

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: John Cavanaugh, Joe Fleischner, Rene Gadelha (8:00 p.m.), Nelson Russell, Jim Staszak, Scott Van Ness, Steve Bedell, Howie Weiss

Members Excused: John Mania, Mayor David Scapicchio,

Members Absent: Dan Nelsen

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

Professionals Excused: Tiena Cofoni, Esq.

APPROVAL OF MINUTES

February 17, 2011 Public Meeting

Motion: John Cavanaugh
Second: Steve Bedell

Roll Call:

John Cavanaugh - yes
Nelson Russell - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
Howie Weiss - yes

APPROVAL OF RESOLUTIONS

Resolution #PB 10-29 (Amended) – Morris Habitat for Humanity – Block 1300, Lots 43 & 44
(LOT LINE ADJUSTMENT)

MR. WEISS: That's right if you remember gentlemen we had two different votes on that one that's why it's listed twice. The first one just so you remember we did approve a lot line adjustment so that's what we're voting on in the first one. Motion?

Motion: John Cavanaugh
Second: Joe Fleischner

Roll Call:

John Cavanaugh - yes
Joe Fleischner - yes
Nelson Russell - yes
Jim Staszak - yes
Scott Van Ness - yes
Howie Weiss - yes

Resolution #PB 10-29 (Amended) – Morris Habitat for Humanity – Block 1300, Lot 44
(USE VARIANCE)

MR. WEISS: And the second resolution also PB 10-29 (Amended) for Morris Habitat for Humanity LLC which was the use variance which was denied, Block 1300, Lot 44. We only have three that are eligible to vote so Mr. Cavanaugh, Mr. Bedell motion?

MR. CAVANAUGH: I make a motion for the denial of resolution PB 10-29.

MR. BEDELL: I will second.

MR. WEISS: Thank you. Any conversation?

MR. CAVANAUGH: Just a comment, I think the notes and comments by the attorney were well done and accurate. Thank you.

MR. BUZAK: Thank you.

MR. WEISS: Yeah that's a good point John because I tend to keep my notes with me and as I checked it looked pretty thorough thank you.

MR. BUZAK: Thank you.

MR. VAN NESS: So if I may speak?

MR. WEISS: Sure.

MR. VAN NESS: We voted no on . . . or in contrary to others we aren't eligible to vote on it.

MR. BUZAK: Correct.

MR. VAN NESS: On its approval.

MR. BUZAK: That's correct. It's a memorializing resolution so only those who voted in favor of the action that was ultimately taken are able to vote on the memorializing of it. This happened to be negative action.

MR. VAN NESS: Well I just wanted to kind of get my voice out there that I disagree with the findings but that's okay.

MR. WEISS: Duly noted.

MR. VAN NESS: I understand the democratic process in which we function I think.

MR. BUZAK: I'm glad somebody does.

MR. WEISS: Duly noted Mr. Van Ness. Any other conversation? Seeing none Catherine roll call.

MRS. NATAFALUSY: A yes is for denial.
John Cavanaugh - yes
Steve Bedell - yes
Howie Weiss - yes

COMMITTEE REPORTS

MR. WEISS: Committee reports will be quick the Mayor is not here this evening, Council Mr. Mania is not here this evening. Nelson?

MR. RUSSELL: We meet next Wednesday.

MR. WEISS: Ordinance committee?

MR. STASZAK: Nothing at this time.

MR. WEISS: Street naming committee nothing and Rene is not here for open space.

DEVELOPMENT MATTERS

APPLICATION #PB 10-32 – RALPH MARINA / JOSEPH MARINA

MR. WEISS: I have two quick announcements on our developmental matters. The first one which is PB 10-32 Ralph & Joseph Marina has been postponed until April 21st no further notices they are carried until then if anybody from the audience is here for that it will not be heard tonight.

APPLICATION #PB 11-03 – DOUGLAS & SUSAN TACK

MR. WEISS: And the next one PB 11-03 Douglas & Susan Tack is also postponed, notice is carried until May 12th so if anybody is here for that except for the Planning Board you can leave.

APPLICATION #PB 11-07 – STEVE VERMEULEN

MR. WEISS: With that being said let's move right to our first developmental matter of the evening which is PB 11-07 for Steve Vermeulen. It's a variance encroachment within the rear yard setback at 13 Tamarack Road Block 2208, Lot 11. Mr. Vermeulen welcome, am I saying that correctly?

MR. VERMEULEN: Vermeulen that's fine.

MR. WEISS: Mr. Vermeulen what we'll do is we'll swear you in, the attorney will swear you in.

(STEVE VERMEULEN SWORN IN FOR THE RECORD)

MR. BUZAK: Can you just for the record state your name and address, business address or your regular address.

MR. VERMEULEN: Steve Vermeulen and the address is 13 Tamarack Road, Budd Lake.

MR. BUZAK: Thank you sir.

MR. WEISS: Mr. Vermeulen what will happen here tonight you're here for a variance request for an encroachment on a rear yard setback for your swimming pool I believe.

MR. VERMEULEN: Right.

MR. WEISS: And so what we'll try to do for the record is you'll explain to the Planning Board what you want to do and we'll ask you some questions and you'll provide some testimony and kind of follow my lead.

MR. VERMEULEN: Okay good.

MR. WEISS: I think if there's too much testimony I'll tell you to . . .

MR. VERMEULEN: There won't be a lot.

MR. WEISS: So with that if you would Mr. Vermeulen why don't you tell us what you want to do. Tell us about your plan.

MR. VERMEULEN: I just want to put an above ground pool attach it to the deck and being so I have to be within that setback and I don't meet the requirements there.

MR. WEISS: Okay and we all have a copy of the plan.

MRS. NATAFALUSY: Here's some photographs of the property that the applicant has submitted.

MR. WEISS: Do we need to note those for the record Mr. Buzak?

MR. BUZAK: Yes why don't we . . . how many are there Gene?

MRS. NATAFALUSY: It's in my report there are five color photographs.

MR. BUCZYNSKI: Here you go five photographs.

MR. BUZAK: Okay why don't we mark them as a package A-1 five photographs of the site.

MR. WEISS: Okay and that's the pictures coming by Mr. Vermeulen took. Perhaps we understand why . . . tell us a little bit about the property about maybe the size of the property or the slope the shape.

MR. VERMEULEN: It's about a half an acre the slope is minor front to back there's just not enough room to put the pool. That's basically it I don't really know what else to tell you it's nothing fancy.

MR. WEISS: Do you have an irregularly shaped property?

MR. VERMEULEN: No it's basically a rectangle.

MRS. NATAFALUSY: Excuse me Mr. Chairman if you look at the survey of the property the house is set back on the property so it doesn't give him much of a backyard he's got more front yard and by attaching the pool to a deck that's attached to the house that's why he needs a variance because it becomes part of the principal structure.

MR. WEISS: And that's because the deck is attached to the house. I see I'm looking at the picture.

MRS. NATAFALUSY: If the pool wasn't attached to the house it would only have to be 15 feet from the rear and the side property lines but attaching it to the deck that's attached to the house then it has to be 35 feet back.

MR. WEISS: And so we basically have a preexisting condition with the deck attached to the house.

MRS. NATAFALUSY: No it's a new deck that they're putting in.

MR. WEISS: A new deck.

MR. FLEISCHNER: Mr. Chairman?

MR. WEISS: Yes.

MR. FLEISCHNER: What's going to happen to this tree and is the pool going to the right of the tree or . . .

MR. VERMEULEN: I'm actually going to take the tree down.

MR. FLEISCHNER: Okay. It's a big tree.

MR. VERMEULEN: Yeah it's an unusual tree it's a Dawn Redwood actually but the roots are actually growing up into my basement believe it or not.

MR. FLEISCHNER: That's what happens yeah.

MR. VERMEULEN: Yeah.

MR. FLEISCHNER: You don't want that to happen.

MR. VERMEULEN: No.

MR. BEDELL: So you're removing part of your current deck it looks like and adding I guess to fit the pool.

MR. VERMEULEN: Yeah looking at the back of the house the whole right side of the deck I'll take down and it will actually be right where that is pretty much and then I'll just go back around it.

MR. BEDELL: Sure. So this pool is going to be basically 15 feet from the property line anyway, I mean if it weren't attached to the deck it would be within the 15 feet.

MRS. NATAFALUSY: That's right.

MR. WEISS: Mr. Vermeulen would you say that there's other swimming pools in the area?

MR. VERMEULEN: Yes actually my neighbor has one just caddy corner of me and I believe there's one or two down the street.

MR. WEISS: So putting the swimming pool into itself would not be an oddity because there's other swimming pools in the area.

MR. VERMEULEN: No sir.

MR. WEISS: It wouldn't disturb the neighborhood.

MR. VERMEULEN: No sir.

MR. WEISS: And I take it Catherine I'm sure it is the neighbors were noted?

MRS. NATAFALUSY: Yes.

MR. WEISS: And you have confirmation of that?

MRS. NATAFALUSY: Yes notice was provided we have the receipts and . . .

MR. WEISS: I know the room is packed Mr. Vermeulen but would you say is there any of your neighbors here this evening?

MR. VERMEULEN: No, no sir.

MR. WEISS: Let the record show that the neighbors who have been noticed are not here to object or to support. Mr. Cavanaugh in your years of experience what kind of questions do you think you would have for Mr. Vermeulen?

MR. CAVANAUGH: I think you covered them I mean it's appropriate it's not unusual to the neighborhood and you know I think this is just some things we've seen in the past whoever planted this tree probably had a little sapling never thinking that it would grow to the size that it is. So regardless of the request the tree is now an impediment to the property.

MR. WEISS: Jim?

MR. STASZAK: If you didn't attach it to the deck you'd still need a variance correct if you moved it away from the house because you wouldn't be within the 15 feet?

MR. VERMEULEN: I'm not sure I think there was one spot that I was able to squeeze it but it was within like inches.

MR. STASZAK: Okay.

MR. WEISS: Why don't you . . . actually I was going to ask you that question why don't you tell us where that spot would be if you were to build it as a conforming plan with no variances.

MR. VERMEULEN: If you look at the plan you have the very . . . looking out the back of the house the very back left corner it may have fit but I didn't go too crazy trying to squeeze it in.

MR. WEISS: That's perhaps the southwest corner?

MR. VERMEULEN: By the shed I think it says there's a shed.

MR. BEDELL: Oh so I guess that would be like the bottom right.

MR. WEISS: The bottom right of our plan.

MR. BEDELL: Yeah.

MR. WEISS: The southeastern corner of the property.

MR. STASZAK: That's a maybe right?

MR. VERMEULEN: That's a maybe yeah I don't think it would actually but . . .

MR. WEISS: Catherine are we okay with impervious coverage?

MRS. NATAFALUSY: Yes it's at 24 percent and 30 percent is permitted. With the pool it will be at 24 percent and 30 percent is permitted on lot coverage.

MR. WEISS: Mr. Vermeulen what that means is that you're entitled to essentially cover your lot 30 percent of the square footage of your property and you're at 24.

MR. VERMEULEN: Okay.

MR. WEISS: So although it's not a problem today in the future you might want to consider that as you plan for the future to develop your property further.

MR. VERMEULEN: Okay.

MR. BEDELL: A bigger pool.

MR. WEISS: A bigger pool, a bigger deck, maybe another shed, a pump house you know those are all things that tend to come along, just be aware that you have about 6 percent of the acreage of your property so just keep that in mind as you plan in the future.

MR. VERMEULEN: Okay.

MR. WEISS: Mr. Buzak?

MR. BUZAK: Yeah what's the minimum setback Catherine in this zone because you mentioned that the house was set back.

MRS. NATAFALUSY: 35 feet.

MR. BUZAK: All right so this is setback 45 feet?

MR. WEISS: 45 feet right. Is that common on Tamarack Road most of the houses . . .

MR. VERMEULEN: They're jammed in pretty tight.

MR. WEISS: No I know Country Club I was just curious about the distance from the road . . . from the front of the road to the front of your house is that pretty similar to the other homes?

MR. VERMEULEN: Yeah my neighbors basically lines right up to me but they're all odd ball homes you know that nothing really matches each other they're the old shanties that they fixed up.

MR. WEISS: Well I don't have any further questions if anybody else . . . Do you think we need any other testimony?

MR. BUZAK: No.

MR. WEISS: Okay let me at this point open it to the public if anybody from the public has any questions for Mr. Vermeulen on the application that's in front of us. Seeing none I'll close it to the public and open it to the Planning Board for any conversation or motion.

MR. STASZAK: I make a motion we approve PB 11-07.

MR. RUSSELL: Second.

MR. WEISS: And that's for the variance for the encroachment to the rear yard setback.

MR. STASZAK: Correct.

MR. WEISS: Thank you Jim, thank you Nelson. Any conversation? Seeing none Catherine roll call please?

MRS. NATAFALUSY: John Cavanaugh - yes
 Joe Fleischner - yes
 Nelson Russell - yes

Jim Staszak - yes
 Scott Van Ness - yes
 Steve Bedell - yes
 Howie Weiss - yes

MR. WEISS: Thank you Mr. Vermeulen.

MR. VERMEULEN: That's it?

MR. WEISS: That's it I told you it would be painless. What will happen is in about a month we'll have the resolution and make it official.

MR. VERMEULEN: Okay so just check back in and . . .

MR. WEISS: Check with the Planning office and Catherine will have the paperwork for you.

MR. VERMEULEN: Okay thank you very much.

MR. WEISS: Good luck with your project.

MR. VERMEULEN: All right thanks again.

APPLICATION #PB 10-33 – BLUE SKY LAND & BUILDING LLC

MR. WEISS: The next application is PB 10-33 Blue Sky Land & Building LLC a request for a "d" variance preliminary and final site plan Block 101, Lot 1 which is located at 11 Route 46 in Budd Lake. Gentlemen good evening.

MR. L. FOX: Good evening ladies and gentlemen for the record my name is Lawrence Fox attorney, Chester, New Jersey. I'm here on behalf of the applicant which is Blue Sky Land & Building LLC the owner of the property. I have with me tonight to testify the principal of Blue Sky Land & Building, Mr. Alan Fox and I also have with me as our professional engineer Mr. Jim Glasson from Civil Engineering and as our professional, licensed professional planner, Mr. Robert Michaels. Seeing how we have started pretty early I will take it in the order probably with Mr. Fox testifying first as to the business nature of the application what he's seeking to do and answer any questions that the Board may have regarding what kind of business is there, what he intends to do and why he needs these particular variances and approvals. And then I will have Mr. Glasson testify as to the engineering aspects and then Mr. Michaels as to the planning. Just briefly this is an application for a property that's in the island on Route 46 it's been there for a number of years it was previously a . . . before Mr. Fox bought it was I think . . . what was the name of it?

? Cross Flags Corvettes.

MR. L. FOX: Yeah Cross Flags Corvette and before that it was a body shop that was owned by Mr. Capwell. It was pretty well beaten up and run down. It was not a very pleasant thing to look at when you first entered Mt. Olive Township on Route 46. It was also a towing operation that was there they used to tow cars and store them outside for the Township of Mt. Olive. That function no longer exists and no cars are stored or towed there's no longer any towing facilities on the property. Because of the odd nature, of the very odd nature of this property it's being surrounded on three sides by roadways and it's narrow depth certainly these variances, the bulk variances have been necessitated and have existed for a number of years. There are also some requirements for a "d" variance here or a use variance. That is because what's proposed, this four bay garage that is now proposed to be used in conjunction with the showroom constitutes a principal use. So theoretically there are two principal uses on this property the main building the existing building is now used as a showroom it will continue to be used for a showroom and some mechanical work and then this four bay garage will be separate. So because of the nature of the two principal uses a "d" variance is required. Similarly a "d" variance is required because one of the things that's going to go in one of those bays hopefully is painting. We need of course to get all kinds of public approvals for that from the DEP in particular it all has to be permitted, maintained and it has to meet certain standards. But that's part of the restoration process which Mr. Fox will describe to you. So that's why we need to be here it's again we believe a substantial improvement, yet another improvement to this site and that's the background. So unless the Board has some questions of me I'm prepared to have Mr. Fox sworn.

MR. WEISS: Perfect let's do that right now.

MR. L. FOX: Do you want to swear all the witnesses at the same time or do you do them separately?

MR. BUZAK: Well why don't we do them separately.

MR. L. FOX: Okay that's fine.

(ALAN FOX SWORN IN FOR THE RECORD)

MR. BUZAK: Please be seated and state your name and business address for the record.

MR. A. FOX: My name is Alan Fox the business is 11 U.S. Highway 46 in Budd Lake, New Jersey.

MR. BUZAK: And can you just spell the first name?

MR. A. FOX: A-L-A-N.

MR. BUZAK: Thank you.

MR. L. FOX: Mr. Fox can you explain how long you have owned this property.

MR. A. FOX: I've owned the property now for a little over four years.

MR. L. FOX: Okay and when you purchased . . . who did you purchase the property from?

MR. A. FOX: I purchased the property from it was called . . . it was Cross Flags Corvette which was the business I purchased and it was the building and the property was owned by Village Building I think was the name of it I'm not sure I don't remember the exact name of what they used for the building.

MR. L. FOX: Okay and when you purchased it what kind of business was being operated there?

MR. A. FOX: They were selling and restoring classic Corvettes.

MR. L. FOX: And you haven't any knowledge of what was there before they had purchased the building and operated there?

MR. A. FOX: Yes there was a body and fender shop, repairs.

MR. L. FOX: Okay and what is the nature of the business which you conduct there presently?

MR. A. FOX: We repair and sell classic cars. Not only Corvettes but all types of classic cars.

MR. L. FOX: And how do you obtain these cars typically?

MR. A. FOX: People come to us with the request to restore their car and we restore it.

MR. L. FOX: Do you now do or intend to do any work standard collision work other than for classic cars?

MR. A. FOX: No we do not.

MR. L. FOX: Okay do you do any insurance work or do you intend to do any insurance repair work?

MR. A. FOX: We do not.

MR. L. FOX: So as I understand it then this business is strictly restoration of classic or specialty cars that are brought to you by people who want them restored.

MR. A. FOX: That is correct.

MR. L. FOX: No insurance work, no standard body work, no nicks and dings from other people its automobile restoration.

MR. A. FOX: Automobile restoration.

MR. L. FOX: And what typically or what can be involved in the nature of the restoration that you do? How extensive or how limited?

MR. A. FOX: It can be extremely, it can be complete mechanical restoration, it can be complete body restoration to the point of repainting the vehicle.

MR. L. FOX: And presently besides the site that you have now on Route 46 in Budd Lake, do you have any other sites that you utilize for your operation of your business?

MR. A. FOX: Yes we have a warehouse on Love Lane in I think it's Netcong that we use to store vehicles that are waiting to be restored but we just . . . we don't put anything in our lot so we protect everything in the building.

MR. L. FOX: In fact there's an existing variance which limits the outside sales to having three vehicles outside at any one time is that correct?

MR. A. FOX: That is correct but we never have any vehicles outside. The vehicles are too expensive we keep everything as in a showroom.

MR. L. FOX: Okay so there's no request to change in any, way, shape, or form the limitation of the number of the cars that will be stored outside.

MR. A. FOX: No none at all.

MR. L. FOX: And that this . . . and why do you need this additional four bay garage and what's your intention with regard to its use?

MR. A. FOX: What we intend to do in the four bays, one will become a paint booth the other three will be used for mechanic body repairs. We're right now doing everything in the one building that we have and I just simply need more room. As I said we have probably 12 to 15 cars in the warehouse waiting to be worked on. I just simply need more space and by separating the mechanical work from the body work makes it quieter and cleaner.

MR. L. FOX: So this four bay garage will be all of the body work.

MR. A. FOX: That is correct.

MR. L. FOX: And the mechanical work will remain where it currently is.

MR. A. FOX: That is correct.

MR. L. FOX: And if this application is approved will this involve the hiring of some additional employees?

MR. A. FOX: Absolutely, at least two and possibly four.

MR. L. FOX: Okay so that this is an expansion, you need this to expand your business.

MR. A. FOX: That is correct.

MR. L. FOX: And you have I see you have with you a photograph, can you tell me what that photograph is?

MR. A. FOX: This is a photograph of a building that I got from the people who are building the building or will be building it for us if it's approved. And it basically is just an idea of what the building will look like when it's completed. The colors aren't right but it's a four bay garage basically the

building will be 30 feet deep by 70 feet long and 16 feet high and this is a rendering of that type of a building.

MR. L. FOX: And your proposal is that this building will be served by water and sewer.

MR. A. FOX: That is correct.

MR. L. FOX: Mr. Chairman if I could have this marked.

MR. BUZAK: Mark it A-1. You can mark that Mr. Fox mark it A-1 with today's date which is April 14, 2011 and that's a photograph . . .

MR. A. FOX: Of what the garage will look like, the four bay garage will look like.

MR. L. FOX: Now with regard to the utilization of that building with water and sewer you have made arrangements and Mr. Glasson will address the proposed changes to the septic system and the requirements for upgrading of the septic system.

MR. A. FOX: That is correct.

MR. L. FOX: And there is an existing one car garage that's presently there on the site, what is your intention with regard to the existing one bay garage?

MR. A. FOX: That will probably be removed.

MR. L. FOX: And it's your testimony that this application is necessary in order for you to expand your business at the site based upon a current economic conditions you're still able to expand.

MR. A. FOX: Yes.

MR. L. FOX: I have nothing further of Mr. Fox.

MR. WEISS: Anybody on the Planning Board have any questions for Mr. Fox? Joe?

MR. FLEISCHNER: You stated you probably would remove the one bay garage. At what point would you make that decision?

MR. A. FOX: I believe we would have to remove it because the new building would be so close to the garage that they wouldn't be able to get in or out. So that's what I'm thinking and that's why it would be removed.

MR. FLEISCHNER: So if this was approved that could be in the motion that that one bay garage . . .

MR. A. FOX: Yes.

MR. WEISS: It seems like you know . . .

MR. FLEISCHNER: I just wanted to clarify that.

MR. WEISS: Scott?

MR. VAN NESS: Isn't that one bay garage almost like a shed?

MR. A. FOX: Yes that's exactly what it is yes.

MR. VAN NESS: It's not really on a foundation it's just on a slab of gravel.

MR. A. FOX: It's on a slab but it could be picked up and moved yes.

MR. VAN NESS: And is there still the old spray booth still in the old building the existing building?

MR. A. FOX: No there's no spray booth we have no spray booth in the building at all. We're not doing any painting in the building at all.

MR. VAN NESS: Okay so there's existing exhaust fans or have they been removed?

MR. A. FOX: There are exhaust fans in there yes but there is no paint being done in there.

MR. L. FOX: But it was previously done when Mr. Capwell operated it

MR. A. FOX: I don't know I wasn't there I don't know.

MR. WEISS: Chuck I know you had a question.

MR. MCGROARTY: Same as Mr. Fleischner's in fact on the plan it says it will be removed.

MR. A. FOX: That's correct okay.

MR. WEISS: Just for the record we'll note that Rene has arrived.

MR. L. FOX: Mr. Fox also I'm sorry if I may there's also . . . can you describe the existing structure? There's also an existing residence there is that correct?

MR. A. FOX: Right above the showroom and the area that we're calling where we will be doing mechanical there is an apartment above that which is occupied by a tenant.

MR. L. FOX: Okay and no change in proposed in this application to the existing building where that residence is or to the showroom.

MR. A. FOX: No changes to that building at all.

MR. L. FOX: Okay and that residence utilizes its own separate septic system?

MR. A. FOX: That is correct.

MR. L. FOX: Okay and that will not be changed either.

MR. A. FOX: That will not be changed.

MR. WEISS: I just have one question I know Mr. Fox you talked about that you don't intend to do insurance work or standard body work, if you changed your mind does that change anything else about your application?

MR. A. FOX: Would it change anything else? I'd need a permit. I'd have to register it as a body shop because the fact that we don't do insurance work we don't have to have a body license. But there is no economic reason for me to do.

MR. WEISS: Yeah no I understand it I'm just curious that you say that now and that's okay and if economic climate changes in five to ten years and you want to turn to that I don't want to . . . we don't want to be in a position where we've handcuffed you. And so I don't know, is that an accurate statement Chuck?

MR. MCGROARTY: Well I think that given that, and as it will become clearer as the testimony from Mr. Glasson and Mr. Michaels tonight it's a tight spot and there are variances and I think it would be reasonable conditions to, if the Board wanted to say limited to what Mr. Fox is talking about because if you allow it open ended it may become problematic in terms of the size of the site and the amount of vehicles and all of that. So if they're willing to abide by those kinds of restrictions I think it would be an appropriate condition.

MR. WEISS: Okay well I just wanted to make sure.

MR. L. FOX: I think as Mr. McGroarty pointed out there are some constraints to the site that a standard body shop would face that this might not be to handle because of like for example storage of old parts, old fenders and stuff that would be thrown away where would that all go? So we would have no objection to a limitation that would force anybody who was going to change the nature of the business to have to come back that's not a problem.

MR. WEISS: Good we'll accept it at that. Scott?

MR. VAN NESS: So if I had a nice 1967 Mustang sitting in my garage, so I go to a car show and I have my antique car insurance on it and somebody you know dents my door or something like that, you wouldn't do an insurance repair like that?

MR. A. FOX: We do not do that we do not do any insurance paid work.

MR. VAN NESS: I just feel like your limiting yourself to . . . I'm contrary to me limiting your business I think that's limiting your business and why would you want to limit your business is my question.

MR. A. FOX: At this point the reason that I haven't considered it is the insurance companies pay \$45.00 an hour for labor.

MR. FLEISCHNER: And you get a lot more.

MR. A. FOX: That is correct.

MR. WEISS: Okay anybody from the public have any questions for Mr. Fox based on the testimony that he's delivered? Seeing none, Mr. Fox thank you very much.

MR. A. FOX: Thank you.

MR. WEISS: And now Mr. Fox continue.

MR. L. FOX: Jim Glasson please would you be sworn?

(JAMES GLASSON SWORN IN FOR THE RECORD)

MR. BUZAK: Please be seated state your name and business address for the record spelling your last name.

MR. GLASSON: James Glasson Civil Engineering Inc., 1 Cove Street, Budd Lake, New Jersey that's (G-L-A-S-S-O-N).

MR. BUZAK: Thank you Mr. Glasson.

MR. L. FOX: Mr. Chairman obviously I know Mr. Glasson has appeared on numerous occasions before the Board I'm more than happy to qualify him for the record.

MR. WEISS: So that we can keep this meeting moving I don't think anyone on the Planning Board has any questions we will accept Mr. Glasson as a licensed engineer.

MR. L. FOX: Just so that the record is clear you are a licensed professional engineer in the State of New Jersey.

MR. GLASSON: Yes I am.

MR. L. FOX: And Mr. Fox has hired you with regard to review this application and to handle the engineering aspects of the application is that correct?

MR. GLASSON: Yes he has.

MR. L. FOX: Can you basically describe the site to the members of the Board and what's proposed to be done with regard to the construction of this four bay garage and the impact of that construction on the site.

MR. GLASSON: Yes.

MR. BUZAK: Mr. Glasson could you mark that exhibit A-2 and I assume that's the . . . is that sheet 1?

MR. GLASSON: Sheet 2.

MR. BUZAK: Sheet 2?

MR. GLASSON: Sheet 2 of 8, I have another one on the back which is sheet 4 of 8.

MR. BUZAK: Okay why don't you mark that A-3 and that's sheet 4 of 8.

MR. GLASSON: Correct.

MR. BUZAK: Thank you Mr. Glasson.

MR. GLASSON: This is my existing conditions plan so I will just kind of walk you through the site itself. The property is 11 U.S. Route 46 it's located in your C-1 zone. Your C-1 zone requires the 43,560 for the minimum lot area. It requires lot width of 200 feet, and lot depth of 150 and it has a maximum impervious coverage of 60 percent and it requires a front setback of 75 and a side setback of 25. The reason that I don't mention a rear setback is because this property does not have it. This property is located between the eastbound and westbound sides of Route 46, its located just east of the intersection of the Trade Zone to the retail which would be upward in this direction and the office space of the Trade Zone down in this direction. The property has 400 feet of frontage on the westbound side, it has another 433 feet of frontage on the eastbound side, it has an easterly side line of 123 and a westerly side line of 60 so you can see you slap two 75 foot setbacks on the there because we have a double front an east and a west there is actually no building envelope left. The buildings on site in the northeast corner here is the site right now of Blue Sky Classic Cars that structure is 4,375 square feet. The first floor is occupied entirely by Blue Sky there's a 2764 square foot showroom and then there's a two bay garage I think on the plan you guys are looking at there is a little blow up of that. A two bay extended garage there's a service prep area behind it and office space to make up that 4375 I believe. The second story is a two bedroom apartment and that sits over the left side of the building in this area here. Now this building is nonconforming for its front setback in both directions in that its located only 15.39 feet off of the right-of-way off Route 46 westbound and it's located only 35.31 feet off of the right-of-way in the eastbound direction. It also only has a side setback of 3.76 where the 25 feet is required so you can see it's deficient on the 75 on both the east and west and also the 25 in the 3.76 on the easterly side line. There also is two what I'll call sheds on the property this is the shed that's located centrally it's about 218 square feet that is the shed that is going to be removed. There also is a 210 square foot shed that's located behind the apartment, this property rises in grade the only access is from the westbound side. If you don't know where this property is and you're driving along the eastbound side of Route 46 some 12 to 15 feet lower than you is the first floor of this building. If this is up in elevation somewhere in the neighborhood of elevation 880 this building sits down at elevations 863 so there's about a 17 foot difference from the road level down to the first floor of that building so it's not easy to notice in the eastbound direction. With regard to the utilities that serve this building this building right now is served by three separate septic systems. There's a septic system for the second floor two bedroom apartment and that sits up in this area and that is what I'll call legitimate septic system with a septic tank and a disposal field that's sized correctly for that two bedroom apartment. Then there are quite simply two cesspools that exist for the first floor bathrooms associated with Blue Sky Classic Cars presently. There's a cesspool that's actually located between the building and the side line here where I said the 3.76 there's a small area here that if look on my plan it shows cesspool there's actually a cesspool there for a bathroom and the showroom. Then there's a cesspool on the right hand side or westerly side for a bathroom that's located in the service area. We have also a unique situation with our well. Our well if you can look on the plan and you can see where I'm pointing our well for this property is actually located behind Lot 2, Block 101. This well is a common well. At one time was used by Lots 1, 2 and 3. Lots 2 and 3 are now current residential uses but Lots 2 and 3 are now tied to the Netcong Water System. We are not we are still utilizing that well. That well now actually falls within the Route 46 right-of-way. The well previously had fallen on Lot 2 but when there was a taking of the right-of-way, we went back through construction plans to try to look at the history of this they actually acknowledge it in their construction plans and the NJDOT approved plans show this well being put in a manhole for use by the . . . so that they allowed it to remain, it remains as the well that's utilized by the property it's not restrictive in any way for us because it's no longer serving three separate dwellings it only serves us. So we do intend for that to remain. With regard to coverages, there's a darker area that I show on the front of the property here and that's off of these entrances there's two entrances off of the westbound side to a paved area that's about 2500 square feet right in front of the building and just to the right. And then this area you can see that looks like white here is a gravel area it's a pretty large gravel area 13,000 square feet it travels off in a westerly direction to a fenced in area a fenced in yard on the right hand side. That was previously a fenced in yard for the towing company when they would impound vehicles. No longer operating at the site there is no longer a towing company but the fenced

in area does remain. There's also some gravel up to the back for parking for the second floor two bedroom apartment.

MR. L. FOX: If I may go back for a moment you started to talk about the cesspools, the existing cesspools what's going to happen with them?

MR. GLASSON: I'll get to that.

MR. L. FOX: Okay.

MR. GLASSON: The slopes on the property are pretty gradual except for the fact that this area that I said along this right-of-way if you look at this existing plan you see these topo lines they're much closer together back here. So this area is in the neighborhood of 5 percent but once you get up here in this grade differential is quite extreme you have a pickup of about 15 feet in this green area that's right now scrub woods. Around us and Mr. Michaels probably is . . . but I'll give you a quick overview, to our east side we have these residential dwellings also in the C-1 zone, across Route 46 westbound we have a gas station in the C-1 zone, further to the west these two lanes kind of come together to that light for the Trade Zone and to our south side across is what was Ken's Sheds I don't know what it is now it was previously a service station but it's for sale. Our proposal that we have and this is my sheet 4 of 8 it's actually a blow up so it looks a little bit bigger it's a 20 scale whereas (inaudible) a 30 scale is to locate a new four bay garage somewhat centrally. This is about the area where that existing garage that I mentioned is going to (inaudible) 70 by 30 this also is nonconforming again it's a principal structure so it has to have 75 foot frontage and our front setback from both sides it is completely nonconforming in that only because there is no front setback allowable when you put the two 75's against each other. You have a 33.57 foot setback from the right-of-way on the westbound side and a 16.79 setback on the eastbound side. It's essentially the rear side, it's essentially the rear side right now being eastbound side but it does require a front setback. Within that garage is four bays. Three of them will be the service bays and as they mentioned one would be the painting. All of the mechanical operation would now take place in the extended bays in the existing building there will be no change to the layout of the existing building there will just be a change as to what will be done in there. The body work would then be moved out to this new structure here. This gets to what Mr. Weiss was talking about with regard to parking and what Mr. McGroarty was talking about we used for our requirement service just to give you an idea of what the parking count would be required. And if you use service because it's the closest thing that matches up service counts on so many people coming and going it's figured at a rate of four spaces per bay we would need 36 parking spaces. We are actually asking for a waiver from the parking requirement because we really don't fit in the box of your parking analysis. There's nothing for . . . yes cars come in and they're worked on for a month they're not coming in there and they're being worked on in a day and there's no turnover. But we have 31 spaces proposed on the plan it is deficient so if you did go to a service type establishment here it really would be deficient in the amount of parking you have. We feel the 31 we have are well more than . . . if you go out there right now I think on the site at any one time you could speak about that but on the site when I'm out there maybe there's six or seven vehicles?

MR. A. FOX: Not normally that many.

MR. GLASSON: Yeah most of them are inside believe it or not. There's lifts inside so I think you can have seven cars in that service area inside. He's got cars on lifts and all over the place in that two bay elongated bay area. So we are asking for a waiver from that we have 31 spaces proposed. We have 10 proposed outside in this fenced in impound yard area which would now be a fenced in security area for our cars that we're dealing with and working on. Although you can see from Mr. Fox he doesn't like to put any cars outside so it's more of a place for the employees to park. We have two customer parking spaces to the right of the building. We now have a designated handicap spot with handicap signage in front of the building. We also have a loading space designated with striping in front of the building, that loading space is only 8 by 28 you do require a bigger loading space we do not take tractor trailer deliveries. At the very most, most of the people drive up but he does have every once in a while somebody brings a vehicle by a tow truck because it cannot get there. But it's easily maneuverable for a tow truck to get back in there and off load the vehicle and load it into the bays wherever he needs it to go. We have proposed an enclosed dumpster area to the right of this new building and that would be fenced in a 15 by 10 area and we've tried to clean up our septic situation I met with the Health Department we are going to propose, we did the soil testing for it, but we are going to propose an infiltrator septic system which is chambers and they're going to be traffic rated chambers being under the parking lot so they're going to be back in this stone area here. The basics for that is there are some storm pipes that come through from the Route 46 corridor and different places on the property and there's not really an area over here where we can put a septic system so we're going to put something

here in these chambers I don't know if anybody has seen them they look like 55 gallon drums sheared in half but you can actually drive on them when you're done. It would go underneath this parking lot and it will be sized to handle the entire Blue Sky Classic Car first floor of the existing building as well as the new building. It's a disposal bed with a pump, a septic tank, a pump tank and then it pumps to this system. This system is not a raised system but it sits under the parking area.

MR. L. FOX: The cesspool will be abandoned.

MR. GLASSON: The cesspools will be abandoned. We will not abandon the . . . or we're proposing not to abandon and we checked it with the Health Department and they were okay with it because the fact that the septic system for the apartment in the back is a very good septic system instead of taking that and making the system even bigger they're going to allow us to leave that septic system for the apartment. That actually is a tank and bed areas and they had no problems with that. Our building coverage 30 percent is allowed in this zone. We started out with 13 and we're up to 18.63 so we're still well under the 30's. A floor area ratio of .4 our existing is .2 and we're going to .25, and I failed to mention drainage because we are not proposing any drainage. We're actually going to be cutting down on our impervious coverage. Only by a percentage and a half but the existing coverage is 60 or 58.8. Allowable is 60 and we're going to 57.3 because we are removing a pretty good area here of coverage to put in this lawn area as well as putting in these septic tanks and stuff for the septic system. So we are cutting down the coverage slightly. All of this drainage right now sheet flows to drainage within Route 46. Out here there's a number of inlets that are located along the westbound side and there are also a couple of cross pipes that come through the property from the . . . right from the eastbound to the westbound side. We do need a waiver for our loading space size. The 8 by 28 versus your requirement of the 10 by 60 and we do need a waiver for our parking stalls 36 required based upon the service, 31 proposed.

MR. WEISS: Hey Jim how many parking spaces are there now?

MR. GLASSON: It's hard to tell because it's gravel. It's kind of a free for all up in this area here but we're trying to not let it be a free for all anymore in this area because we're going to designate . . . you have to have 25 feet in front of this new structure so that you can maneuver cars in and out. So that's kind of going to make an area that you have to have an aisle now in front of this building because you have to be able to get in and out. So it's going to restrict people pulling in and parking right here which they do now kind of on that . . . come off of the macadam and park right on that embankment right there. That will not really happen, really that's going to have to be directed to the back or else you won't be able to access the garages.

MR. WEISS: And the brown on your plan is that gravel?

MR. GLASSON: No the brown is actually woods. That's an existing wooded area that exists, it's scrub woods but it's woods and that surrounds right now this impound yard. If you're driving Route 46 eastbound you really can't see this impound yard it's behind you, it's behind this treed up area.

MR. WEISS: So the old impound fenced in area is now going to be your parking area.

MR. GLASSON: Yeah it's going to be slightly smaller too we're moving some fence in and reconfiguring things a little bit because of the septic tanks but it is going to be . . . it's going to be parking for ten designated spaces there.

MR. BUCZYNSKI: So everything that's within that fence there right now is going to be removed out of there? There's some cars in there that will be cleaned up?

MR. GLASSON: Yes that will be designated parking yeah we had a tough time doing our soil logs around those.

MR. BUCZYNSKI: Now where are those cars they're not the classic cars?

MR. L. FOX: As I understand it from my conversation with Mr. Fox about ten minutes ago they're abandoned cars, people never came back for them and I can tell you and Mr. Van Ness can tell you as well it's not so easy to get rid of vehicles that are abandoned on private property. If we move them over to the middle of Route 46 no problem they'd be out of there but because they're on private property it's not so easy to get authority to dispose of them it's a process and Mr. Fox has already started that process.

MR. BUCZYNSKI: Howie could I just . . .

MR. WEISS: Yeah please.

MR. BUCZYNSKI: Jim are you basically done now or not I don't want to interrupt you.

MR. GLASSON: Yeah anybody have any questions?

MR. BUCZYNSKI: Maybe we can do as far as my report goes could you just address the difficulties you have to try to connect into Netcong Water System.

MR. GLASSON: Oh yeah I talked to I'm trying to remember his name.

MR. BUCZYNSKI: Bob Allevo maybe?

MR. GLASSON: Yes Bob Allevo he said the line that comes up right now and connects to Lots 2 and 3 is I believe he's told me it's a substandard line and that it's only a ¾ line. And he said we will not, if we extend that line we will not get the service that we need, I'll tell you exactly what he said. Netcong Water currently has a 1 inch line to Lot 3 it was extended to Lot 2 with a ¾ line. So the further lot was a 1 inch line from Netcong it was extended to this lot with a ¾. In order to extend to Lot 1 we would have to do an easement but the ¾ line does not have enough pressure or volume for both Lots 2 and 1 so he said we would have to then upgrade the line all the way back and he said I don't even know if you could do that.

MR. BUCZYNSKI: Yeah I asked Mr. Glasson to look at alternatives because that existing well is on State property but they acknowledge it way back when when they widened Route 46 because they put a manhole around it. But we couldn't find . . . Jim researched it and he couldn't find any easements for that that it was an easement to the DOT. Just an acknowledgement that they know it's there and they've been using it for years.

MR. GLASSON: There's something in the deed about right before the water lines to run the through lot to Lot 1 but there was nothing about the well. But they acknowledged it on their construction plans and actually show in the construction documents that they put a manhole around it to protect it for those owners but we couldn't find any designated easement.

MR. L. FOX: I believe at one time that all was in common ownership and that might have some explanation as to why . . .

MR. BUCZYNSKI: It wasn't DOT property before when that well was installed.

MR. L. FOX: Right and it was in common ownership.

MR. VAN NESS: Well aren't the wells on each of those properties covered by manholes? On each of those properties down Route 46 I think they were all closed by manholes.

MR. GLASSON: Past ours?

MR. VAN NESS: Yes.

MR. GLASSON: I don't know I just know these three.

MR. VAN NESS: I know that the first house is.

MR. GLASSON: Okay. I know that . . . I understood just from researching this that the amount of fill that was placed here to make this thing happen was somewhere in the neighborhood of like 16 or 17 feet in that area to make that happen. So it was some incredible amount.

MR. BUCZYNSKI: Howie can I just go through my report at this point?

MR. WEISS: Yeah why don't you do that?

MR. BUCZYNSKI: There's only a few items. The March 11 report, Jim regarding access permit you're not doing anything regarding that existing driveway correct?

MR. GLASSON: We're not changing anything with it we're not changing anything with the macadam off of Route 46 westbound.

MR. BUCZYNSKI: So you haven't gone to DOT at all.

MR. GLASSON: I can make application just to show them but we're not proposing any changes.

MR. BUCZYNSKI: And there's no increase in traffic so that shouldn't be a concern anyhow.

MR. GLASSON: No.

MR. BUCZYNSKI: Okay. On page two item four containment area for the above ground heating oil pad if you can just put a detail on that?

MR. GLASSON: Yes.

MR. BUCZYNSKI: On your plans?

MR. GLASSON: Yes I have an above ground oil tank shown to the westerly side right now of that new (inaudible) dry well.

MR. BUCZYNSKI: So you'll put a containment area in the back?

MR. GLASSON: Yes.

MR. BUCZYNSKI: Okay item five you addressed relative to the septic system.

MR. GLASSON: Yeah we're waiting by the way we would have applied already to the Health Department we have it all set up but we wanted to wait and come to the Board first before we made application tonight. But we did sit down and go over the whole thing with them.

MR. BUCZYNSKI: The proposed parking area it's going to be gravel. Are there any thoughts of it being paved in the future? Or is there limitations?

MR. A. FOX: No real thoughts at the moment.

MR. GLASSON: No real thoughts I mean I didn't even look at it because it seems to operate now the same way I mean I guess if he was to think of doing anything in the future it might be just to do something in front of this garage to bring the pavement to connect it up and do something in front of that garage because then he wouldn't have to put out on gravel from the area that is body work and what not.

MR. BUCZYNSKI: I think it's going to have to be a design waiver because the number of parking spaces

MR. GLASSON: Exceeds that.

MR. BUCZYNSKI: I think ten more spaces you'd need to pave the lot.

MR. GLASSON: Yeah we're going to exceed that without a doubt just because of the way we have to fit into that ordinance with the service there's no other category that we can fit in.

MR. BUCZYNSKI: That's just another variance to address.

MR. L. FOX: That's actually a design waiver is it not?

MR. BUCZYNSKI: A design waiver I'm sorry. The last thing, any correspondence from the Fire Marshall? Did you meet with the Fire Marshall at all or no?

MR. GLASSON: No I didn't.

MRS. NATAFALUSY: No comments.

MR. BUCZYNSKI: No comments?

MRS. NATAFALUSY: Nope.

MR. BUCZYNSKI: I'll leave it up to him. That's all I have Howie.

MR. WEISS: Anybody from the Planning Board have any questions for Mr. Glasson? Seeing none I'll open it to the public.

MR. MCGROARTY: Well Mr. Chairman I just, there are one or two things in my report.

MR. WEISS: Sorry Chuck.

MR. MCGROARTY: I don't know if Mr. Glasson is going to touch on it or obviously a lot of the planning stuff Bob Michaels will, if I may can I just ask?

MR. WEISS: Sure go ahead.

MR. MCGROARTY: Jim DEP requirements for the spray booth, can you give us that information or will someone else do that?

MR. GLASSON: I can't.

MR. MCGROARTY: Okay. The sign I'm looking at comment 6.7 the existing sign not unlike the well I guess is nonconforming because it's actually off of the property it's in the Highway Route 46 right-of-way. We talked when we met as a technical review process to look at, to see if you could move that at all. Are you going to address that or will again Mr. Michaels?

MR. GLASSON: We hadn't looked at that to be totally honest with you.

MR. MCGROARTY: Okay. I mean it was a discussion about if it's moved it reduces the visibility of the sign and all of that sort of thing. So that's something that where it is today I mean it's a nonconforming structure it's not on the site but it's an existing sign you're not changing. So we're not . . . I'm not suggesting that it has to be removed it's just we did raise that question. And the last thing then with the lights you have a detail on the plan the wall mounted fixtures and they're shown and no problem with that but if its approved a condition would be those fixtures would be as their designed to be a downward directed.

MR. GLASSON: Right.

MR. MCGROARTY: So that Mr. Fox realizes that if he is approved those don't get reconfigured in the field to light up the parking area.

MR. GLASSON: Right.

MR. MCGROARTY: Okay.

MR. GLASSON: Do you want me to put a note on that?

MR. MCGROARTY: Well if its approved I know Mr. Buzak is making notes but it's in the report and I think that would be a condition the Board might consider and on that same point again I'm looking at my report 6.6 you have a note Jim on sheet 7 indicating the hours of lighting which will be shut off and I suggest that too would be a condition of approval. That's it.

MR. GLASSON: Okay.

MR. WEISS: Anything else?

MR. MCGROARTY: Not for Mr. Glasson.

MR. WEISS: Okay and I open it to the public if anybody has a question for Mr. Glasson? Seeing none I'll close it to the public. Mr. Glasson did you have anything else?

MR. GLASSON: No I don't.

MR. L. FOX: Okay Mr. Michaels.

(ROBERT MICHAELS SWORN IN FOR THE RECORD)

MR. BUZAK: Please be seated or stand I don't know how you're going to testify state your name and business address for the record spelling your last name.

MR. MICHAELS: Robert Michaels (M-I-C-H-A-E-L-S) address is 7 Lookout Road, Randolph, New Jersey.

MR. BUZAK: Thank you Mr. Michaels. Mr. Fox?

MR. L. FOX: Mr. Michaels again by way of background just could you indicate to the Board your educational background and your work experience background as well.

MR. MICHAELS: Yes I'm a licensed professional planner in New Jersey, I'm a member of the American Institute of Certified Planners I have a Masters Degree in City and Regional Planning from Rutgers University and I'm a consultant to a number of communities here in Morris County.

MR. L. FOX: Okay and you're familiar with Mt. Olive Township are you not?

MR. MICHAELS: Yes I am.

MR. L. FOX: And this particular site?

MR. MICHAELS: Yes I am.

MR. WEISS: Anybody on the Planning Board not know of Mr. Michaels or seen Mr. Michaels?

MR. CAVANAUGH: I don't.

MR. WEISS: I'm sorry Mr. Cavanaugh I just thought Mr. Michaels has certainly been around here often enough.

MR. L. FOX: Okay and Mr. Michaels then you've been engaged by Mr. Fox to act as his licensed professional planner with respect to this application is that correct?

MR. MICHAELS: That's correct.

MR. L. FOX: And you have familiarized yourself with the site and have been present at the site?

MR. MICHAELS: Yes I have.

MR. L. FOX: Okay and can you describe the site to the Board and generally the nature of the application and the variances that are required.

MR. WEISS: Mr. Fox I'm just going to interrupt you real quick, does anybody on the Planning Board have any questions for Mr. Michaels before we accept him as a licensed planner? Thank you.

MR. MICHAELS: Yes and I have a couple of exhibits that I want to

MR. L. FOX: Why don't we just mark them.

MR. MICHAELS: Yeah and one of them is a copy of aerial photos that I can distribute to the Board.

MR. L. FOX: What I'll do is I'll mark one of the A-4 I think that's what we're up to Mr. Buzak?

MR. BUZAK: That's correct.

MR. L. FOX: A-4 and I will date it today and then I will pass the rest of them around.

MR. WEISS: A-4 is an aerial you said?

MR. MICHAELS: It's an aerial photo that I obtained from the Morris County Planning Board the date of the aerial photography according to the Planning Board was 2007 I think was the date of the flight the mapping was prepared in October 20, 2010. I also have A-5?

MR. BUZAK: Yes.

MR. MICHAELS: I'll mark this which is a photo board that I prepared of photographs of the site and the surrounding properties. I took those photos on March 9th of this year. And I want to use both the photo board and the aerial photography just to familiarize the Board with some of the site and some of the neighboring properties. And somewhat redundant to what Mr. Glasson had said but as you can see the shape of the property is outlined in the aerial photo the property is outline in red and you can note some of the surrounding land uses. The upper left hand photo on the board is the subject property taken from the opposite side of the westbound lanes of Route 46 and you can see that the showroom is on the left and two bays you can see partial to one on the right bay and then the left bay. You can also see on the left of that photo are the two residential properties that are immediately to the east of the subject property which are identified as Lots 2 and 3 as you can see on the aerial photo. The second photo looking east towards you can see the overpass here of Route 80 over the westbound lanes of Route 46 you can see an automotive use that is vacant currently which is on the other side of Route 46. The next photo shows the approximate location of where the four bay garage is proposed. And you can see on the right hand side of this photo is that single bay garage that's to be removed when the four bay is constructed. The other thing that is important to note here is the topographic difference that Mr. Glasson described. The guardrail on top of this photo is on the eastbound of Route 46 and you can see the slope and the vegetation that's there and the difference in elevation between this gravel parking lot where the four bay garage is proposed and the elevation of Route 46 behind it on the eastbound side. And here's another view of that same slope and this car here is the same car that you see here and there's a little glimpse of that one bay garage so you can see that slope differential. The next photograph is again on the opposite side of Route 46 it's a photo that's in the center of the exhibit and you can see the other residential uses again looking eastbound and then the overpass the same view of the overpass of Route 80. And then looking again from the subject property across looking towards the intersection of the Trade Zone driveways is the Delta gas station and then further beyond that is the Tire Service Center, the Delta gas station and another view of the former gas station or some automotive use that was there. So you can see that the property and the neighborhood around the subject property are mostly automotive related uses and that there's a big topographic difference between eastbound and westbound sides of the highway. And as was noted the property is in the C-1 zone and the property is undersized its 35,894 square feet where the minimum lot size requirement in the zone is 1 acre or 43,560 square feet. The permitted uses that are allowed in the C-1 zone are a variety of retail sales and service businesses. Professional and medical offices, restaurants, health and fitness centers, theaters, recreation centers, etc. The service station and auto repair but not including body shops are permitted as a conditional use in the zone. And the conditions in the ordinance that are identified in Sections 400-94 and 400-15 are intended for service stations with gasoline sales more than auto repair and restoration use but they are permitted as conditional uses. You've already heard the description of some of the existing nonconforming conditions so I won't go into them again, just to note that we're undersized, we have less than the lot width that's required, the existing building doesn't meet the 75 foot setbacks for the front yards on both east and westbound lanes, the accessory structure which is to be removed doesn't meet the setbacks but that's going to be removed so that's going to be eliminated, the shed that is to remain also does not meet the setbacks. You've also heard a description of what's being proposed here but what I want to do was just kind of identify the exact variances that we're seeking before the Board. This is technically a nonconforming use on the property and what we're asking for is an expansion of this nonconforming use under 40:55D-70D2 so as an expansion of a nonconforming use. We're also seeking a variance for a second principal building on the property so this four bay garage is considered a second principal building so we're seeking a variance from that. As your planner noted in his report the applicant doesn't strictly need a variance for the paint booth since the use is not a service station but obviously we are seeking and are proposing to have a paint booth in the new four bay garage that's being proposed. We also need bulk variances as was noted and specifically the bulk variances that we're seeking here are for the setbacks of the new building for both the eastbound and westbound sides of Route 46, again 75 feet is required and we'll have 16.79 and 33.57. And the engineer already discussed the waivers that are being sought. As far as the "d" variances are concerned we have to establish that there are special reasons that the Board needs to find in order to approve the variances. And in my opinion the special reasons are really related to the fact that the site is particularly suited to the proposed use and what we are proposing advances the purposes of planning. The particular suitability I think there's really four main aspects to this as to why it's particularly suited. Number one is that the use is operated in some form or another in this location

and by this applicant for the last few years in this specific form successfully without creating a problem for the neighborhood. Unlike other types of auto repair uses this is unique it doesn't have outdoor overnight storage of vehicles because it caters to high end valuable machinery that need to be secured. So it's a lot different from those other types of auto repair uses. The site is located on a major arterial Route 46 in the vicinity of ramps to an interstate highway automobile related uses are appropriate in this type of location. Additionally the area is in the vicinity of other uses that are very similar, it's predominantly characterized by automobile related uses as is illustrated in the aerial photo and is illustrated on the photographs. Finally the site can accommodate this new 30 by 70 foot building which will have a greater setback from Route 46 than the existing building has. So it's also located away from the neighboring residential uses that are nonconforming uses. And it will not have an impact as far as access is concerned to Route 46 because the access driveways are not changing they're going to remain where they are so all of the access is going to be the same so there really won't be a change or an impact of that. I think there are two purposes of planning as found in the Municipal Land Use Law that we're advancing here. And the first one is under 40:55D-2A which is to encourage municipal action to guide the appropriate use or development of all lands in the State in a manner which will promote the public health, safety, morals and general welfare. And I think we're advancing that because we're providing an expansion to this unique use in this appropriate location. The general welfare is being advanced because the expansion will enable the business to remain here and to increase employment and allow the continued use of this property in the manner that it's been successfully managed in the past. We're also advancing G which is to provide sufficient space in appropriate locations for a variety of uses including commercial and industrial uses and open space in both public and private according to the respective environmental requirements in order to meet the needs of all New Jersey citizens. This is an appropriate location again because of the surrounding land uses, the nature of the roadways that it fronts on and the vicinity of the interstate. There is sufficient space on this property to accommodate this garage and the four bay garage that's proposed and it's an appropriate location on the property and also again given the nature of the roadways, the uses and the historical use of the property. As far as the setback variances really it's a classic C-1 they're unavoidable because of the shape of this piece of property. There is, again there is . . . we don't have a building envelope because of the required setbacks and the existing dimensions of the property show that there are extraordinary exceptional and unique circumstances that impact this property given its dimensions and it's topography as is shown on the photo and the topographic mapping that Mr. Glasson provided. The property is approximately 93 feet in depth at the point where the building is proposed so it's impossible to provide two 75 foot front yards. Now as you know we have to also show that we meet the negative criteria and that the variances can be granted without a substantial detriment to the public good. And in my opinion it can be because it's compatible with the neighboring land uses which again are predominantly auto service related, no new driveway curb cuts are proposed so the traffic pattern in and out of site will remain unchanged, and there will be no substantial change to the existing traffic patterns. And as described by the owner there really won't be a significant increase in the amount of traffic even if the business is expanding. The site can accommodate the new building at its location even with consideration of the setback relief. The topography and the landscaping that are being proposed will have to mitigate any impacts on the eastbound side of Route 46 and the proposed building will have a greater setback from the westbound lane of Route 46 than the current building does. The use will have a less visual impact than some of the previous uses of the property because of the nature of the use and not having an impound yard and all repair activities will be within the confines of the building and all vehicles will be stored indoors overnight. And the spray booth that is being proposed will be licensed and permitted through all requirements of NJDEP and will meet all of their environmental requirements. The second prong of the negative criteria is that the variances can be granted without substantially impairing the intent and purpose of the zone plan or the zoning ordinance. And I feel that it can for a couple of reasons. First of all the proposed expansion meets the purpose of the C-1 zone that's found in Section 400-101A and that states the purpose of these districts C-1 and C-2 is to recognize areas of existing retail development and provide opportunities for new areas near existing and proposed population centers and for the location of commercial services limited to entertain facilities and employment opportunities. We really meet that intent we are providing this type of commercial related use, commercial retail use in this location which really is in keeping with that purpose of the Code. Secondly as far as the Master Plan is concerned in the 2003 and 2010 Master Plan Reexamination there was discussion to discourage retail strip development. This is not retail strip development this what's being proposed here supports that goal by allowing the continuation and expansion of the retail service use that does not have . . . and it doesn't have characteristics of a retail strip development. Again there will be no additional curb cuts and traffic impacts will be less than that if that would be a retail stores. My opinion this use can reconcile from those permitted in the zone because its unique use that would not have been contemplated when the Master Plan and Zoning Ordinances were crafted. Although it has some characteristics of an auto body repair facility it doesn't have the detrimental aspects of it because the applicant deals with expensive classic cars and no outdoor storage, there's no impoundment yard and there are no junk cars stored outside. So I believe that we meet the Medici criteria of enhanced proof and I think that we meet both

the positive and negative criteria in order for this to be approved by the Board. I'd be happy to answer any questions.

MR. WEISS: Thanks Mr. Michaels. I think what I want to do at this point Chuck if you'd like to review your report?

MR. MCGROARTY: Well actually I'll come back to the same questions later I suppose that I had for Mr. Glasson which was the sign, spray booth and so on. Just a question Mr. Michaels generally about the testimony which I don't see any . . . I wouldn't take issue with the analysis that he's presented. But Bob the condition that it be used only for the purpose as the owner Mr. Fox described earlier and that it not expand. Would you see that as a reasonable condition to impose given the undersized nature of the lot and all of the other conditions?

MR. MICHAELS: Yeah I think that's a reasonable condition to impose by the Board.

MR. MCGROARTY: Well then going into the details the sign the existing freestanding sign. It's not on the site just like well it is off the site I guess by virtue of the properties shrinkage over time. Did you anticipate any changes to that sign?

MR. MICHAELS: No I didn't discuss any changes with my client and we're not proposing any changes at this time. But frankly we haven't discussed it.

MR. MCGROARTY: Even though the sign is in the highway right-of-way it is some distance away from the street itself though.

MR. MICHAELS: Yes that's correct and unfortunately I don't have any pictures of it. According to Mr. Glasson it's about 80 feet from the curb of Route 46.

MR. MCGROARTY: I don't really have any other questions.

MR. MICHAELS: Chuck before did you make a comment to the effect that by moving the sign it might lessen the visibility?

MR. MCGROARTY: Well that was one of my softball gifts I threw out there earlier but (inaudible) swing at it.

MR. MICHAELS: But one of the, if I can and hopefully I don't miss the ball but one of the things that I notice coming to the site is when your coming down Route 46 you don't see the building that well because it's close to the highway it's not setback from the road so the sign is really the first clue that you're approaching the site. And the building itself until you're really by it it's difficult to see so I think the sign is very necessary in order to, people who are not familiar with the site to be able to see where it is and turn in safely.

MR. MCGROARTY: I agree I mean if and when something were ever to happen to the sign you know that it was knocked down or whatever might happen they would have to deal with that at that time. You know you can't reconstruct a nonconforming sign in that location. But it's existed there and there apparently is no problem and I do agree with Bob that the building is set back it alerts someone as to where the driveway is.

MR. WEISS: Chuck also would you agree that there's an additional waiver from your original report that waiver being the parking lot?

MR. MCGROARTY: That Gene had indicated earlier? Yeah.

MR. WEISS: That's an unpaved parking lot?

MR. BUCZYNSKI: And also curbing too is part of the waiver.

MR. MCGROARTY: Yes so yeah I think that came out before yeah I think that that would have to be identified as well.

MR. WEISS: Mr. Buzak did you (inaudible).

MR. BUZAK: I did.

MR. WEISS: I just want to make sure.

MR. BUZAK: Mr. Buczynski whispered in my ear before.

MR. BUCZYNSKI: From a distance.

MR. BUZAK: Thank you Mr. Buczynski.

MR. WEISS: Thank you Chuck. Does anybody from the Planning Board have any questions for Mr. Michaels? I would have to agree with Chuck 100 percent this was an excellent analysis of the situation and I agree with you.

MR. MCGROARTY: Thank you.

MR. WEISS: Seeing nothing from the Planning Board I'll open it to the public if anybody from the public has any questions for Mr. Michaels based on the testimony delivered this evening? Seeing none I'll close it to the public and thank you Mr. Michaels.

MR. MICHAELS: Thank you.

MR. WEISS: Mr. Fox?

MR. L. FOX: I have nothing further that's the applicant's case I believe that the applicant has sustained it's burden with regard to the required variances both the "d" variances and the bulk variances as well as the design waivers. I appreciate and thank Mr. Buczynski for raising those issues regarding the paving that the applicant has really no intention and does not want to add additional paving or curbing to the site. And so we believe that we have proven our case and submitted the appropriate proofs for the variances and the waivers.

MR. WEISS: Thank you Mr. Fox. So what we'll do right now is maybe Mr. Buzak if you are prepared you can talk about some of the conditions and additions that we would include in a resolution and a motion that would be made if we were to so inclined to approve such application.

MR. BUZAK: Mr. Chairman the conditions that would attach to any approval would include the following and I can certainly, we're open to any additional conditions. The existing one bay garage which is on a slab will be removed, there will be provided revised plans to show a detail for the containment area for the above ground heating oil and the lighting as shown on the plans will be directed downwardly in accordance with Mr. McGroarty's report. The applicant will maintain the use as testified to, will not utilize the premises for any kind of insurance work or regular body work that's not associated with restoration of classic automobiles.

MR. WEISS: I think the word might have come up because I made a note that it was a standard body work rather than regular body work but I don't know if it makes a difference.

MR. BUZAK: It does and I like the word standard better so I stand corrected. That's all I have at this juncture Mr. Chairman.

MR. MCGROARTY: May I?

MR. WEISS: Sure Chuck.

MR. MCGROARTY: On the lighting then I would add hours as noted on the site plan and maybe the Board wants to see what those hours are. There's a note on that right?

MR. GLASSON: Off at 10:30 and it is (inaudible) lighting with the exception of minimum illumination (inaudible).

MR. MCGROARTY: Jim why don't you come on up.

MR. GLASSON: It is off-site lighting with the exception of minimum illumination required for security purposes shall be off between the hours of 10:30 p.m. and 7:00 a.m.

MR. MCGROARTY: Mr. Buzak I would also add that the paint booth that they will have to . . . I mean whatever permits are required from the DEP with respect to the paint booth. And I guess this goes without saying but the Board of Health approval for the modified septic and . . .

MR. BUZAK: Okay.

MR. WEISS: And Mr. Buzak those additional waivers are just only out of the reports or . . .

MR. BUZAK: Yes.

MR. BUCZYNSKI: And they also have to get approval for the Soil Conservation District too.

MR. GLASSON: We made application for Soil Conservation.

MR. BUZAK: The waivers just for the Board's recollection are the waivers for parking spaces 36 required, 31 being provided. A waiver for the gravel parking lot and curbing requirements and I have a waiver but I have 8 by 28 proposed, 10 by 16 required.

MR. A. FOX: That's the loading dock.

MR. BUZAK: Okay thank you. Those were the three waivers Mr. Chairman that I had.

MR. WEISS: And I think Jim you had said you're not going to apply to DOT for any kind of . . .

MR. GLASSON: We're not changing anything.

MR. BUZAK: And there will be no change in that the access will remain we'll put that as a condition.

MR. WEISS: Okay with that being said does anybody have any other conditions that we might have missed? If not I'll entertain a motion.

MR. RUSSELL: I'll move that PB 10-33 be approved subject to the conditions expressed by Mr. Buzak and Mr. McGroarty.

MR. FLEISCHNER: I'll second it.

MR. WEISS: Second by Joe. Any other conversation? I mean my only . . . you know when I look at these "d" variances and we're maybe we're starting to get a little bit more familiar with them I've been looking at the negative criteria and I think Mr. Michaels summed it up very good. I see absolutely no substantially negative impact to the existing zone on this one. And I know we needed to state some of this for the record but I think it's very thorough I don't see any reason why this would be a problem here in our zone plan. If there are no other comments Catherine let's take a roll call.

MRS. NATAFALUSY: So it's five out seven we're going to need, Mr. Bedell will not be voting just so you know.

John Cavanaugh	- yes
Joe Fleischner	- yes
Rene Gadelha	- yes
Nelson Russell	- yes
Jim Staszak	- yes
Scott Van Ness	- yes
Howie Weiss	- yes

MR. WEISS: Gentlemen thank you.

MR. L. FOX: Thank you very much.

MR. A. FOX: Thank you very much.

APPLICATION #PB 11-02 – WICKLOW & LAURANO

MR. WEISS: And we'll do now is we'll finish up our evening applications with PB 11-02 as soon as Mr. Fox is done. PB 11-02 Wicklow & Laurano preliminary & final site plan with variances at

Block 6800, Lot 11, 362 Route 206. It was carried from our last meeting and gentlemen I do appreciate how it is to move the schedule around. And we're not too far off from (inaudible).

MR. FLEISCHNER: Mr. Chairman since I can't vote on this I'm going home.

MR. WEISS: I don't blame you Mr. Fleischner I think that's why we moved this last because everybody that's ineligible to vote. Gentlemen we'll see you next week.

MR. CAVANAUGH: I'm with Joe.

MR. FLEISCHNER: See you next week for a brand new show.

MR. WEISS: Mr. Sordillo when you were here what was the date?

MR. SORDILLO: We were here . . . it was St. Patricks Day March 17th.

MR. WEISS: Catherine do we have any files, was there anything in our packet electronically that you sent about this? I don't think you did.

MRS. NATAFALUSY: No not this time.

MR. WEISS: Okay so I'm looking for something that doesn't exist okay. Okay so as we talk about this application and just so we can review and make sure Mr. Buzak is on the same page on March 17th we heard from Mr. Wicklow and we heard from Mr. Villa your engineer. We went through exhibits A-1, A-2, A-3 which were the site layout with color, we went to A-2 which was the title sheet and A-3 which was conservation easements, we talked about all of the water, sewer septic systems, lighting plans, I think we got caught up in a conversation about areas of storage that I think we still need to have further conversation. I don't know if it's an open issue but we needed to talk with the Fire Marshall about a fire lane I don't know I have a note about that we'll make sure we address. We did have A-4 which was plans that needed to be sealed I suppose is that . . .

MR. BUZAK: No we had the architectural plans that need to be sealed and testimony.

MR. WEISS: Okay and I know that's really what's left on the agenda tonight was the architectural and of course A-5 was our proposed sign elevation. We talked about certain variances, storage outside, setbacks and I think that's about where we left off. I think I hit the cliff notes version of it but . . .

MR. SORDILLO: Yeah that was correct I just to clarify a couple of the points I believe that the . . . with regard to the Fire Marshall issue it was Ms. Natafalusy had advised that the Fire Marshall had no comments to this application. Where we left off was the . . . we're coming back before the Board to present our architect to submit signed sealed architectural plans and discuss the architectural of the building. With regard to the storage area we had agreed to limit the storage area pursuant to the prior discussions at the meeting and we had submitted revised plans from our engineer that set forth all of the issues that we spoke to last time regarding the storage area delineating the storage area and putting the markers where it will be and all of those have been previously submitted and I believe reviewed by the Board's engineer as well.

MR. BUCZYNSKI: Howie I'm not sure if you're going to need testimony from the engineer but I can tell you that the revised plans basically met all of the conditions that the Board requested relative to the location, the fence separating all of that that's all shown on the revised plans.

MR. BUZAK: And the revised plans Mr. Chairman just for the record that we are referring to were originally dated June 24, 2008 latest revision number 12 was March 21, 2011 is that correct?

MR. VILLA: Yes.

MR. BUZAK: We'll only take testimony from Mr. Villa because he'll be sworn.

MR. VILLA: Yes.

MR. BUZAK: And remain sworn. Thank you Mr. Villa.

MR. WEISS: Okay so let's move on then Mr. Sordillo you were I guess you want me to bring up the architect.

MR. SORDILLO: Yes, yes we have the architect I'd ask him to come join me.

(MICHAEL BRANDES SWORN IN FOR THE RECORD)

MR. BUZAK: Could you please state your name and business address for the record spelling your last name.

MR. BRANDES: Michael Brandes spelling the last name as (B-R-A-N-D-E-S).

MR. BUZAK: And your business address sir?

MR. BRANDES: 4 Claremont Road, Bernardsville, New Jersey.

MR. BUZAK: Thank you you may be seated.

MR. BRANDES: The firm is called Brandes Macelli Architects.

MR. BUZAK: Thank you.

MR. SORDILLO: Mr. Brandes could you give the Board a brief summary of your educational experience, background as an architect?

MR. BRANDES: Yes I have a Bachelor of Architecture from Penn State University I graduated in 1990 I'm a licensed architect in New Jersey since 1993.

MR. SORDILLO: And have you testified before Boards before?

MR. BRANDES: Yes Bernardville, Mendham, Far Hills, Bedminister, never in front of this Board.

MR. SORDILLO: And have you prepared the plans that were submitted to the Board with regard to this application?

MR. BRANDES: Yes I did.

MR. SORDILLO: Mr. Chairman I request the Board recognize Mr. Brandes as a licensed architect in New Jersey.

MR. WEISS: Does anybody on the Planning Board have a question for Mr. Brandes? We welcome you as an architect thank you.

MR. SORDILLO: Mr. Brandes could you please outline the architectural plans or go through the proposed plans for the proposed renovation to the building, construction renovation to the building?

MR. BRANDES: Yes. The latest plans that you're looking at basically describe it as a commercial building with a two-car lift garage, some storage area on that lower level and a second floor office space. It's an 80 foot by 54 foot building . . .

MR. BUZAK: Excuse me Mr. Brandes can you just confirm the plans that you are working off so we're all looking at the same plans.

MR. BRANDES: I actually don't have the ones you're looking at.

MR. BUZAK: Okay can someone just confirm that for the record. Are these the A-200 that are dated March 17, 2011? No.

MR. STASZAK: No.

MR. BUZAK: March 4?

MS. GADELHA: April 8th I have.

MRS. NATAFALUSY: Yes. Lauren put them out I thought.

MR. BRANDES: They should be signed and sealed.

MR. WEISS: You said it was dated April 8 correct?

MR. BRANDES: That's correct.

MR. WEISS: Okay that's what we have. I think for the record it is A-100 because I think we had A-200?

MR. BUZAK: Well I had another set which was A-200 dated March 17th but those were elevations. Are these elevations also? Yes they are. Yeah I guess this is A-200 if you keep going

MR. WEISS: Yeah so we also have one dated March 4th. So just for the record we're looking at April 8th as long as everyone has April 8th we're good.

MR. BRANDES: And just to clarify the ones that are our prior architectural plans the March 17th date that was submitted that we looked at was marked as A-5 but now these are the architectural plans that are being presented to the Board in connection with this application as a complete set the April 8th.

MR. BUZAK: All right so why don't we do this why don't we mark this set of plans which are dated April 8, 2011 as A-6 and then Mr. Brandes if you can just refer to the sheet numbers to which you are testifying the Board then can follow along. And you would love to do that if you had them in front of you.

MR. BRANDES: That's a good point.

MR. BUZAK: Do we have another set somewhere? Mr. Villa? Mr. Sordillo?

MR. SORDILLO: Mr. Brandes could you please identify the construction of the building, let's start with the out exterior of the building.

MR. BRANDES: We'll start with A-200 which describes the elevation of the main elevation of the building. It's a typical brick veneer building with an asphalt shingle roof, the windows as described on A-200. A-201 you can see that it is a gable roof, the height of the building does not exceed . . . 38 feet 10 inches from the grade. A-202 again brick elevation the windows are described and then the final elevation A-203 again brick veneer gable end building with an asphalt shingle roof and some open chain link fence to enclose as a storage area for safety.

MR. SORDILLO: And the proposed signage for the building that's located, could you please identify?

MR. BRANDES: It's on A-200.

MR. SORDILLO: And which direction is this facing, this A-200 is that facing the roadway, the east or . . .

MR. BRANDES: That's facing the approach side of the building where . . . the driveway side of the building let's call it, the opposite side of this building which is A-202 is facing the woods.

MR. SORDILLO: And the chain link fence area that's an open area correct?

MR. BRANDES: Yes.

MR. SORDILLO: And as the Board may recall the engineer had previously testified that that area it was required to be open based upon the DEP's requirements during its application and approval prior to coming before this Board it required that this area remain open and the chain link fence was allowed to be installed to keep it secured.

MR. WEISS: Maybe if you can explain to me on page A-202 the staircase, is that a secondary?

MR. BRANDES: A secondary fire exit.

MR. WEISS: Okay and so the main means to get to the second floor which is offices I take it?

MR. BRANDES: Correct, if you look at page A-200 you can see an entrance door and the door seemed obviously small in size due to the fact that there's a flood plain so that there's a closure mechanism that can close over those doors if required.

MR. WEISS: And then so access to the second floor is a staircase.

MR. BRANDES: Is a main central staircase exactly. That fire stair you see off of the back is strictly for fire exits.

MR. WEISS: Okay.

MR. SORDILLO: And Mr. Brandes on A-201 could you please identify the garage doors and explain if that's the only access for vehicles into the area.

MR. BRANDES: Exactly those are the two main access points for Wicklow & Laurano's construction vehicles and that's basically for their garage bays and lifts for equipment repair, etc.

MR. SORDILLO: So there will be no vehicle access throughout the chain link fence areas?

MR. BRANDES: No strictly storage and actually mandated by the DEP.

MR. SORDILLO: Thank you. I have no further questions I open it up to the Board for this witness.

MR. WEISS: Chuck maybe you can answer the question, and I know that we've been going back and forth on a lot of different things. Do we have any kind of standards for handicap accessibility? You have a second floor office does there have to be a means to get up to that second floor for an employee that possibly can't use the stairs?

MR. MCGROARTY: I would ask the gentleman to, I mean the architect would know better than me what the Code requirements are on that.

MR. BRANDES: I would have to defer on that because when I was brought into this project I was explained that that was not a requirement due to the remodeling of this building. Because essentially it is a rebuild but it was not being required.

MR. BUCZYNSKI: I think that's something he's going to have to address with the Building Department when they go in with the building plans.

MR. BRANDES: Yeah.

MR. MCGROARTY: Right it's required and you know I don't know other than an elevator then I don't know how they're going to do it.

MR. WEISS: I don't know either it just came up I don't know why that came up.

MR. SORDILLO: Mr. Chairman one of our prior witnesses John Wicklow would be able to answer that I don't know if we need to swear him in or if he's continued sworn.

MR. WEISS: No he's already sworn in. Is that correct?

MR. BUZAK: Yes that's correct.

MR. WICKLOW: From the way I remember it from our previous architect when we looked at that issue it was based on the height of the building. If the overall height of the building exceeded 45 feet it had to conform to a certain set of details according to Building Codes. And being that the building is below that 45 foot threshold it goes into like that, I wouldn't say the skyscraper category, but . . .

MR. WEISS: So it's essentially because of the height of the building you don't need it?

MR. WICKLOW: We don't have to make it accessible but we have to make handicap bathrooms upstairs which was kind of a joke because they can't get up there how are they going to use the bathroom?

MR. WEISS: You know I just always hate to see that you know we're putting an office that's you know only a second floor office and you're kind of not making it accessible to an element of the society that you might want to employ there. And you know if you don't have to do it you don't have to do it. I suppose we could just leave it that the Building office will . . .

MR. BRANDES: Right that will be something we will address with the Building Department.

MR. WEISS: And we're not going to rewrite the Building Codes so . . .

MR. BRANDES: Right.

MR. WEISS: So I can live with that answer. Does anybody have any questions? Nelson?

MR. RUSSELL: The free space on the first floor that's DEP mandated because it's a flood plain?

MR. SORDILLO: Correct there was . . . I can actually have the engineer testify to that Mr. Villa?

MR. VILLA: Yes it was part of the zero net fill calculation. We got credit for part of the footprint that used to be enclosed by opening it up we got credit for the fill that we had to add for the septic system.

MR. RUSSELL: Okay and there will be no storage or anything in that area?

MR. SORDILLO: No I believe his vehicle storage is going to be equipment storage in that area.

MR. VILLA: Yes but it could not be walled.

MR. RUSSELL: Okay.

MR. WEISS: Okay anybody else have any questions? Chuck, Gene?

MR. MCGROARTY: I had one about the sign but I'm not sure it's for the architect. It's for the freestanding sign out on the highway (inaudible).

MR. WEISS: Okay that would be for . . .

MR. MCGROARTY: Maybe the engineer and that's the only question I have remaining. I have no questions about the building.

MR. WEISS: Okay. Go ahead Mr. Buzak?

MR. BUZAK: What's the height of the chain link fence that blocks the various entranceways to the open space underneath the second floor of the building?

MR. WICKLOW: Approximately 8 feet.

MR. BUZAK: Are they all the same size?

MR. WICKLOW: Yes.

MR. BUZAK: And will that be a chain link fence with any kind of slats or just chain link?

MR. WICKLOW: Just chain link to protect somebody from stealing essentially.

?: It most likely will have slats so visually you can't see in there.

MR. BUZAK: That Board may want to think about that in terms of any kind of conditions they may want to impose because we've done that before.

MR. MCGROARTY: Well on that point then again this may be a question for Mr. Villa I don't know, was the idea that it would be . . . that in a situation of flooding that . . .

MR. WICKLOW: It can't have slats it has to remain . . .

MR. MCGROARTY: I think you need to come up . . . that's what I was going to say if it's to allow for water . . .

MR. SORDILLO: If it's to allow water to accumulate in that area and you know . . .

MR. MCGROARTY: Right otherwise you wouldn't (inaudible) a chain link fence right you'd do something more, structurally more . . .

MR. BRANDES: Correct attractive. It's got to be open so that the flood water can pass through.

MR. MCGROARTY: Right okay.

MR. BRANDES: And the volume will count.

MR. WEISS: Okay seeing no other questions I will open it to the public for any questions for Mr. Brandes. Seeing none thank you Mr. Brandes.

MR. BRANDES: Thank you.

MR. WEISS: Mr. Villa let's address the question that Chuck just raised. I thought last time we really thought that this property really hasn't flooded. I understand that regulations are such but I don't know particularly . . .

MR. VILLA: In 125 years it's going to happen.

MR. WEISS: Okay but we're preparing for it just in case.

MR. VILLA: Yes.

MR. WEISS: That being said let's go back and let's talk about those couple of issues, the sign?

MR. MCGROARTY: Just one thing the sign the freestanding sign is an existing sign on the Highway we did talk about it a lot last time I just want to make sure, there was a . . . this representation of the sign which will be 16 feet in width by 5 feet 2 inches high was included with the application. It's with a sign area of 83 square feet. I can't recall was that the sign that will be going out at the front of the property? It appears to be similar to the sign that will be on the building itself too.

MR. VILLA: Yeah this was prepared by Mendham Design the previous architect I think he could address that better if he was here. Maybe Mr. Wicklow could explain it.

MR. SORDILLO: Yeah we had actually Mr. Laurano who testified to this we had previously marked this as A-5 this exhibit. And it was . . . Mr. Laurano you can testify to it but this was the sign that was going to be at the front of the entrance off of the road.

MR. LAURANO: Yes.

MR. MCGROARTY: Okay and so we don't have a detail on the plans of this.

MR. VILLA: No.

MR. MCGROARTY: But typically we do but if the Board is comfortable with this approach then this will be the type of sign or this will be the dimensions of the sign that will be permitted should you approve it.

MR. BUZAK: That's on Route 206 is that correct?

MR. BUCZYNSKI: Yes.

MR. MCGROARTY: Yes but again since we don't have . . . and do we know exactly, could you just refresh our memories or mine anyway what the height will be of that sign?

MR. WICKLOW: If I guess it's going to be 20 feet probably?

MR. MCGROARTY: 20 feet?

MR. WICKLOW: To the top.

MR. MCGROARTY: I'm not sure that that's . . . I don't think that that's permitted. I think it would be better if we had a detail on the plan.

MR. VILLA: We can include a detail on the plans.

MR. SORDILLO: Yeah as a condition of approval we can provide a revised plan and put a detail on there.

MR. MCGROARTY: Okay just so you know though the maximum height cannot exceed 15 feet.

MR. WEISS: I thought that's what you said right?

MR. WICKLOW: That's exactly what I said yeah.

MR. MCGROARTY: 15 feet okay so the height will be 15 feet with these dimensions, not to exceed these dimensions and a detail will be on the plan. Thank you.

MR. WEISS: And you had said last time speaking of the sign it will be mounted exactly the way that former Mohawk Oil sign was?

MR. WICKLOW: Correct.

MR. WEISS: Okay. Chuck did you have anything else?

MR. MCGROARTY: No thank you.

MR. WEISS: Ed were you comfortable that we discussed the chain link fence?

MR. BUZAK: Yes that's fine thank you Mr. Chairman I have nothing further.

MR. WEISS: Okay anybody else on the Planning Board have any questions? And again my really big concern and I'll trust the fact that it was addressed was the storage. In fact I know your testimony last time . . . and we probably don't need to talk because Chuck or Gene said to me that it's been reviewed and acceptable based on our concerns. But I was a little concerned personally about a product being stored all over and if you remember last time my concern was you can get into the business of taking in other people's stuff. And so we wanted to make sure that that doesn't happen.

MR. SORDILLO: Correct Chairman and in the revised plans we identified exactly where the limits are, where it was discussed at the last meeting and it was agreed to where those limits would be, a certain distance away from the building which Mr. Villa can you just briefly testify to the Board so the Board has an understanding.

MR. VILLA: The revised plans as shown on the latest revision we moved five of the spaces up closer to the building outside of an area delineated which was about 80 feet let's call it from north to south and about 100, 110 feet from east to west within the gravel area. And we took Mr. Van Ness' suggestion I think it was he who had suggested in order to delineate that so everybody knows where that area is we showed two sections of 6 foot fence coming in from either side to delineate that rectangular area so there's no confusion.

MR. WEISS: Did we have a concern about, in terms of wash out I think somebody brought up that you were concerned about product in rain or water getting washed into the brook, into the stream. Was that a concern of ours?

MS. GADELHA: I just asked because of all of the water around there in the flood plains but I'm satisfied with the discussion.

MR. WEISS: Okay. Okay I see no other questions Ed perhaps what you can do for us is review the conditions and other items that we might want to consider if we were to approve this application.

MR. BUZAK: Mr. Chairman this is an application for a site plan approval certain variances and waivers for Phase II of a project for which the Board gave Phase I approval back I believe in 2009. The variances relate to outdoor storage being within 50 feet of the rear yard setback of the principal building. A variance for proposed site improvements to be within the stream corridor or in the buffer, a variance with regard to the existing commercial sign on Route 206 the frontage which is within 10 feet of the right-of-way and then at the public hearing that we had on March 17th there was a forth variance raised with regard to minimum lot width and frontage at the Route 206 frontage where 250 feet is required and 246 feet is provided or was required. The Board spent significant amount of time at the last meeting delineating the storage area Mr. Villa has reflected that now on the revised plans that have been reviewed by our engineer who has indicated that those plans reflect the Board's decisions or pattative decisions on the location of the storage area. If the Board is inclined to approve the application the conditions that I have down in addition to the standard conditions of paying all fees that are due the Township, etc. the approval would be subject to the terms and conditions set forth in the original resolution for Phase I. And that is that Phase I will continue to be binding on this application, the outdoor storage area will include nonflammable and nonhazardous landscape materials including but not limited to mulch, sand, stone, brick, pavers, lumber, gravel and other traditional products and materials for use off site at projects undertaken by the applicant in addition to vehicles and equipment. The five parking spaces shall be relocated and Mr. Villa testified that that was on the plans and I believe the engineer, our engineer has confirmed that. The application was subject to Morris County Soil Conservation District approval, landscaping restoration will be in accordance to the plans approved by the Board they'll be a new mounded septic system constructed to the satisfaction of and with the approval of the Mt. Olive Health Department. The building is to be constructed within the exact footprint of the existing building, all parking spaces in the gravel area are to be delineated with the use of concrete curb stops. The applicant shall comply with all of the conditions and requirements of applicable NJDEP approvals and permits as presently exist or may be needed. The entrance driveway which is effectively the staff portion of the flag lot shall remain unobstructed to allow access to the main portion of the lot. Lighting shall be metal halide or high pressure sodium box or flood lights at the fueling area as approved by the Planning Board engineer. There will be no slats on the fence this will be conditioned upon the applicant's submission to the Building Department for a building permit and there'll be a notation regarding the access for handicap persons to the second floor if the Building Code does not require any changes then the applicant will be able to proceed, if they do then they'll have to revise the plans. There will be a detail on the plans regarding the sign height and the dimensions are not to exceed those that we referred to earlier which is 16 feet by 5 feet 2 inches high a total of 83 square feet. That's what I have Mr. Chairman.

MR. WEISS: Actually just one point of clarification I think the detail of the sign was more than just the height correct Chuck? Don't you want to see detail of the installation?

MR. VAN NESS: The height off of the ground.

MR. MCGROARTY: Yeah I think just the height of the sign it will not exceed 15 feet as I understand it they will mount it on the existing pole that's out there.

MR. WEISS: But that's what we want to see I understand what he said but I thought we wanted to see that detail on the plan.

MR. MCGROARTY: Yeah I think they'll revise the plans.

MR. BUCZYNSKI: Yeah they'll just show existing pole 15 feet high and show the proposed sign on it.

MR. MCGROARTY: Right the mounting details and the like they can probably hold off on the site plan and give that to the Construction Official unless you think we need to see that.

MR. BUCZYNSKI: The mounting itself?

MR. MCGROARTY: Yeah. We'll leave that to the Construction Official to review. But yeah the height and the dimensions should be shown.

MR. WEISS: And then one other question I had and I guess I'm going to direct it at the gentlemen here that Mr. Buzak read a list of the products that were to be stored. Was that an accurate list are you comfortable with that list?

MR. WICKLOW: He said and not limited to.

MS. GADELHA: Well and other traditional materials I think was the opening that . . .

MR. BUZAK: Correct that's exactly right.

MR. WEISS: You know that was another point we didn't want to put you in a bad position. I know that was a joint effort there to make . . .

MR. WICKLOW: Nonflammable, nonhazardous.

MR. WEISS: Do we have that language?

MR. BUZAK: Yes nonflammable nonhazardous landscape materials and as Ms. Gadelha said and other traditional materials and products for use off site at projects undertaken by the applicant.

MR. VAN NESS: Is nonflammable appropriate? I mean wood chips can burn you know . . .

MR. WEISS: Not typically thought right? It's not like gasoline.

MR. VAN NESS: Everytime they put wood chips up at Walmart we're up there five times a week with the fire trucks putting out the fires. So I mean I'm just saying are we limiting . . . could one of the guys go in and say hey you know you've got wood chips and they're flammable you shouldn't have them here. I don't want to see that happen.

MR. WEISS: I agree with you.

MR. VAN NESS: Maybe fuels or I don't know . . .

MR. WEISS: And we don't want to get into a debate because I guess we can start one now.

MR. VAN NESS: I would just recommend we remove the word flammable.

MR. WEISS: Nonhazarduos.

MR. VAN NESS: It should be nonhazardous.

MR. RUSSELL: Combustible perhaps rather than flammable.

MR. MCGROARTY: You know I was going to say Mr. Chairman even though the Fire Marshall didn't give a report on this which was surprising perhaps it can be left to the review of the Fire Official to determine if whatever is out there is safe or not.

MR. WICKLOW: Herold's Garden Center up the street has the same type of products that we would want to store. So it's typical landscape use material.

MR. VAN NESS: And I think that we're covered that way so if we find them down there storing giant barrels of gasoline we have an issue with them.

MR. WEISS: So is a large amount of propane tanks is that hazardous?

MR. VAN NESS: I would think so.

MR. WEISS: Because that sometimes could be a landscape product.

MR. WICKLOW: That's not our application.

MR. WEISS: Okay so let's maybe we'll remove the word nonflammable we'll just say nonhazardous and . . . Okay with that being said Ed there was nothing else correct?

MR. BUZAK: No.

MR. WEISS: Okay then let me entertain a motion.

MS. GADELHA: I'd like to make a motion to approve PB 11-02 preliminary and final site plan and variances including all of the conditions outlined by Mr. Buzak.

MR. RUSSELL: Second.

MR. WEISS: Nelson second any conversation? You know gentlemen I've been on the Planning Board a long time and I kind of watched this . . . well there has been times I felt really bad for you guys I know your trying your hardest to make a business and it seems like from the day you made the purchase it's been nothing but problem. And so I know it's been a very frustrating process and ultimately we really want to welcome you here to Mt. Olive and we hope that you do well and I think the process worked itself out that hopefully we give you the protection that you need as well as the township getting the protection that we want. So I commend your patience for sticking with this and sticking with Mt. Olive. As you know a lot of your road blocks came from higher authorities than the township so you know it's been a long process. Catherine roll call.

MRS. NATAFALUSY: Rene Gadelha - yes
Nelson Russell - yes
Jim Staszak - yes
Scott Van Ness - yes
Howie Weiss - yes

MR. WEISS: Gentlemen congratulations Mr. Sordillo thank you.

MR. SORDILLO: Thank you very much.

MR. WEISS: Okay as you remember the other two items on the agenda have been moved to the next month or so. Are we going to have next week Catherine a conversation about a conversion? A conversion conversation?

MRS. NATAFALUSY: Do you want to do that next week Ed?

MR. BUZAK: Sure you know why don't we do it next week it's probably a good idea.

MRS. NATAFALUSY: Okay. Do you want me to put that as a discussion?

MR. WEISS: Well do we have a very long . . . I'll talk to you about that.

MR. SORDILLO: Mr. Chairman if I may ask when would be the next meeting when the resolution would be memorialized?

MR. BUZAK: The first or second meeting in May.

MR. WEISS: So you're looking at May 12 or May 19 and you can check with the Planning office.

MR. SORDILLO: Okay thank you.

MR. WEISS: We can make that motion to adjourn.

MR. STASZAK: I make a motion we adjourn.

MR. WEISS: All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 9:30 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department

