

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

ROLL CALL:

Members Present: Joe Fleischner, Dan Nelsen (7:05), Brian Schaechter, Nelson Russell, Jim Staszak, Scott Van Ness, Steve Bedell, David Koptyra, Michael Koroski, Howie Weiss

Members Excused: John Mania

Professionals Attending: Catherine Natafalusy, Planning Administrator

MS. NATAFALUSY: The first order of business tonight is nomination of the Chairman. Do I have a motion?

MR. FLEISCHNER: I move to nominate Howie Weiss as Chairman.

MR. STASZAK: Second.

MS. NATAFALUSY: Are there any other nominations? Seeing none I'll to a roll call.

- Joe Fleischner - yes
- Brian Schaechter - yes
- Nelson Russell - yes
- Jim Staszak - yes
- Scott Van Ness - yes
- Steve Bedell - yes
- David Koptyra - yes
- Michael Koroski - yes
- Howie Weiss - yes

MS. NATAFALUSY: Mr. Chairman.

MR. WEISS: Thank you very much I appreciate it and I certainly look forward to being the Chairman for another year and I think last year showed that we have some interesting things on our plate and we look forward to keeping them a symbol as we go forward. So we're well past our time limit for the shortest Planning Board meeting Joe as you remember because we had one that was 19 seconds.

MR. FLEISCHNER: Yeah it was one of my favorites.

MR. WEISS: It was late in 2010 or 2011 I think. Regardless we've already exceeded that so let's move on to the next order of business which is nominations for Vice Chair.

MR. FLEISCHNER: I'll nominate Jim Staszak.

MR. STASZAK: I'll second that.

MR. WEISS: Any other nominations? Seeing none Catherine if you'd roll call.

- MS. NATAFALUSY:
- Joe Fleischner - yes
 - Brian Schaechter - yes
 - Nelson Russell - yes
 - Jim Staszak - abs.
 - Scott Van Ness - yes
 - Steve Bedell - yes
 - David Koptyra - yes
 - Michael Koroski - yes
 - Howie Weiss - yes

MR. STASZAK: Thank you gentlemen I appreciate your support and your confidence.

MR. WEISS: Our next item on the agenda is nomination for a secretary for the Planning Board for 2013. Nelson?

MR. RUSSELL: I nominate Catherine Natafalusy.

MR. WEISS: Very good and a second?

MR. VAN NESS: Second.

MR. WEISS: Scott thank you very much. Any other nominations? Seeing none Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Brian Schaechter - yes
Nelson Russell - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
David Koptyra - yes
Michael Koroski - yes
Howie Weiss - yes

MR. WEISS: And Catherine welcome back again for the second or third year now?

MS. NATAFALUSY: Second or third yes.

MR. WEISS: The next item on our agenda is the nomination for the Planning Board attorney for the 2013 year.

MR. STASZAK: I nominate the office of Edward Buzak. Is the office or

MR. WEISS: Buzak Law Group.

MR. STASZAK: Buzak Law Group I'm sorry.

MR. VAN NESS: I'll second that.

MR. WEISS: Any other nominations? Seeing none Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Brian Schaechter - yes
Nelson Russell - yes
Jim Staszak - yes
Scott Van Ness - yes
Steve Bedell - yes
David Koptyra - yes
Michael Koroski - yes
Howie Weiss - yes

MR. WEISS: Ed we welcome you.

MR. BUZAK: Thank you gentlemen I appreciate it.

MR. WEISS: Continuing on the next order of business is nominations for Planning Board engineer for the 2013 calendar year.

MR. BEDELL: I will nominate Eugene Buczynski of Van Cleef as our Township Engineer.

MR. WEISS: And second?

MR. KOPTYRA: I'll second it.

MR. WEISS: Dan Nelsen is here welcome. We have a motion and seconded any other nominations for Planning Board Engineer? Seeing none Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Brian Schaechter - yes
Nelson Russell - yes
Jim Staszak - yes

Scott Van Ness - yes
 Steve Bedell - yes
 David Koptyra - yes
 Michael Koroski - yes
 Howie Weiss - yes

MR. BUCZYNSKI: Thank you once again.

MR. WEISS: I look forward to another good year Gene. Planning Consultant is the next item on the agenda. Nomination for Planning Consultant for the 2013 calendar year I'll take a nomination.

MR. NELSEN: I'll nominate Chuck McGroarty.

MR. WEISS: From Banisch Associates?

MR. NELSEN: That's the one.

MR. BEDELL: I will second that.

MR. WEISS: Seconded by Steve. Any more nominations? Seeing none Catherine roll call.

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

MR. MCGROARTY: Thank you.

MR. WEISS: And final order of business under nominations is for our environmental consultant. I will accept nominations.

MR. NELSON: I nominate Jeff Keller of Habitat by Design.

MR. WEISS: Thank you Nelson.

MR. SCHAECHTER: Second.

MR. WEISS: Brian thank you. Any other nominations? Seeing none Catherine roll call.

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

MR. WEISS: I know that if Jeff was here he would thank us as well. And I do have to say we no doubt, and I've seen other Planning Boards in action, we do have by far the best group of professionals that are out there. And I know as I sit here as your Chairman I know the gentlemen to my right have our backs as does Catherine and you know guys we couldn't be as good as we are without you so I welcome you and look forward to another great year. We have to move on and then bring up the adoption of the 2013 meeting dates. You all have a copy of that Catherine I trust that we've taken into account all of the holidays as always?

MS. NATAFALUSY: Yes.

MR. WEISS: Not a lot of conversation about it we have a copy I'll move to adopt the meeting dates. Is there a motion?

MR. STASAK: Second.

MR. WEISS: Joe, Jim is there any conversation about the document? Seeing none.

MS. NATAFALUSY: Who seconded that please? Jim?

MR. WEISS: Jim.

MS. NATAFALUSY: Joe was first?

MR. WEISS: It was Joe.

MS. NATAFALUSY: Okay.

MR. FLEISCHNER: Okay I did if you say I did I did.

MR. WEISS: I clearly heard you move for the adoption of the 2013 meeting dates.

MS. NATAFALUSY: Joe Fleischer - yes
 Dan Nelsen - yes
 Brian Schaechter - yes
 Nelson Russell - yes
 Jim Staszak - yes
 Scott Van Ness - yes
 Steve Bedell - yes
 David Koptyra - yes
 Howie Weiss - yes

MR. WEISS: All right the next item on the agenda is the official newspaper of the Planning Board. And I guess just for the record we've for the last couple of years we've made sure that the official newspaper of the Council is also the official newspaper of the Planning Board. And in this case the Council has adopted the Daily Record as the official newspaper of the Township therefore we need to memorialize the fact that the official newspaper of the Planning Board will be the Daily Record. Is there a motion?

MR. SCHAECHTER: I'll make that motion.

MR. FLEISCHNER: Second.

MR. WEISS: Any conversation? Seeing none Catherine roll call.

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

MR. WEISS: Okay we're going to actually pull this off of the agenda right now but I want to give a little background. The next item is Rules of Procedure. You all got a copy of the document and I know going into the meeting Catherine and I had conversation about it because I thought that we had a conversation somewhere last year about things that we wanted to add, change and I just couldn't remember. So what I wanted to do is discuss what we're looking for which is I want to make sure everyone looks at it, brings any kind of comments back to the Planning Board next week and at that point we will make our amendments if any and we'll change it and we'll vote on it at that point. Since that conversation Joe and I had a conversation with Ed Buzak and we talked about, and Ed I'm paraphrasing some of your comments with Joe and if you need to add what I'm saying please do, we need to give that document some teeth is kind of the advice. In that we have and everyone had their

packet tonight a copy of the Mount Olive Township Ethics Committee Rules of Procedure I suppose? And we'd like to try to bring the two documents together and did you propose that we send it to the Ethics Committee?

MR. BUZAK: Well we can do two things. The specific provision that was discussed last year and that Joe had raised this year we had suggested that, I believe we had suggested that we send it to the Ethics Committee to see if they're prepared to make an amendment to their Code of Ethics to include that kind of provision. And this way that it would all be consistent and all of the ethics requirements would be in one place in the Township. I don't know if that was done and if it wasn't I suggest that we do that first. Also of course as you have done, distribute the Ethics Committee procedures and the Code of Ethics to all members of the Planning Board every year as a matter of course. Because these contain other provisions that are beyond what we had discussed ourselves so those are the two things I think we can do.

MR. WEISS: Go ahead Nelson.

MR. RUSSELL: Notably absent is anything from the prior Zoning Board of Adjustment. We've got to take their rules and procedures and incorporate them into ours as we act as both Boards.

MR. WEISS: Catherine do you know if that document was mostly any different do you recall?

MS. NATAFALUSY: No I think they were the same except for times of meetings and . . . I'd have to look at it but I don't remember it being much different.

MR. RUSSELL: I mean in procedures it doesn't mention anything about variances. It's talking about major subdivision, minor subdivision, site plan approval.

MS. NATAFALUSY: Okay we can look at that.

MR. WEISS: Perhaps, and this is the kind of thing we want to do in the week is perhaps if you can come specifically with verbiage that you think we need if you have that document or maybe Catherine could get us . . .

MS. NATAFALUSY: I see where he . . . under Part III Decision Making it refers to the time for site plan approval and stuff and I guess he wants to include in that variances and use variances and we can do that.

MR. WEISS: Okay. Is it a simple just adding a adding a paragraph or adding the words? All right making it G or H.

MS. NATAFALUSY: Right.

MR. WEISS: Okay and Joe do you want to talk about what your concern was?

MR. FLEISCHNER: Well my concern was that I know the members of the Board I really don't fret with it but it's something that I felt should be in it that no member of the Board should be allowed to approach any applicant until "X" number of days after the resolution should they receive approval be granted.

MR. WEISS: And I think you said 60 days but . . .

MR. FLEISCHNER: I said 60 days but you know whatever the Board would feel comfortable with would be fine with me.

MR. WEISS: Does anyone have any input on that commentary?

MR. BEDELL: It's a good point.

MR. STASZAK: Shouldn't that just be in the ethics?

MR. SCHAECHTER: Is there a standard for that kind of language (inaudible).

MR. BUZAK: There's some general language in the local government ethics law which I believe has been incorporated into our Code of Ethics but it is not as specific as that. You know it's a

much more generic provision, the provision that Joe is suggesting is a directed sort of bright line test. And there's nothing wrong with that I mean I think that it's fine to have that kind of bright line test and as I said I think it would be helpful if it were in the Code of Ethics and if we can't get it there then we can consider putting it on.

MR. FLEISCHNER: And the only reason why I raise it is for this Board people coming for an application. When people go to some of the other Boards it's really not for approval of anything. It's just more of a general generic nature.

MR. WEISS: So Ed just fill me in, what Joe suggested I think is a very good suggestion. Are you suggesting that we go to the Ethics Board and have them put that in their document?

MR. BUZAK: Yes I'm suggesting we do that first and see what their position is and they may say look we're really not prepared to make these amendments and then I think you know we can put them . . . we can consider putting them in our rules and regulations.

MR. WEISS: Now how often does the Ethics Committee . . . is there a way to communicate with the Ethics Committee between now and next week?

MS. NATAFALUSY: I can talk to Lisa Lashway.

MR. WEISS: Okay let's see if we can do that before we come together. I don't think there's a time or the essence with this document but let's follow the advice of the attorney. Let's push that in front of the Ethics Committee and see what they say and then we'll go forward with our rules of procedure. Steve?

MR. BEDELL: Just a question. Would they say 30 days, 60 days, 90 days would they make that recommendation or would they put it in? Or would they come back to us and say let's put it in but your Board, you guys decide the number of days or . . .

MR. BUZAK: Well I think the proposal would be . . . I assumed it would for 60 days and see what their reaction is. I mean they may say look we're really not interested in tampering with our Code of Ethics we don't want to get into all of the specific things and then we'll have to deal with that.

MR. BEDELL: Yeah all right.

MR. WEISS: Scott?

MR. VAN NESS: I think it should be more than 60 days. I think it (inaudible) but I get it.

MR. STASZAK: 120?

MR. VAN NESS: I'm thinking at least 90.

MR. WEISS: But you know there's a down side to this, there's a down side. I think 60 days is great there and I'll tell you the down side. Use myself as an example I sell furniture for a living we give an approval to a furniture store you're basically saying I personally can't do any business with this guy for 6 months. And the reality is to give them 60 days to get it going to do what they have to and then let me do my business. Going overboard prohibits me from making a living and it shouldn't be the case.

MR. STASZAK: But my only concern with the 60 days is that it is very short and is 60 days from the time of the approval to the time you do that is there going to be . . . yeah the resolution is 30 days so your now narrowed them to 30 days.

MR. FLEISCHNER: No, no, no 60 days from the resolution.

MR. STASZAK: But fine if you're talking about buildings building and establishing . . .

MR. FLEISCHNER: Right it could be longer and that's true.

MR. STASZAK: Yeah it could be a year or so I think that's why I said 120 because I think 60 is too short in my opinion.

MR. WEISS: Dan?

MR. NELSEN: Question for Ed I have a business in the town and I occasionally see customers of mine here. Would that preclude me from doing business with them for 60 days or whatever period might come up?

MR. BUZAK: That's an interesting question.

MR. SCHAECHTER: I would say that he wouldn't be able to approach them but if they approached him it would be different.

MR. FLEISCHNER: Right I think it should be worded though

MR. BEDELL: That's a different story.

MR. FLEISCHNER: Right soliciting business from.

MR. BEDELL: Yeah for new business I would say.

MR. WEISS: Scott did you have something?

MR. BUZAK: That's a pretty fine line by the way. I think the point is well made but I'd like to give that a little bit more thought. Because while again you know you can say well in so long as they approach us that's okay I think that that could be honored in its breach if we're trying to avoid other situations. I mean if someone who is an applicant before the Board knows that some member of the Board is involved in some aspect of something you know they'll approach them and the idea I think really is not only that the member shouldn't go out there and solicit but there really shouldn't be any contact of that nature during the time period. Now your situation Dan is different and different in a sense of it would be covered under here and perhaps we need to give this more thought as to how we word it. In other words if you have an ongoing business and your customer based where people as you said approach you that may be a little different.

MR. NELSEN: Or perhaps I could just, as I recall this happened with me somewhere down the line, if someone were to come up to me I could just say to them I really can't discuss that with you because I am on the Board.

MR. BUZAK: Well some of the difficulty though is you know we're talking you get specific you know your business is a certain business you have a retail business. Well what do you do you keep those people out you say you can't come in my store and you can't buy anything that's certainly not what we want to do.

MR. STASZAK: Or you just forbid him from dealing with Dan or does Dan refer him to an employee within the business.

MR. BUZAK: Yeah this is a helpful discussion. And this is the problem that we all deal with with Legislation. You know you have a situation, and we all could picture a situation and say no we don't want that do happen so you put some words down and say this is it and all of a sudden you realize that gee we've encompassed a little bit more in the thought or we haven't thought about this. So I think we need to give this a little bit of thought.

MR. NELSEN: I think what it goes back to is just conducting yourself in an ethical manner and you wouldn't want to get involved in any conversation regarding any applications there.

MR. BUZAK: Let me look at the wording that . . . I have to look carefully at the wording that Joe proposed. It may well be that using the word solicitation shall solicit, shall affirmatively solicit you know that kind of language may be the way to deal with it. And if it is abused then we have to deal with that or the Board of Ethics has to deal with that.

MS. NATAFALUSY: Do you want us to wait until you've looked at this before we contact the Ethics Board?

MR. BUZAK: Yeah I'll try to take a look at it right now because again you know we exchanged emails over the last day or so.

MR. WEISS: Well again there's no timely essence of this let's just take our time and get it done.

MS. NATAFALUSY: I was going to say this doesn't have to be adopted you know next week.

MR. SCHAECHTER: I would think it would be a long shot to get the Ethics Committee to approve anything that has a specific timeline considering looking at their document today there is not one specific timeline in it with a deadline. So I mean it is a guideline and that's the way it looks like they want to put it. I mean I don't know why we couldn't adopt our own and move forward with that. I mean it's very loose it's a code of honor.

MR. WEISS: Okay if there's no other conversation let's move on we'll keep this tabled for a little bit. We have some appointments to make the first one is we need members of the Planning Board for the Ordinance Committee we're looking for three. Joe you'll continue at that.

MR. FLEISCHNER: Okay.

MR. WEISS: Steve?

MR. BEDELL: Yep.

MR. WEISS: Would anybody else like to sit on the Ordinance Committee? We'll keep it open until . . . Scott? Okay thank you very much. So the Ordinance Committee will be Joe, Steve and Scott. Street Naming Committee I've . . . fortunately we haven't had streets to be named which is kind of a good thing but I will continue to head that committee. I don't expect a lot of activity but is there anybody on that committee that would like to assist me? I think Scott Van Ness is on that committee right now thanks Scott you and I can continue that and Brian. Okay so we have Howie, Scott and Brian. Site Inspection Review it was something that we . . . I don't think we actually utilized we organized last year.

MR. FLEISCHNER: We didn't do anything last year I think the last time we did it was for Toll Brothers.

MR. STASZAK: No we want to Marveland Farms.

MR. FLEISCHNER: Marveland Farms right.

MR. WEISS: This was kind of a committee that we put together, something if we needed to get to something during the day.

MR. FLEISCHNER: Right.

MR. WEISS: Okay well let's continue if we had what we have Steve, Dan, Joe and Jim.

MS. NATAFALUSY: We're continuing with that?

MR. WEISS: Steve, Dan, Joe and Jim.

MS. NATAFALUSY: Okay.

MR. WEISS: Environmental Commission Nelson?

MR. RUSSELL: I'll continue with that.

MR. WEISS: Thank you. The Open Space Committee.

MS. NATAFALUSY: It was Pat Walsh.

MR. WEISS: I would imagine we'll keep it open.

MS. NATAFALUSY: Okay.

MR. WEISS: Board of Education liaison that was kind of a new position that also never materialized.

MS. NATAFALUSY: Right Rene . . .

MR. WEISS: Right Rene, Dr. Reynolds

MS. NATAFALUSY: I think that was a recommendation by Rene to have something and then she left.

MR. WEISS: Well I would say if no one is interested let's just scratch it from our list of committees.

MS. NATAFALUSY: Okay.

MR. WEISS: So we just have an opening on Open Space Committee. Anything else? Okay let's move on we have resolutions to authorize the award of Non-Fair and Open Contract for Professional Services. Can we do those as one lump?

MR. BUZAK: Yes you can.

MR. WEISS: Good. So we have four professional contracts that we've seen it's in our packet. The first one is for the Buzak Law Group, LLC for legal services, the second is Van Cleef Engineering for engineering services, the third is Banisch Associated for planning services and the fourth is Habitat by Design the environmental consulting services. And just so we know Dr. Keller's contract is really an ad-hock kind of contract that some of you might not even have met Dr. Keller but it's been probably two years right Cath?

MS. NATAFALUSY: It's been a while since he's been here.

MR. WEISS: Dr. Keller is great at what he does and we just haven't had any kind of application that required environmental consultation so we haven't required Dr. Keller to come to a meeting but his contract will call for his attendance when you know basically at our discretion. So it's the same contract as I reviewed it's the same as we've had with Dr. Keller under the same circumstances.

MS. NATAFALUSY: Same contract as last year, same hourly charge, everything is the same.

MR. WEISS: That's kind of a no brainer but that's just if anybody was curious as to what Habitat by Design is. And so I will entertain a motion to accept those contracts.

MR. BEDELL: I will make a motion we accept those four contracts as you just read.

MR. RUSSELL: I'll second.

MR. WEISS: Is there any conversation? Seeing none, I'll move to roll call.

MS. NATAFALUSY: And this is for all of them at once.

MR. WEISS: All of them at once Catherine, all four.

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

MR. WEISS: Now I know the agenda calls for an adjournment but I think we had a conversation quickly with Chuck regarding moving forward with changes to some ordinances. Chuck and Catherine have identified some ordinances that we'd like to amend. Chuck do you want to kind of summarize I have the letter that you sent me with the document. We don't need to go into too much

detail but I think . . . well and I'll let Chuck give us the final answer but we detailed some ordinances that need a review. Joe I think you were . . . were you active in that process as well?

MR. FLEISCHNER: Well we talked about it at the end of last meeting about moving forward on ordinances that have needed to be updated for quite a while.

MR. WEISS: So Chuck if you wanted to maybe just explain to the Planning Board your direction how do you select (inaudible).

MR. MCGROARTY: Okay what we're looking at, this is work actually that Gene, myself, Catherine and with the ordinance committee worked on more two years ago I think than last year. They fall into three categories generally one is housekeeping going through the ordinance updating titles, updating fees, stuff that's you know it's just mundane stuff it's routine it has to be done. Every now and then ordinances fall out of date in that respect. Another category we really defer more to Ed Buzak there are some legal issues that are some definitional questions that will come up with abandonment with other things such as we have a restriction in the ordinance gas stations have to be a certain distance apart. And so it's deferred to Ed because there are cases on this in New Jersey that say some ordinance of one type or another are not valid or need to be revised and such. So there's a couple of those things. And then there's the substantive category I'd say which is that's going to be an ongoing discussion. There's proposals to eliminate uses in certain zones such as hotels, motels, when I say proposals put it on the table for discussion, modification to certain zones such as the active recreation newly created a year or so ago to allow multiple principal uses in that zone as opposed to just one principal use. So more of that things of that nature and this always generates the requisite chuckle but adult uses. And that's a very timely subject there was the case just going on now in East Hanover where there's a battle going on about locating an adult book store on Route 10. So we haven't had to deal with it in Mt. Olive but one never knows. And again there's a lot of legal issues involved in that certainly and there's State Statutes that apply as well. There's ways that towns can be created in terms of where they're put if they have to be allowed, where they're put to make it livable if that's the right way to put it. I'm not sure, some case people feel like leave well enough alone don't touch it. So those are some of the more substantive issues. And then lastly there's something that's not in this memorandum but Catherine and I met this afternoon with a gentleman who has now been hired by Mount Olive Township to serve what's known as an Administrative Agent and his role will be to implement what is called the accessory apartment program. It's one of the many strategies that we have in our Housing Plan for people who are relatively new on the Board you may not be fully aware of that but the town has to provide a strategy to create opportunity for Affordable Housing and we've done that with a plan that's been submitted down to COAH it's you know like many other towns are just sitting there waiting because there's a lot of other things going on with COAH and so on at this point. But why that's important to us is this accessory apartment problem means that it means it would create an opportunity for people to convert rooms in their homes for an apartment to provide for an affordable housing opportunity. We need to talk about where that would be appropriate, will it be appropriate in all residential zones, just some residential zones, should we allow it in the commercial zones as well as accessory apartments, should we impose it as a conditional use with very specific standards and so on. I don't think we're going to see many of these many towns don't seem to have a lot of success getting this kind of program off the ground but the idea is to get some of these in place to count towards the Township's Affordable Housing Obligation. So we will have to start looking quickly at where we feel it's appropriate to put that kind of a plan in place.

MR. WEISS: Okay Joe?

MR. FLEISCHNER: Before we adjourn the first thing Chuck could you and Catherine put together maybe kind of a time line with the different ordinances that you want to . . . and we actually set some dates maybe you could throw out some dates, send them to me and the other members of the ordinance committee so we can kind of agree on you know some days to get together to look at these things. That would be my first address. Secondly I just want to make the Board aware that there is a major action alert to prevent in Mt. Olive critical natural historic resources in Mt. Olive to be erased from the State Plan Policy Map. There is a petition out there that is from the New Jersey Highlands Coalition. I received this today and they are basically saying they recognize there are some areas that should be changed but there are other areas which make no sense unless, according to rumors, there is going to be a development put in these areas which is behind the scenes has been discussed which I found that quite interesting.

MR. MCGROARTY: Can I address that?

MR. FLEISCHNER: Yeah I mean I just got this today.

MR. MCGROARTY: I mean I would characterize that as alarmist and based on absolutely no fact and I'll tell you why. The town has tried for years, what this alert is evolved, do you mind Howie if I just take a second?

MR. WEISS: No go ahead.

MR. MCGROARTY: The town has tried for many years to get the State Planning Commission to change what's called a Planning Area Designation in the Foreign Trade Zone the International Trade Center, Foreign Trade Zone. It really has nothing to do with zoning, it has no legal impact in terms of what the town can or cannot do out there. It does influence however certain permitting activities at the State level with DEP and it also influences certain Economic Development programs at the State level. So to the point, BASF complex has sat vacant for how many years now? Ten? When people come in to look at that facility it's in what's known as Planning Area 5 which means environmentally sensitive, they go down to the Economic Development Authority in Trenton and it cannot be classified as what's called a Smart Growth Area because it's in an Environmentally Sensitive Area even though it's built. Therefore they don't qualify for the premium type of incentive programs that are available. Now I can tell you that I've participate in conversations in Trenton on this very point and there is no question that that's an inhibiting factor and we've had people here before in the town that have looked at the complex and said without that incentive they're going to go elsewhere and they have. So what we have worked on for many years is to get the Planning Area designation and the ultimate goal would be to get it changed in at least Budd Lake and Flanders which is now the Planning Area of Highlands. Not to be confused with the one I just mentioned. To get that changed to recognize that these are areas in town that are essentially developed areas, there's water, sewer in place and so on these are not pristine environmentally sensitive lands. So we tried a few times we were not successful over the years, more recently with Mayor Greenbaum's office the Mayor led the effort again recently and now the State Planning Commission is receptive to making certain changes. So that not the entire Foreign Trade Zone or International Trade Center but a portion of it some 415 acres or thereabouts including BASF and the 57 acre tract which is adjacent to BASF which was known as BASF West it had site plan approval for 700,000 square feet of office. This organization and others charge that that's irresponsible, that it's contradictory to the State Plan, etc. And then there's another proposal down in Flanders to again remove Planning Area 5 environmentally sensitive which covers old Flanders, Flanders Crossing and goes out and touches Route 206 the highway. In fact it's all Planning Area 5 all over Mt. Olive. So the proposal here is to make that what's known again as a growth area Planning Area 1 as it happens. It simply means the State is recognizing in the State Plan this is an area where there's water and sewer infrastructure, where there's a certain density in existence, not that we're proposing high density development it's just recognizing it's there. Thus it makes it easier again if you're going to (inaudible) a development, incentives or perhaps some permitting activity from the DEP and so on. So this petition is suggesting as I've read it, and I'm familiar with the individuals behind it, it's suggesting that the town has got some nefarious plan to wipe out all of the environmental controls in place and turn the development over to whomever behind closed doors with no controls in place. It's absolutely ludicrous. First of all the zoning is still in place, all of the environmental controls at the local level are still in place, the State has all of the controls that they need DEP, etc. it's in the Planning Area so we're not subject to the Highlands Preservation requirements the town made the decision not to subject those two areas to the Highlands. And so what we're doing . . . in fact what we're doing now we've been trying to do, we being the town, for at least 7 years. And there's draft State Plan maps out there showing these areas changed back it's got to be 5, 6 years ago. It's just (inaudible) forever to get to some place and now they finally got to the place where they're willing to do some of these changes and now this what I would characterize as alarmist nonsense out there that somehow Mt. Olive is out you know in cahoots with some developers to destroy the environment. So anyway with that very objective and unbiased analysis of that petition is what I can offer you. But I think if anyone is interested go to Trenton next week 9:30 State Planning Commission meeting down in Trenton and we had a hearing up here we were all here we put our peace on the record as did they and as did those that oppose it I should say and we'll see what happens.

MR. WEISS: Thank you Chuck.

MR. BUCZYNSKI: Just don't get confused between the Highlands Council and the Highlands Coalition.

MR. MCGROARTY: Right, that's right. I'm glad Gene mentioned it I'm ranting a raving about the Highland Coalition they are not the Highlands Council. The Highlands Council whether we like the Highlands Act or not the folks at the Highlands Council always I think in my view anyway have very responsive and willing to work with Mt. Olive. In fact we're working with them now about the potential

redevelopment designation along the Highway. So I'm glad Gene made that point this organization is not the Highlands Council.

MR. NELSEN: Can you break that down for us the Highlands Council as opposed to the Highlands Coalition? Break that down a little further.

MR. MCGROARTY: The Highlands Council is a creature of the Highlands Act it was established by the legislature it was established in the Highlands order of planning and protection act and it called for the establishment of a Highlands Council which is made up of whatever number of representatives and so on and their offices are in Chester. But they are responsible for implementing the Highlands Plan the Highlands Act in conjunction with the State, the DEP. They are the entity that drafted, released the Highlands Master Plan and of course we adopted a version of that the Highlands Master Plan for Mount Olive last year if you remember. The Highlands Coalition is a private organization of some sort but other . . . you know I don't know whether . . . are they funded or what. But I've had direct experience with the individual who is organizing this here and elsewhere and I can tell you getting facts straight does not seem to be the primary concern when representing . . . what I'm saying is that there are advocates for no growth at all and the position is if anyone disagrees with them or somehow in cahoots with as I said people that are out to circumvent the Municipal Land Use Law and the Open Public Meetings Act and everything else.

MR. BUCZYNSKI: They think their cute by using the names Highlands because they don't think the Highlands Coalition and the Highlands Council really talk back and forth on the same line.

MR. WEISS: I have just one quick thing training in 2013 we have, who on the Board needs it besides Michael . . .

MS. NATAFALUSY: And David.

MR. WEISS: And Brian?

MS. NATAFALUSY: No Brian is the Mayor representative so he doesn't have to.

MR. WEISS: So I think what we need to do is just find some dates.

MS. NATAFALUSY: There's dates in there if they're interested let me know and we'll sign them up.

MR. WEISS: Okay so that's something . . . if you look at this document there's dates right on the front cover.

MS. NATAFALUSY: I think there's one at the Fire Academy the Police & Fire Academy at the end of January. But I'm not sure if we'll be able to make that.

MR. WEISS: So for those that need the training I need you to reach out to Catherine and schedule some time make sure you handle that. I have nothing else.

MS. NATAFALUSY: They have 18 months from the day of their appointment.

MR. VAN NESS: Mr. Chair?

MR. WEISS: Yes sir.

MR. VAN NESS: I'd like to motion that we adjourn the meeting.

MR. WEISS: Scott that's the best idea you've had.

MR. FLEISCHNER: I'll second it.

MR. WEISS: All in favor?

EVERYONE: Aye.

MR. WEISS: Thank you good night.

(MEETING ADJOURNED AT 7:40 P.M.)

Transcribed by:
Lauren Perkins, Secretary
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