If I remember correctly our planner had suggested that that trash enclosure be relocated. Am I right on that?

MR. NELSON: I'm wondering if that variance goes away now because of the vacation. Let's put it this way, I think that trash enclosure can be move and that variance can be eliminated.

MR. KRON: Oh so it is moved on the plans?

MR. DHARMA: The plans I have received yesterday with the height change and all of that from the engineer it shows in here I do not know what the (inaudible).

MRS. NATAFALUSY: Excuse me Larry you're on the microphone.

MR. KRON: Oh okay let me just call back the architect. You're indicating that the trash enclosure has been moved on the revision?

MR. DHARMA: I'm not indicating I'm saying that the engineer sent me this plan yesterday and in accordance to his drawing that trash enclosure is here. But I don't know where this was for it to move because there's no place to move this one. I don't know if it's been relocated or just was the original location I don't know. This is the latest plan but I (inaudible) the engineer and he can talk (inaudible).

MR. KRON: Do you have a copy of the revised plan?

MR. DHARMA: I don't have that.

MR. KRON: I'm not sure if this is still in the same location.

MRS. NATAFALUSY: This is dated 1/24/12 the revision date.

MR. KRON: The revision apparently it's showing over here.

MR. WEISS: We have to make a note of what we're

MR. KRON: Is that the same place it was in?

MR. BUCZYNSKI: Yeah.

MS. COFONI: I have the old plans I'll tell you right now yeah it's the same place.

MRS. NATAFALUSY: Yeah it hasn't been moved.

MS. COFONI: So that's still a variance.

MR. BUCZYNSKI: Could we just go back to landscaping?

MR. KRON: Yes.

MR. BUCZYNSKI: You talked about to the north that its extensive landscaping I see some ground cover and one tree and river stone. Where is the extensive landscaping for the buffer? Unless I'm missing something.

MR. NELSON: Is this the plan?

MR. BUCZYNSKI: Yes that's the plan. I see off to the north I thought going north that way.

MR. NELSON: Oh over in here.

MR. BUCZYNSKI: Yeah the 10 foot setback we're talking about the . . . you said because the 10 foot setback that you have a buffer area there.

MR. NELSON: Right we have a flowering tree here and we have some shrubs along the foundation. We can add to that except that again the growing conditions in that area may be a little difficult because there are Evergreen trees over in here so you're going to have to find something that's you know going to be pretty

MR. BUCZYNSKI: I was just questioning where you said the variance for 25 feet to 10 feet that you put extensive buffering landscaping along that area and I don't think there's really extensive landscaping over in that area.

MR. NELSON: Yeah I don't remember saying extensive but if I said that what I meant to say was there is landscaping along this side to help enhance the situation.

MR. BUCZYNSKI: Okay.

MR. NELSON: So we've gotten up to lot coverage and the requirement is 40 percent we've gotten closer to that number but we're still deficient we're at 56.8 percent. Obviously lot coverage is an important issue but I look at it from two perspectives number one lot coverage requirements relate to number one drainage, controlling surface run off, making sure that there aren't that there is an excessive . . . that drainage problems aren't created. Also greenery you want to keep as much of the property green as possible. There's a couple of factors working here working against us or working against the ability to meet that 40 percent requirement. The size of the lot, the shape of the lot and the various design requirements associated with this building where we're placing the building. So it was impossible to meet that 40 percent requirement. However, there is a adequate drainage plan proposed that will be installed on the site to control the drainage and with respect to the overall landscaping I think I can safely say there's an extensive amount of landscaping which will help offset the fact that we're not going to have 60 percent of the site green. What will be green will be heavily landscaped.

Related to that in a way is the buffer that's required adjacent to the residential zone we have to meet 25 feet and initially we were very deficient in one corner of the property but now that we can add the vacated right-of-way that brings us up to about 20 feet at its narrowest point. But again I would like to emphasize that we're only talking about a portion of that 25 foot setback or width not being met and that's in connection with these two or possibly three spaces will be shorter than the required 25 feet.

MR. WEISS: Mr. Nelson just for the record when you refer to these spaces you're really looking at the spaces are probably at the northern most easterly

MR. NELSON: Yes I'm sorry the three northerly most spaces in the parking lot. And actually I'm not sure that this landscape plan has been marked as an exhibit?

MS. COFONI: No I don't think it has. We are up to A-6.

MR. NELSON: This was part of the package but

MRS. NATAFALUSY: This was submitted as part of the package.

MS. COFONI: Oh it was okay then we don't need to mark it.

MR. NELSON: Okay. So yes we don't meet the 25 foot buffer requirement but we're pretty close to meeting it and we do meet it over an extensive length of that parking area and that area will be heavily landscaped so that the intent and purpose of the buffer requirement will be met. The sign requires or is limited to an 8 foot height we are proposing 15. There are a number of signs in that immediate area including the sign associated with the medical office immediately to the north that are generally in the 15 foot range. And the sign frame that I mentioned that's currently on the property which has no sign on it is about 13 to 14 feet high. What I always like to end up with with respect to dimensional variances is to emphasize that we're not asking to deviate from every dimensional requirement and we do comply with lot depth, we do comply with front yard setback, we do comply with building coverage, we do comply with building height, and we do provide adequate parking for the use. So that just brings me to the positive and negative criteria test which I'll go through as quickly as I can and my comments about these tests rest on a lot of the testimony I've already given. With a d-4 variance you're not dealing with a prohibited use so you don't have to get into making arguments about this site being particularly suited. The planning policies of the municipality indicate that it is already a proper use for this location however, the d-4 variance deals with intensity of use and the coverage case comes into play here where we have to convince you that the increase in activity associated with the d-4 variance can be accommodated on this site. And based on what I've said earlier again it's just a first level of the structure that where the activity is going to be taking place, the second level is storage and utilities and there's adequate parking on the property we're under the height limit requirement for the zone so it's my judgment that all of the positive criteria or I should say the positive criteria test with respect to the d-4 can be adequately met. The negative criteria test minimal impacts, controlled hours of operation and activity, the availability of adequate parking, minimal noise, controlled lighting, and a significant amount of landscaping to properly buffer this use from the adjoining residential area. With respect to the dimensional variances the "c" variances the positive criteria test I don't want to go through the laundry list here again but it's my judgment that in certain instances a c-1 provision of the Municipal Land Use Law applies because of hardship related to the shape and size of the property. But in those instances where the c-1 may not directly apply such as the sign height variance it's my judgment that the c-2 provision can be applied here because the benefits substantially outweigh the detriments. And again it's not the benefit to the applicant it's the benefit to the municipality this in terms of the overall picture this application is helping to implement the Master Plan and the Planning Policies of the community. So having said that it's also my opinion that the intent and purpose of the Master Plan your Zone Plan will not be impaired by this application and so therefore the negative criteria test with respect to the "c" variances and the d-4 variance are met in my opinion.

MR. KRON: Okay let me just . . . there were three questions I believe from Mr. McGroarty's report that I just need to go into with you. Number 4.7 on Mr. McGroarty's report we said the landscape buffer does not comply with ordinance requirements to provide a 35 foot wide buffer to the adjacent residential zone district.

MR. NELSON: Right and we've now increased most of that buffer to 30 feet. Actually I believe there is a provision that allows 25 feet rather than 30 but along most of that buffer the width will be 30 feet . . . between 25 and 30 feet. So we've substantially addressed his comment although we still need a "c" variance.

MR. KRON: And 5.5 on Mr. . . . it looks like it was done I'm going to leave that. Okay fourth paragraph of 5.5 of Mr. McGroarty's report says it is questionable that the buffer plantings at the northerly edge are tall and dense enough to provide the required year round screening.

MR. NELSON: Yes I told Mr. McGroarty that we would be willing to revise the landscape plan to bring it more into conformity with what he's suggested. I don't have a specific revision because I knew this project was going through some changes so I thought we would wait and make that a condition of the approval.

MR. KRON: That would be a condition of your working that out with Mr. McGroarty.

MR. NELSON: Yes.

MR. KRON: Okay and then the fifth one on paragraph 5.5, applicant's landscape architect should explain why three mature Maple trees are targeted for removal within the buffer area. If there's a good reason to remove such trees testimony should explain why the landscape plan does not show replacement trees at these locations.

MR. NELSON: Well yeah I think I touched on that briefly that I'm concerned about some safety problems associated with those trees but if we can save them we will and if we can't we will provide replacement trees.

MR. KRON: Okay. Gene do you have any questions from your report?

MR. BUCZYNSKI: Yeah in my report I can go over my report because Mr. Nelson has talked to me about my report. I can go over those items but regarding buffer it's 30 feet not 25 feet.

MR. NELSON: Well Chuck had mentioned in his report he referenced a section of the ordinance and quite frankly I don't have that with me.

MR. BUCZYNSKI: I've got the ordinance in front of me it's 400-101(8)(a) and it clearly states 30 feet.

MRS. NATAFALUSY: It's the PB zone; it's for the PB zone the Professional Business Zone.

MR. NELSON: Okay I mean I don't want to disagree with you I just remember him mentioning in his report

MR. BUCZYNSKI: His report says 30 feet.

MS. COFONI: Oh you know you may be thinking of this, there is an exception provided in the PB zone wherein the Planning Board may permit parking areas to be within 25 feet of the rear lot line. Even at the reduced setback the buffer towards the northerly portion of the rear yard narrows down to approximately 5 feet.

MR. NELSON: Well but if the parking lot can be within 25 feet of the rear property line then the buffer is only 25 feet.

MR. BUCZYNSKI: Well 4.7 as the report states buffer requirements; the landscape buffer does not apply with ordinance requirements to provide a 30 foot wide buffer to the adjacent residential zone districts. It's pretty clear.

MR. NELSON: Yeah, yeah okay.

MS. COFONI: One other question I had you said that you were requesting a variance for the freestanding sign but in my notes from the last meeting it says that you're going to modify the sign to comply with the ordinance.

MR. NELSON: Okay I wasn't told that.

MS. COFONI: So I'm just wondering which one it is.

MR. KRON: Okay the architect is indicating we will do that.

MS. COFONI: So it's going to comply.

MR. KRON: It will comply.

MS. COFONI: Okay.

MR. BUCZYNSKI: Just a couple of items. I think I know the answer Chuck mentioned that you talked to him briefly on it; I had a concern regarding River Stone.

MR. NELSON: Yes.

MR. BUCZYNSKI: I think the reason you're using that is because you have a small width to deal with?

MR. NELSON: Yes it's very narrow there yes.

MR. BUCZYNSKI: I don't have a problem with that if the Board doesn't.

MR. WEISS: It doesn't look like there's any concern.

MR. BUCZYNSKI: And the only other item was regarding the landscaping plan and we'll deal with that during . . . before construction. I guess one part of that I think we need to be clear is when do we want to have a site inspection relative to determining what landscaping needs to be put in. I think at some point we should have a plan to reflect what we're going to eventually put on the site. So I guess once the layout of the parking lot is set up in the field then we would go out and look at it?

MR. NELSON: Yeah I think that would be a good time yeah.

MS. COFONI: So landscape final

MR. BUCZYNSKI: Finalization of landscaping plan shall be deferred to when the parking lot is laid out prior to start of construction.

MS. COFONI: So final landscape plan to be submitted for review.

MR. STASZAK: My only comment on that would be that it has to either meet or exceed what they've submitted to us already.

MR. BUCZYNSKI: Absolutely.

MR. STASZAK: Okay.

MS. COFONI: Gene prior to when?

MR. BUCZYNSKI: After the parking lot is laid out in the field prior to the start of building construction. Is that agreeable?

MR. DHARMA: Can I say once the curbing is installed for the parking lot then otherwise you can see . . .

MR. BUCZYNSKI: Well if they laid out the curbing we would know where

MR. DHARMA: Yes that's what I'm saying.

MR. BUCZYNSKI: Yeah I'm just saying once they laid out the parking lot.

MR. DHARMA: Yes.

MS. COFONI: Oh okay so it's not prior to construction it's . . .

MR. BUCZYNSKI: Prior to . . .

MS. COFONI: Construction of the building itself?

MR. BUCZYNSKI: Probably not because you want to start the building right away. We won't relate it to the building we'll relate it to the parking lot layout.

MS. COFONI: But that's after the parking lot layout but before what? Do you know what I'm saying?

MR. KRON: Before they seal the parking lot?

MR. DHARMA: Before he issues a CO.

MR. NELSEN: Mr. Chair?

MR. WEISS: Dan go ahead.

MR. NELSEN: I'm sure you went over this before but just for my own edification. How many employees will be here?

MR. DHARMA: I have that information on the drawings, six employees it's on the A-1 drawing on the right hand side.

MR. NELSEN: And that includes the doctors?

MR. DHARMA: Yes it does.

MR. NELSEN: Six okay. And I'm sure you've gone over this before and the parking is adequate? But if six of those spaces are eaten up by employees then there are that many less parking spaces. And how do you plan on getting a garbage truck in there?

MR. DHARMA: I think the engineer testified to that (inaudible) he would have to back up.

MR. NELSEN: Back out onto the highway?

MR. DHARMA: No, no, no make a right hand turn in the parking lot and you back up and you pick up the garbage. That's what they normally do.

MR. NELSEN: Is there room in that corner there for a garbage truck to turn around? Scott can you visualize that?

MR. VAN NESS: No.

MR. DHARMA: Okay this is the driveway that's the building so you come here . . . my understanding is you back up and then you turn left there and then you go out. We have (inaudible) spaces (inaudible).

MR. NELSEN: I mean if there are cars parked in the parking spaces . . .

MR. VAN NESS: Well you should generally . . . if I may?

MR. WEISS: Sure Scott go ahead.

MR. VAN NESS: Generally the garbage truck would come after hours and if the garbage comes after hours there's not going to be an issue with the garbage truck.

MR. NELSEN: Right okay.

MR. VAN NESS: If the garbage truck comes during hours obviously there will be a problem. As long as it's noted that garbage pickup has to be after hours and which they already are that should be no problem.

MR. NELSEN: So they would be doctors, nurses, clerical people totally six.

MR. DHARMA: Six people we have yes. It's by appointment and my understanding is not all the time both sides would be occupied, it's like it would be overlapping you know sometimes they're open,

sometimes they're not open. So my understanding is that it should work (inaudible). And even if it's fully occupied still it's by appointment so you know I understand the parking meets the ordinance.

MR. NELSEN: I'm sure if we've gotten to this point.

MR. BEDELL: I think we probably discussed at the last meeting, is there any way to put some spaces on the driveway? Like on the right hand side?

MR. WEISS: Steve that's not up to us.

MR. BEDELL: Oh no I don't know if we had discussed it or if it

MR. WEISS: I can't imagine we would discuss it because that's not the testimony given to us by the applicant.

MR. BEDELL: Yeah I know I didn't recall if it had come up that's why I was asking. Okay.

MR. WEISS: No nothing from here Steve.

MR. BEDELL: Okay.

MR. DHARMA: We never discussed that so that would increase more spaces.

MR. BEDELL: No that's fine I wasn't sure if we had as a

MR. VAN NESS: Not without widening the driveway.

MR. BEDELL: Okay that's fine okay all right thank you.

MR. WEISS: Steve and Dan actually Tiena just reminded me that the applicant exceeds the parking space requirement so I'm sure Dr. Sandhu is comfortable with the amount of parking otherwise it will ultimately affect his business and I think we did talk about that.

MR. BEDELL: Yeah.

MR. NELSEN: Yeah I'm sure to get to this point we've already addressed that I just for my own

MR. WEISS: Okay.

MR. KRON: That's all the questions I have of the planner.

MR. WEISS: Does anybody else have any questions for Mr. Nelson? I actually had a comment I do agree with you Mr. Nelson that the c-1 satisfies the condition rather than c-2. I think the condition of the tightness of the property kind of satisfies your request. Kind of both of them work but c-1 and I only had one question but you addressed it with the sign so I'm satisfied with the testimony. Let me open it to the public if anybody has any questions for Mr. Nelson based on the testimony given here this evening I'll open it to the public now. Mr. Smith you know the rules.

MR. SMITH: My name is Jim Smith I reside at 29 Kenmar Road in Budd Lake my wife and I own the property at 144 Route 46 which is immediately to the south of the proposed property. I'm here basically with two hats one as a next door neighbor to this proposal and also Chairman of the Environmental Commission. It had been touched on back in the September meeting by Mrs. Cherry who is a diagonal resident behind the property on Elizabeth Lane in reference to the outfall which would be the overflow from the in-ground retention that they have. One of the questions that we have from the Environmental Commission is that the property that's located from this property over to where the standing water is behind the old Budd Lake Tire building, that this is swaled in a way that any of the overflow that comes out of this property from the square footage of impervious surface also from the direction of Route 46 because the pitch on Route 46 and the property goes to that back corner. That any oils, all the run off as I said from Route 46 and from that parking lot has a tendency for the storms that we've been getting, and Gene and I have run into this before with Turkey Brook. These flash storms which people can refer to as 100 year storms you can categorize them as 100 year storms or flash storms. Our question is, and probably more to Gene at this point because he's the professional here, when this would occur Gene is there going to be a problem as we have seen last August? And of course

with the 500 year storm or whatever you want to classify it in September these are going to give that parking lot as well as that section of Route 46 as well as we have the inlet into the . . . or the ingress into the property across the street the shopping center which are pretty much all flush through underground and is that going to be able to handle this kind of situation? And how much of the pollutants are we going to end up possibly into that sensitive area in behind there following down Rose Lane?

MR. BUCZYNSKI: Well you know we discussed their drainage design, stormwater management design at the previous meeting. They have an infiltration system that's really an overflow so you shouldn't see any flow coming out of their pipe. Now what happens in a major storm, if you look at the storm we had you know I mean even after the hurricane that major flash flood, is there going to be a problem? There was a problem all over the municipality at that point so I don't think you . . . You can't really design for that type of storm. But a normal storms and it was designed for a 100 year storm and the design was set up that there will be no discharge. So you'll get a limited flow coming out of that outlet pipe going into South Rose Lane (inaudible).

MR. SMITH: What is this system . . . how many inches of rain in a period of time will this system handle?

MR. BUCZYNSKI: I'd have to look for the calculations that came in.

MR. SMITH: Okay.

MR. BUCZYNSKI: Unfortunately they don't have their engineer here to address it I'd have to look at it again I wasn't really expecting to get these questions again today.

MR. SMITH: Yeah that was a question from a couple of the Environmental Commission members is that because of what we had last year and what we've had it seems to be a continuing problem every summer as far as these storms are concerned. And if this global warming is attributing whatever this could be more of a problem in the back because that is the water table is very high back there. The properties that abut from Elizabeth Lane at the corner where North Rose Lane comes out to Rose Lane the water table there right now is pretty close to the surface.

MR. BUCZYNSKI: I think it's safe to say it's going to be an improvement to what you have out there right now in a heavy storm. You have a controlled structure at least as far as taking care of probably even more than the impervious coverage that's being generated by the development.

MR. SMITH: Okay I just wanted to bring that you know to the attention that the Environmental Commission was concerned about that. Also the fact on the Environmental Impact Statement waiver we have been noticing more and more that this has been a request of a variance that this be allowed to not worry about the Environmental Impact Statement. Here is a case here is what could be happening in this particular situation we're also taking out a fair amount of roof structure which would be the absorption. I realize we're still going with the underground retention but again this is one of the questions that we have is is it appropriate in this case where there is a possibility is it appropriate to give a waiver for the Environmental Impact Statement. I think that is as far as the Environmental Commission is concerned and now we get to my wife and myself as of the resident property immediately to the south we have. The trash enclosure I heard here again tonight that has not been classified as movement. The tenant that we have in there has expressed quite a bit of concern even though it's a medical building there is going to be the possibility of food waste, people are going to be eating their lunch. I don't know what the hours they're going to run as far as any other meals are concerned we have had it in the past when the building was used for a short period of time as a residential three apartment building. We had a very severe problem with raccoons which the Animal Control can attest to that because the tenant that I had in there at that time had them in there pretty much on a weekly basis because they had a very severe problem because of the garbage. With a trash enclosure right over next to the property the question that my wife and I have as well as our tenant is this . . . is it going to be moved as was proposed at one point back in September over a couple of parking spaces or is it going to be left next to the residential side?

MR. WEISS: Jim that's a question perhaps to the applicant.

MR. KRON: Let me ask the architect.

MS. COFONI: I think what was said before is that it's proposed at this point to be in the same location. That's what I had asked because that was one of the variances and the new plans don't show it changed.

MR. WEISS: It looks like Dr. Sandhu is confirming that it's proposed to stay.

MR. SMITH: All right well as I say we have a concern about it because I have a tenant that's in there has two small children and with a potential for the effect of trash, garbage which could draw again raccoons. I would not want to see any kind of a possible problem especially with . . . Their son is considered 95 percent blind and he does see shadows and gets the basics so he is in the yard, the backyard specifically. But contact could be made with a wild animal in that particular case and raccoons are not known to be the most easy going fellows when you come in contact with them.

MR. KRON: Mr. Smith just one question I'm looking at the plans we have isn't there a block garage between the dumpster and where the house is on the property?

MR. SMITH: The block garage is alongside the house, the dumpster is located to the rear of the block garage which is also where the wooded area where most of your wildlife would reside or actually move into the area.

MR. KRON: Where is the house . . . the house is located where?

MR. SMITH: Around the other side of the block garage. So you have the width of the block garage plus the minimum side line, side set off there. And they only allow the son out in the backyard because of his problem and it wouldn't help the situation if they had him in the front yard with Route 46. Because previous people who have lived there who lost many animals in that spot it's a very bad area there especially with numerous accidents because of the entranceway into the Budd Lake Plaza and now we have our driveway as well as Dr. Sandhu's driveway it's all going to be a real interesting area there. Our tenant clears up pretty much on a quite frequent basis (inaudible). So the front yard is not a place for kids to play and that's why he would be in the back which at this point comes into a situation where you could if it's a draw with that dumpster there could be a potential confrontation.

MR. BEDELL: What was there before what kind of garbage structure? Was it cans or was it . . .

MR. SMITH: Um they've never really had any kind of a dumpster so it has been pretty much bagged.

MR. BEDELL: Oh okay so this will be a full dumpster like 4 foot high, 5 foot high dumpster closed?

MR. DHARMA: Yes.

MRS. NATAFALUSY: With fencing?

MR. DHARMA: Yes.

MR. SMITH: As long as the gate is closed, as long as the lids are kept covered I mean . . .

MR. BEDELL: Is there a lock on it? On the dumpster? I know some dumpsters have like a little lock you can flip over with a little pad. I know I have that in my complex.

MR. WEISS: It seems to be just a typical enclosure.

MR. BUCZYNSKI: Yeah. Also I think there's the chance that is the fact that the grade is about 8 . . . there's about 8 feet difference in elevation too from the house to where the trash enclosure is. So it's a lot lower as far as a child going down . . . they have to go down that bank and get down to it.

MR. SMITH: Well I'm not . . . I don't have a concern with the child going to the dumpster I mean it's very, very unlikely that this little boy is going to do that. I'm more concerned that the draw of particularly raccoons because they have some very . . . I have had a face on face confrontation and . . .

MR. BUCZYNSKI: I have them on my deck twice a week maybe.

MR. SMITH: It's not something you like to . . . unless you figure out some kind of a weapon because we're not well suited for that kind of confrontation. But that's what I'm most concerned with as far as that is concerned.

MR. KRON: As I said as you've indicated we can try to put a fence around it that has a heavy top on there.

MRS. NATAFALUSY: Well the plans show a block wall around it on three sides and then a fence with a lock on it on the front.

MR. BUCZYNSKI: Just as long as it's closed and locked.

MR. DHARMA: That's a standard kind of garbage you know . . .

MR. BUCZYNSKI: It's supposed to be sometimes it doesn't happen that way but I'm sure Dr. Sandhu will make sure it's taken care of properly.

MR. SMITH: Okay. All right that's all I have thank you very much.

MR. WEISS: Thanks Mr. Smith. Anybody else from the public? Seeing none I'll close it to the public. Larry I'll turn it back to you.

MR. KRON: Okay I understand we only have six members but I think we are willing to take a vote with the six members we'll waive the seventh member tonight.

MR. WEISS: Thank you. Scott?

MR. VAN NESS: One thing I'd like to see added to the plan is a center sign and a stop line. Is that going to be on the final plan? A center line, stop line and stop sign.

MR. BUCZYNSKI: Center line what in the driveway?

MR. VAN NESS: In the driveway is that a 25 foot wide driveway?

MR. BUCZYNSKI: Yes.

MR. VAN NESS: Yeah the problem with the driveways in that stretch of the highway . . .

MR. BUCZYNSKI: It's a 20 foot wide driveway.

MR. VAN NESS: Even so you know I want a center line and a stop line.

MR. BUCZYNSKI: How far up like 50 foot or do you want it all the way up the driveway?

MR. VAN NESS: No it can be 50 foot that's more than enough.

MR. KRON: My client is agreeable to that.

MS. COFONI: So the center line is only for the first 50 feet of the driveway?

MR. BUCZYNSKI: Yes.

MR. VAN NESS: Yeah just to delineate an in and outside.

MR. KRON: That's acceptable to the applicant.

MR. VAN NESS: That will protect his customers.

MR. NELSEN: Mr. Chair?

MR. WEISS: Yes go ahead Dan.

MR. NELSEN: Just one other question. I imagine this probably was covered already, I don't remember reading it. Has the applicant attempted to eliminate many of these variances, has the applicant attempted to purchase any of the adjacent properties?

MRS. NATAFALUSY: He testified before that there isn't any properties . . .

MR. KRON: There was no property available.

MR. NELSEN: Right I just wanted to . . . I'm sure I just didn't remember reading it. Okay.

MR. WEISS: Any other questions? Is there are any other questions from the public about anything else of this application? Seeing none I'll close it again to the public. Larry do you have any closing comments?

MR. KRON: No I think we've set forth that this is going to be an improvement; we're actually complying with what is permitted in the zone. We've basically done everything we can to try to make this more in conformance. We've reduced the size of the building, we've reduced the height variance that we started with, we have acquired additional property in the rear that eliminates several of the variances, I'm sorry it doesn't eliminate them but reduces the extent of it and I think certainly the application before you now is more in conformance and certainly is going to be an improvement in the area to what it currently exists there.

MR. WEISS: Thank you. I suppose that before I ask for a motion there will be a bunch of conditions and so let's review the conditions I think all of us have made some notes to help Tiena it's been a little bit confusing but I think maybe we can help Tiena keep her organized. If we follow along, and if we have any additions let's do it after Tiena tells us what she has that if we were to go forward with this application they would approve the following conditions.

MS. COFONI: I have no 24 hour clinic is to be operated on site, I have garbage pick-up is not to be performed during operating hours, the center line painted on the first 50 feet of the driveway in addition a stop line painted.

MR. BUCZYNSKI: And stop sign.

MS. COFONI: And stop sign. Well not a condition of the resolution it's something that will be essential in preparing the resolution is the revised plans with the zoning chart being revised and sent to us within the next two weeks. We no longer have a basement, this is a condition from the previous hearing, restriction of the use of the upper level which I guess is just one attic now to just storage and mechanical equipment. The landscaping, the buffer plantings at the northerly edge will be revised to be reviewed and approved by Gene and Chuck and that's actually to be reviewed, approved prior to issuance of CO. Compliance with the Health Officer's September 1, 2011 memo and compliance with all of Section C which are technical items of Gene's August 9, 2011 report, actually Item C it's 1 through 6 and 9, 10 and 11. They're going to submit Access Permit Application to the New Jersey Department of Transportation, they're going to obtain Certification from Morris County Soil Conservation District, they're going to submit application to the Mt. Olive Health Department for the proposed well, and they're also going to submit an application for the Department of Public Works for the connection into the Budd Lake Sewer System. That's all I have.

MR. WEISS: Okay there's a couple other things that I had noted. Keep me honest here on Chuck's report 5.5 and you might have addressed it I just had a note but I didn't clarify it but will it be revised according to Chuck's approval?

MS. COFONI: 5.5 - Rear yard buffer does not comply with the zone.

MR. WEISS: Maybe it's paragraph . . .

MS. COFONI: Oh wait yeah I already . . . this is the northerly edge so that's one of the ones yeah it's just one of the paragraphs within 5.5.

MR. WEISS: Okay then another paragraph on 5.5 we talked about that if the three mature trees have to come down . . .

MS. COFONI: Yes I do have that marked yes.

MR. WEISS: Okay let's make sure that's a condition.

MS. COFONI: Yes.

MR. WEISS: That we know that if they remove it there will be a replacement plan. I'd like to see language in the resolution Tiena that does specify and I know it has been testified to such that the roof will be of a Fiberglass material light gray in color that the top attic section is terracotta color and that the siding if you will is a cedar shakes and the buckskin.

MS. COFONI: Hold on, roof is Fiberglass material, what color is . . .

MR. WEISS: I'm more concerned about the coloring the material they're better at judgment than . . . They testified to a light gray roof with a top half round attic area is a terracotta with a siding the cedar shake siding to be a buckskin. That was what they testified to I'd like to make sure that . . .

MR. NELSON: That was (inaudible) in this drawing.

MR. WEISS: I understand that I'd like to make sure that that language is in the resolution.

MR. VAN NESS: What if they don't like the color?

MR. WEISS: That's unfortunate then. You know Scott you say that but we did have an application once that at the time of construction the color wasn't right and they did come back. Catherine remember I think that was the Animal Hospital.

MRS. NATAFALUSY: Yes.

MR. WEISS: And they came back and asked for a color change and I think I went out with somebody else and we looked at it and said it's pretty much in the spirit of what they testified to. So I think they testified to it if there's a change they will need to notify us of a change. That goes back to a long way and I think for those on the Planning Board a long time I think we know the surprise when somebody shows up with a bright red roof in the community. So I'm going to make sure that we avoid that by holding the applicant accountable to what they testified to and I have no doubt I just want that noted. I just want to make sure that I have nothing else. I don't have anything else did anybody else make a note of a condition?

MR. BEDELL: There would be the lines . . . you made mention in your . . . the lines that Scott had mentioned?

MS. COFONI: Yes.

MR. BEDELL: It is also the revision of the sign for the front.

MS. COFONI: Yeah that's a good one.

MR. WEISS: No sign variances required.

MR. BEDELL: And then there was earlier in the testimony a lot of the measurements what we had was different than what they had on . . . maybe submit the newer . . .

MR. WEISS: That was mentioned.

MR. BEDELL: I just wanted to make sure okay.

MR. WEISS: Tiena had said that. That the plans would be revised and submitted but that won't be part of the resolution because there's an agreement that will be done in about two weeks.

MR. BEDELL: Okay.

MR. WEISS: Anybody else? That being said then those are conditions that we will incorporate into a resolution if it's so being . . . that would be approved. So if anybody would like to make a motion?

MR. BEDELL: I will make the motion for PB 11-20.

MR. STASZAK: Second.

MR. WEISS: With the conditions as we spoke about.

MR. BEDELL: With the conditions as read yes.

MR. WEISS: Perfect. And do we have any comments on that, any conversation? I only had one and I think that although it's certainly not up to me to testify I kind of like the direction that Mr. Nelson went and I understand that all the rules are very specific we can't bend the calculations but I think the way it was presented is very sensible Mr. Nelson. You talked about the . . . and I'm trying to help myself with the numbers, the actual use of the building, the working area is about 2700 square feet over a piece of property that's now almost 20,000 square feet and if you take that number of actual using space and I know we have to include the attic and we have to include others using that kind of contorted math you're coming to about a 1.3 floor area ratio and that is the spirit of what the zone is. And I understand you have no choice but to include the attic and include everything else. I think the actual use of this building is going to conform in spirit again to the floor area ratio and I think it's a very nice job compared to where we were back in September. So I think that's the way I'm going to look at it and I'm certainly going to give my support to this plan. Anybody else? Catherine roll call.

MRS. NATAFALUSY: Dan Nelsen - yes
Nelson Russell - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
Howie Weiss - yes

MR. KRON: Thank you very much.

APPLICATION #05-51 ZBA - PRINCETON ALLIANCE CHURCH

MR. WEISS: The next item seems to be an extension request for application 05-51 which was Zoning Board of Adjustment Princeton Alliance Church which a variance was granted for disturbance of a steep slope and encroachment into a 100 foot buffer adjacent to a stream at Block 7000, Lot 87 at 1 River Road.

(INTERRUPTION OF DISCUSSION MATTER FROM MEMBER OF THE PUBLIC)

MR. SORANO: Excuse me Mr. Weiss may I just address the calendar for this evening rather than get behind another application unless you prefer to wait. I'm here on the I believe the adjourned Jallad application and want to just make a statement with respect to the adjournment it might take less than two minutes. But I'll leave it to the Board's discession.

MR. WEISS: But we had a conversation about that before the meeting, as we started our meeting.

MR. SORANO: I was here at the beginning of the meeting.

MR. BUCZYNSKI: You weren't in the meeting you were outside.

MR. SORANO: Well I didn't realize; may I be heard on that?

MR. WEISS: Do you have a problem with that?

MS. COFONI: No.

MR. SORANO: I mean obviously I was here on that application

MS. COFONI: Let me before you make your statement assuming that the Board . . . let me just tell you what was said so you know.

MR. SORANO: That would be great. If you would like me to at least put my name on the record.

MS. COFONI: That would be great.

MR. SORANO: Okay my name is Carl Sorano I'm the property owner, adjacent property owner at 136 Flanders-Drakestown Road. I do have Council on this matter but I decided to appear for this evening only with respect to the adjournment.

MS. COFONI: Okay just so you know Jallad requested an adjournment for tonight; we received your objection that was submitted from your attorney. We adjourned to next week at the very least to carry the notice I told the Board that I would review your objection to the adjournment with your attorney as well as the applicant's attorney to see if something can be worked out. Being mindful of the fact that the applicant would have to give an extension of time in order to hear it beyond next week but at the very least we needed to carry the hearing technically so the public would be aware of when the next meeting would be for notice purposes to next week. So that's where we are at this time.

MR. SORANO: Okay thank you for that I appreciate that and I apologize for stepping out I was trying to address another issue. But with respect to the adjournment request you have our letter so I won't burden the record with that but what I will state is that you know as an objector we had been prepared to move on this application on November 10th I believe December 8th and this evening. We had requested through Counsel that the matter be heard on March 8th as opposed to February 16th due to a conflict on my side and my Counsel's conflict being available this evening. We did request a consent by the Jallads which was rejected so my only concern is that I think in the interest in fairness that the application either be carried to March 8th and I understand that you can't request at the Jallads consent to that but also perhaps the Board would reconsider dismissing the application and having it re-filed with appropriate notice. Because the difficulty is that if I am forced to proceed without Counsel it puts me in a prejudicial position even though I've been prepared to move forward three times.

MS. COFONI: Well I'll like I said I'll deal with it with . . . I haven't had a chance we just got the letter today and I actually was out of the office when it came in. So I haven't had a chance to address it with anyone.

MR. SORANO: Understood. If I may just ask then when the Board makes its decision with respect to the adjournment request that it be done and we be notified promptly so I can be prepared for the 16th if I have to retain alternative Counsel to appear.

MS. COFONI: Absolutely, oh I'll definitely let your attorney . . . yes.

MR. SORANO: And finally based on the appearance of the Historical Commission here this evening I get the sense that that's going to be addressed as well on the 16th and I would just place on the record that this application as I understand it was originally presented before the Board by the Jallad's with respect to the side yard variance concerning the day care center. It was actually my Counsel that placed on the record the objection that this application should include all buildings and structures on the property before the Board, here is the overall application. I understand no amendment has been made to the application so I'm not quite sure what's going to be before the Board on the 16th or whatever we're adjourned date. When you look at the original notice I'm not sure that all of the adjacent property owners have notice of what the intentions are with respect to the property owner in moving this application. So I'd asked the Board with respect to the adjournment to consider that also. Because I'm not quite sure that the adjacent property owners understand exactly what the intent on this property is. And I think the only reason why I know this is because I've been active in pursuing and objection to the application.

MS. COFONI: Okay.

MR. SORANO: Thank you. By the way I apologize but thank you very much for . . .

MR. WEISS: My pleasure.

APPLICATION #05-51 ZBA – PRINCETON ALLIANCE CHURCH

MR. WEISS: Okay let's bring back up 05-51 Zoning Board of Adjustment Princeton Alliance Church it's a variance granted for disturbance of steep slopes encroachment into the 100 foot buffer adjacent to the stream at Block 7000, Lot 87. Thank you for deferring for a few minutes.

MR. KOTDAWALA: My name is Shri Kotdawala.

MS. COFONI: Letter from today Catherine?

MRS. NATAFALUSY: I don't have it I never got it. Somebody said they were going to fax me a letter but I never got it.

MR. KOTDAWALA: Yeah they were trying to fax it.

MR. WEISS: I'm not even going to attempt the last name I'm sorry we can maybe spell it for the record its Mr. (K-O-T-D-A-W-A-L-A).

MRS. NATAFALUSY: That was the letter that you sent on December 22 asking for the extension?

MR. KOTDAWALA: No this is the letter from the church. The church is the owner of the property and I sought the approval in 2008. Once again we started in 2004 we got the approval in 2008 we (inaudible) improvement costs a lot so I kind of I told the church that I won't pursue the project but the church says we don't want to lose our permits because we have invested so much money together.

MS. COFONI: I'm sorry what is you the . . .

MR. KOTDAWALA: Contractor purchaser. I'm an engineer by profession also but I did not testify as an engineer here.

MS. COFONI: Okay so you're the contract purchase you're saying that because of the increased costs that you weren't able to go forward.

MR. KOTDAWALA: Yeah because if you look at our project I can just circulate some sketches so the Board . . .

MS. COFONI: Construction of a single family dwelling okay.

MRS. NATAFALUSY: Some of the Board members from the Zoning Board might remember that this was property on River Road and they had to have access through another property, go through the other property to get access to theirs so they were going through somebody else's backyard. But there was an easement through that backyard on the other property to get to this property.

MR. BUCZYNSKI: There were several meetings.

MRS. NATAFALUSY: Yes there was a number of meetings on this application.

MS. COFONI: So this was originally approved in 2005 and I see in our file . . .

MR. KOTDAWALA: 2008 it was approved.

MR. WEISS: 2008.

MR. KOTDAWALA: In 2004 we started we applied for an LOI.

MS. COFONI: Oh I'm sorry the application was 2005 I assumed it was in 2005. Oh okay so it was originally . . . I see 2008. Okay so the most recent thing is on July 8, 2010 we granted the extension which terminated on December 31, 2011.

MRS. NATAFALUSY: Right the applicant sent a letter back in December asking to be put on the agenda for an extension.

MS. COFONI: Okay. That's where we are. And how long of an extension are you seeking? One year?

MR. KOTDAWALA: I would say 18 months.

MS. COFONI: 18 months? Okay.

MR. KOTDAWALA: Because 6 months will take us to get the septic approval for the plot plan and the driveway permit in general like I anticipate 6 months.

MRS. NATAFALUSY: But you haven't applied for that as of yet?

MR. KOTDAWALA: No we are planning to apply actually in early Spring for the driveway permit and kind of a plot plan.

MR. WEISS: Has there been any kind of progress? There's been no construction, there's been nothing done to the property.

MRS. NATAFALUSY: Nothing.

MR. KOTDAWALA: Nothing.

MR. WEISS: Okay.

MS. COFONI: And I'm sorry what has been causing the delay?

MR. KOTDAWALA: I believe it was the excessive cost that's needed to improve this lot. And actually in that aerial map we don't have (inaudible) we (inaudible) the lots (inaudible) but the Board wanted us to install a dry water line from River Road to the lot in case of like fire safety. We wanted to see that the fire department when it reaches to the house they have enough extra water and they can have water. So actually there's a water line, a dry water line from the road to the house.

MS. COFONI: That you did in the meantime?

MR. KOTDAWALA: No we have it on the plan actually

MS. COFONI: Oh that you have on the plan I see, I see, I see I'm sorry.

MR. KOTDAWALA: It's actually all the way from River Road to . . .

MS. COFONI: Yeah, yeah, yeah I'm sorry.

MR. KOTDAWALA: Going below the river.

MR. BUCZYNSKI: Are all of your permits still current?

MR. KOTDAWALA: Yes our permits are expiring 2013.

MR. BUCZYNSKI: Okay that's the DEP permits?

MR. KOTDAWALA: That's the DEP permits.

MR. WEISS: Do you know when in 2013?

MRS. NATAFALUSY: January 15, 2013.

MR. WEISS: Okay so it's less than a year.

MRS. NATAFALUSY: Yes.

MR. KOTDAWALA: We can seek an extension for the DEP permit for another five years but we are definitely anticipating we start the work before that.

MR. WEISS: Okay. So you're requesting an 18 month extension.

MR. KOTDAWALA: 18 month extension.

MR. WEISS: Starting from this date Catherine? Or would it be from

MS. COFONI: No it would be from . . .

MRS. NATAFALUSY: Back to December?

MS. COFONI: Yeah it would be starting January 1.

MR. WEISS: So we would need it to June 1st of 2013?

MS. COFONI: Yeah.

MR. WEISS: So we're going to date the extension through June 1st?

MS. COFONI: Well no it would be the end of June.

MR. WEISS: June 30, 2013. That sounds reasonable. Does anybody have a problem with the extension through June 30, 2013 based on the reasons; economic seems to be the biggest issue? Nobody seems to object to that date. We'll need to make a roll call on that right?

MS. COFONI: You need to make a motion.

MR. WEISS: Unless you have other testimony which I don't that you do.

MR. KOTDAWALA: No I don't have any.

MR. WEISS: Would anybody like to make a motion that we extend this application through June 30th. Scott?

MR. VAN NESS: I so make that motion.

MR. NELSON: I'll second it.

MR. WEISS: Anymore conversation? Catherine we're making a motion to extend this application through June 30, 2013 and we'll take roll call when you're ready.

MRS. NATAFALUSY: Dan Nelsen - yes
Nelson Russell - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
Howie Weiss - yes

MR. KOTDAWALA: Thank you sir.

MR. WEISS: Thank you.

MRS. NATAFALUSY: The resolution will be next month?

MS. COFONI: Yes.

MR. WEISS: I have no other business on the agenda if anybody else has any other business and there's nobody here from the public as I open it to the public I'm being turned down because there's nobody here. Therefore anything else from the Planning Board otherwise I'll accept a motion.

MRS. NATAFALUSY: The one thing I was going to ask you next week, because I have something from the Environmental Commission with their recommendations for the tree plantings, you know how they talked about from the Tree Fund. With all that's going on next week I was going to hold that off until March, the first meeting of March if that was okay.

MR. WEISS: We can review the schedule too off line.

MRS. NATAFALUSY: Okay.

MR. RUSSELL: The concern Catherine from the Environmental Commission is that we don't miss the spring planting time.

MRS. NATAFALUSY: And I know Kathy Murphy told me that but I talked to Jim Lynch today and he has no problem with us holding this off because it's going to be done in phases. It's all not going to be done so I did talk to Jim about that.

MR. RUSSELL: Okay.

MRS. NATAFALUSY: Okay?

MR. RUSSELL: Yes.

MR. WEISS: So let's make sure that when we talk we'll do it in the first meeting of March.

MRS. NATAFALUSY: Okay.

MR. WEISS: We'll make sure we have that on our agenda. Any other business? Anybody want to make a motion to adjourn?

MR. VAN NESS: Motion that we adjourn.

MR. RUSSELL: Second.

MR. WEISS: All in favor?

EVERYONE: Aye.

MR. WEISS: Thank you gentlemen.

(MEETING ADJOURNED AT 9:00 P.M.)

Transcribed by:
Lauren Perkins, Secretary
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