

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, John Mania, Nelson Russell, Scott Van Ness (7:31), Steve Bedell (7:41), Howie Weiss

Members Excused: Mayor David Scapicchio, Jim Staszak, Dan Nelsen

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

Professionals Excused: Edward J. Buzak, Esq.

SUMMARY MINUTES FOR FIRST HALF HOUR – PROBLEM WITH RECORDING EQUIPMENT

Meeting called to order 7:31 p.m.

Reports:

Mayor - no report

Council – no report

Environmental Commission – no report

Open Space – next meeting Monday, September 26. Ms. Gadelha advised the Board of her resignation as the Planning Board Liaison to the Open Space committee since she and her family are moving and asked if anyone was interested in taking her position.

PB 11-19 Devin Connor – Mr. Connor was sworn in by Ms. Cofoni. The Chairman asked the applicant to explain what he wanted to do on the property. Mr. Connor advised the Board of the improvement he is proposing - install a patio and construct a shed. The shed will not be used to house vehicles. It will just be used for storage and to help clean up the yard. The dwelling on the property has no basement and minimal attic space.

Ms. Natafalusy provided the Board with overview of her report.

The application is to construct a patio and shed on Lot 7 in Tax Block 3300, otherwise known as 18 Center Street. The property is a nonconforming lot in the R-4 zone district wherein a minimum lot area of 10,000 square feet is required. The applicant proposes to construct a steel shed measuring 18 feet in width by 20 feet in depth by 13 feet in height. The proposed location of the shed conforms to the setbacks for an accessory structure; however, the height of the shed exceeds the height limits for an accessory structure; therefore a variance is required. Ms. Natafalusy cited Section 400 Attachment 3 of Land Use Ordinance – “except for lots of one acre or less where the setback shall be five feet for an accessory structure having a height of 12 feet from grade to peak. Variances are also required for exceeding the permitted building and lot coverage. At present the house and deck equal 19 percent, just under the 20 percent permitted. With the construction of the shed the building coverage will be 25 percent which exceed the limit. Calculations for lot coverage show with the installation of the patio and shed lot coverage will be 36 percent whereas 30 percent is the maximum permitted. Ms. Natafalusy also prepared calculations for current conditions: building coverage without the shed equals 1,124 square feet which is 19percent. Lot coverage without shed and patio equals 1,496 square feet which is 25 percent.

Mr. Buczynski asked if the site is flat. Does it flood normally? Mr. Connor said they have no problem with flooding.

Mr. Connor advised the Board the shed will be the same colors as the house and trim.

At this point, Ms. Natafalusy advised the Chairman there was a problem with the recording equipment. Realized the PA switch was turned off - back on record at 8:01:47p.m.

MRS. NATAFALUSY: Okay we’re back on that but that whole conversation was not recorded.

MR. WEISS: How far, how long back?

MRS. NATAFALUSY: It might have been recorded but it just didn’t up until this point.

MR. MCGROARTY: Do you think the entire time?

MRS. NATAFALUSY: I think so.

MR. WEISS: Well we're going to continue on I can't ask Mr. Connor to start over again. Let me just break from what we're doing real quick. Is there anybody from the audience here to speak about this application? All right so that's an interesting concept that nobody here objects or we haven't received any objection so it certainly bodes well for Mr. Connor. Steve?

MR. BEDELL: Just to throw in my two cents I understand the shed, the use of the shed, the need of a shed I look at this shed and I just don't know if a shed that size belongs on that small lot in that neighborhood. It's just such an industrial looking shed, again it's my two cents take it for whatever it's worth.

MR. WEISS: Well as you sit on the Planning Board your two cents does count.

MR. BEDELL: Okay.

MR. WEISS: Maybe at home it doesn't but . . .

MR. BEDELL: That's . . . you know I don't know I have a problem with

MR. WEISS: Steve I have to I have to say I agree with it because we have, I don't know what the right word being the integrity of the neighborhood, unfortunately on a property that's 6,000 square feet maybe a two story garage is inappropriate. Not that that's the feeling of the Planning Board but I understand what you're saying.

MR. BEDELL: I think that if it was more shed looking you know I might bite a little bit more.

MR. VAN NESS: Do you have pictures of it?

MR. CONNOR: Yeah there is a picture here I can pass around it's something similar to it it's not actually . . .

MS. COFONI: Is that your only copy of that?

MR. CONNOR: Yes it is.

MS. COFONI: Okay maybe we can photocopy that page?

MR. CONNOR: Okay.

MR. WEISS: Well you know what maybe not because I think we can say the line drawing represents the color picture.

MR. CONNOR: This is a more clear picture of what a . . . it's a picture of an actual shed, not the exact dimensions of the shed.

MR. WEISS: I don't know if we need to have

MS. COFONI: Okay do you want to submit it or no?

MR. WEISS: If you submit it you can't have it back.

MR. CONNOR: Then I don't want to submit it. Can I just walk it past everybody?

MR. WEISS: I think you can do that Mr. Connor that's a very good idea.

MS. COFONI: Yeah there you go.

MR. WEISS: The record will show that we're not going to take that as an exhibit but maybe for the record we're basically looking at a color picture of what's previously been submitted as shed dimensions and elevations.

MR. VAN NESS: It's a horizontal (inaudible) then what you're showing is what it would look like?

MR. CONNOR: Correct.

MR. VAN NESS: And that's the style you chose?

MR. CONNOR: Correct looking more like the home.

MR. VAN NESS: So it almost looks like (inaudible) or siding whatever.

MR. FLEISCHNER: Siding it looks like vinyl siding.

MR. CONNOR: And there will be a 6 foot . . . there's a 6 foot high fence already around the property and we're going to be going for permits to redo that fence so . . .

MR. BEDELL: Is that the bottom one?

MR. CONNOR: Yeah the bottom one similar to that so you're only going to see maybe 2 to 3 feet above the fence and that would only be the neighboring properties.

MR. WEISS: Go ahead Scott.

MR. VAN NESS: Why do you need it that big? Why not 15 foot . . .

MR. CONNOR: Again I said my house is 800 square feet so that's probably bigger than most people's garages or rather their garages are probably bigger than my home. I don't have a basement, I have no storage I just lost my father and I'm in the process of cleaning out his home which is a farm. So we have no storage I don't feel like renting a spot to go through all of the stuff so this helps you know in a lot of ways.

MR. WEISS: I don't want to speak for the Planning Board and I think we're very compassionate about that and I think from a Land Use perspective I think . . . I cannot speak for the entire Planning Board but there's a level of discomfort when the home is 800 square feet and the shed is kind of out of proportion and it's out of proportion to what's accepted in the neighborhood.

MR. BUCZYNSKI: its 378 square feet so it's . . .

MS. COFONI: What is it Gene?

MR. BUCZYNSKI: 378 square feet.

MR. WEISS: Almost 50 percent of the size of the home based on what you just said and we have to protect the character of the neighborhood and that's . . . there has to be a fine balance and I think when we look at all of the issues it sounds like no one of the Planning Board has an issue with the height. Scott kind of put it in perspective for us you make very good sense when it comes to the patio, shortening the patio, anything smaller defeats the whole use of it and it's not an intrusive item. I think when we're talking about the shed it just it's out of character in my opinion for the neighborhood.

MR. CONNOR: When I took into account when I had to remodel the home I kept the same you know to keep the same as the neighborhood I didn't change the peak of the roof I didn't double the size of the home I didn't do any of that which you know I probably should have done just because of living space. My next door neighbor has an existing garage structure that was there from probably the 1950's which is quite a large thing except it borders the property lines so you know it's not really too much bigger than that plus with the added of the fencing going around it it's really not going to be much of an eyesore considering you know the condition of most of the homes in the area aren't that great looking. I mean it's not a great area and you know we take care of our house it's one of the cleaner and neater kept homes in the area so we don't want to do anything to distract from the neighborhood w like it the way it is.

MR. VAN NESS: What's your rear yard lot line against?

MR. CONNOR: its Route 46 there's a vacant lot behind us and then Route 46. So it's a really commercial space that would be behind us so there's a possibility . . .

MR. VAN NESS: The new State Farm building to an angle?

MR. CONNOR: Yeah we're two or three lots down from that so in reality what I'll be looking at most likely in the future would probably be the back of a big building or a store or an 8 foot high fence in my backyard because of the commercial space.

MR. FLEISCHNER: I think what Mr. Connor says is true because when we say the character of the neighborhood you ride through that neighborhood you're not even going to know the shed is there, the reality is. Take a ride down that street someday which I would always encourage every member of the Board to do before an application appears before us. It's not going to affect the character of the neighborhood at all.

MR. WEISS: Tiena you had a question?

MS. COFONI: My question was you said that you had various sizes of sheds that you could choose from. Was there a reduced size shed, if the Board is so inclined was there a reduced size shed that you would be willing to take that's the next size down from this one? Or you know I wasn't sure if that's a possibility.

MR. CONNOR: No it wouldn't . . . weighing out the money and everything else it just wouldn't make sense.

MS. COFONI: Okay.

MR. WEISS: You mentioned Mr. Connor that you were going to come back and build a fence, how high is the fence going to be?

MR. CONNOR: A standard 6 foot high.

MR. WEISS: 6 foot high.

MR. CONNOR: Yeah there's an existing one there on the back and the side and that we'll be going for the application to replace that.

MR. WEISS: Rene do you have a question?

MS. GADELHA: Um you had said you're not planning to put a vehicle in the shed?

MR. CONNOR: Correct.

MS. GADELHA: If you move and somebody moves in and wants to put a vehicle in the shed what's the . . . you know for the zone and everything obviously is that illegal? Is that an issue?

MS. COFONI: Not that I'm aware of.

MRS. NATAFALUSY: They'd have to extend the driveway and I don't . . . they couldn't do that they need a variance to extend the driveway.

MS. COFONI: Because it would be additional impervious coverage so that that would . . .

MS. GADELHA: Well that's if you choose to extend the driveway you could drive over the grass (inaudible) there. Would it be illegal to keep a car in the . . .

MS. COFONI: Not that I'm aware of no.

MR. MCGROARTY: My answer to that would be, I mean I don't know in terms of the Code if there's any specific requirements but essentially it will function as a garage, a detached garage. I mean maybe the problem is referring to it as . . . well this gentleman has explained why he has done it but if he had come here and said it was a detached garage it probably be a different . . . I mean the aesthetics of it are still an issue but I think if you park a car in it it's a detached garage.

MS. GADELHA: And so that would be legal in that zone for that . . .

MR. MCGROARTY: Yes.

MS. GADELHA: Okay I just wanted to make sure. If we were to approve this it wouldn't create a problem for a future homeowner.

MR. MCGROARTY: I believe right?

MS. COFONI: Yes.

MR. MCGROARTY: Detached garages it's kind of like a throwback to the old neighborhoods when you had a detached garage it was quite common.

MR. CAVANAUGH: One other comment Mr. Chairman I mean we've had a number of applications similar to this in this area and I personally don't think it's unreasonable I mean for a homeowner that's paying taxes that's in Budd Lake it's what he can do on the property. I mean we've seen other bigger garages in fact, a guy had a fire truck as I recall one time.

MR. MANIA: We remember that don't we.

MR. CAVANAUGH: So I mean my opinion is this is not unusual there's no neighbors that have any positive or negative issues with it. But that's just my comment.

MR. WEISS: I think we heard Mr. Connor testify to the negative criteria that it won't take from the community; it won't have any negative impact on the community. I think he was clear to say that so, and nobody objected to that comment so I think he's proven to the Board that he did what he had to now the question is whether the Planning Board agrees and . . .

MR. MCGROARTY: Mr. Chairman, this structure would be . . . and I haven't looked at the property because Catherine reviewed this one. Would it be accurate to say that one would only be able to see the front of this structure from the street?

MR. CONNOR: Correct.

MR. MCGROARTY: To the side one side there's a fence already in place?

MR. CONNOR: Correct.

MR. MCGROARTY: The other side I don't know how close your neighbor would be.

MR. CONNOR: He's right there there's a chain link fence there I actually have my neighbors to the left and right and in front of me I hand delivered the notices to them I explained to them what was going on and none of them had a problem with it at all.

MR. MCGROARTY: Let me ask you then if I could Mr. Chairman one question. I'm just looking at the photos of your house is it siding and some kind of a planking look on a horizontal.

MR. CONNOR: Correct.

MR. MCGROARTY: I didn't get a chance to see the document that's not an exhibit, is that a vertical line or a horizontal line?

MR. CONNOR: It's a horizontal line.

MR. MCGROARTY: Horizontal line.

MR. CONNOR: Yeah to go as close to the home as we could. Same with the color.

MR. MCGROARTY: Oh same color. I mean the question would be is there any way you can add something to the front of the structure if that were necessary so that if you saw it from the street it wouldn't stand out as a steel industrial looking building. But if it's not necessary that's fine I didn't see the . . .

MR. WEISS: I think we're going to go on the assumption that it's not visible from the street.

MR. RUSSELL: It really wouldn't be much different from something you'd buy at Lowe's.

MR. WEISS: Okay so you know what I think then I think we've heard plenty of testimony we've had plenty of comments let's not drag this on any further unless somebody has something earth shattering which I don't see. Let me open it to the public for anybody that has any comments and I see nothing from the public. So let me entertain a motion.

MR. FLEISCHNER: I move we approve Mr. Connor's application with all of the appropriate variances that are required.

MR. MANIA: I'll second it.

MR. WEISS: Okay any comments or conversations about it? Seeing none Catherine roll call.

MRS. NATAFALUSY: John Cavanaugh - yes
Joe Fleischner - yes
Rene Gadelha - yes
John Mania - yes
Nelson Russell - yes
Scott Van Ness - yes
Steve Bedell - yes
Howie Weiss -

MR. WEISS: Mr. Connor I still think its overkill and I'm going to say no. But I wish you a lot of luck. The process at this point is that in about a month we'll have a resolution for you that will memorialize what happened this evening and you'll have your approval to go ahead and build your patio and your shed.

MR. CONNOR: I would like to see if I can have that moved up to an earlier time to 15 days or waive that just because of winter coming?

MR. WEISS: I would say that's extremely unlikely.

MRS. NATAFALUSY: You mean the resolution?

MS. COFONI: I mean the earliest it would be would be the next meeting which is . . .

MRS. NATAFALUSY: Next week.

MS. COFONI: Oh next week no it can't happen. I would have had to have it already done.

MRS. NATAFALUSY: So the 13th of October.

MR. VAN NESS: But he can start his building permits and all of that ahead of time right?

MRS. NATAFALUSY: He can apply for building permits but Gary is not going to issue him anything until the resolution is memorialized. He told me that the other day on another matter.

MR. CONNOR: So approximately 30 days?

MR. WEISS: Yes it will be the first . . . if you look at the calendar the first Thursday . . .

MRS. NATAFALUSY: October 13.

MR. WEISS: I'll make sure that I ask our attorney to have the document prepared for the first meeting which is the second Thursday of October.

MS. COFONI: I wrote that down.

MR. WEISS: And we'll make sure because sometimes it goes a lot longer but in your case that's realistically the soonest we can get it.

MR. CONNOR: Okay that's fine.

MR. WEISS: Understand the Planning Board doesn't meet but twice a month.

MR. CONNOR: I understand.

MR. WEISS: The next one is next month so we'll have it . . . do you know the date?

MS. COFONI: Yeah Catherine just said October 13 so I wrote that down.

MR. WEISS: Okay we'll make sure that we memorize it then. Good luck with the project Mr. Connor.

MR. CONNOR: Thank you very much.

APPLICATION #PB 11-23 – IIT MT. OLIVE DC LLC

MR. WEISS: Okay next application is PB 11-23 IIT Mt. Olive DC LLC preliminary and final site plan with waivers at 300 International Drive which is Block 103, Lot 2. This evening we have Mr. Goldstein good evening Alan how are you?

MR. GOLDSTEIN: Good how are you?

MR. WEISS: Wonderful thank you.

MR. GOLDSTEIN: This is an application for a property in the Foreign Trade Zone what we're simply looking to do is add some parking space and some loading dock. So it's clearly that simple it's the old BMW building, Greg is the engineer he's qualified and testified before you many other times. So if you want to swear him in he can tell you what we're going to do.

MR. WEISS: We will certainly swear in Greg as a professional engineer in this matter. I believe we've all heard from Mr. Ploussas.

(GREGORY PLOUSSAS SWORN IN FOR THE RECORD)

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

MR. PLOUSSAS: Gregory Ploussas (P-L-O-U-S-S-A-S) and the address is 100 Matawan Road Matawan, New Jersey.

MR. GOLDSTEIN: Greg would you describe our proposal please?

MR. PLOUSSAS: Sure. I prepared a colored rendering of the site plan which is sheet 3 of 5 and Alan is handing a small copy out to the Board so they could possibly read it a little easier.

MR. WEISS: That's sheet 3 of 5 which we're going to mark that one A-1.

MR. GOLDSTEIN: A-1.

MR. WEISS: And it's sheet 3 of 5 which is a color rendering of the site correct?

MR. PLOUSSAS: Yes.

MS. COFONI: Is there a date on that plan already?

MR. PLOUSSAS: On the site plan there is I'll get it.

MS. COFONI: If there isn't one on that that's fine.

MR. PLOUSSAS: No there's not.

MS. COFONI: Okay that's fine.

MR. PLOUSSAS: Basically as Alan said this building is known as 300 International Drive. It's in the FTZ-1 zone as you go on International Drive it's the second building on your left it's known as Lot 2 CON2 Block 103. It contains 46.0965 acres and is in the FTZ-1 zone. The Planning Board originally heard the

application for this site plan back in the 1980's at that time the building was constructed for a tenant who used it for many, many years known as BMW. They vacated the building many years ago. It was sold to several entities and the current owner is who we are working for now. They purchased it from Prologics. There's one existing tenant in the building the entire building is 251,838 square feet. The existing tenant occupies 125,919 square feet, basically half of the building. What the current owners want to do is subdivide the building into either two or three suites so they could rent the balance of the building. It's similar to some of the other applications that have been in here before the Board. The issue is the original design was for a single use building, one user and the loading docks were customized for their uses. When you get a multi-use building you need to have flexibility as to the location and the amount of the loading docks. Currently there are 15 loading docks on the building, we're proposing to add 23 additional loading docks and the loading docks both existing and proposed are on the south side of the building. If you look at the rendering over here there are 15 existing loading docks there is a concrete area about two thirds of the way down on the building which was used for trailer storage by BMW years ago. So what we're proposing to do is fill in a small, there was about a 10 foot portion of grass left between the concrete and the building, we're proposing to fill that in with concrete and add a total of 23 loading docks in this location and then we have 3 existing loading docks and we're adding 2 more loading docks in this location. Along with that we're adding some more parking spaces to the rear of the building. When the site was developed it was graded and the utilities were put in, the water main for example was put in way back here about 250 feet from the rear of the building. The reason for that they were planning some type of future extension of the building so that never happened. What we do have in the back is a fire lane that is paved now and what we're doing is we'll be rebuilding the fire lane and relocating a portion of it and adding 25 parking spaces back there. In addition you can see on the architectural plans we've laid this out for three suites right now and we've assumed that Suite number two would be 50,000 square feet and Suite number three would be 68,000 square feet but that's just basically our best guess at this time. The owner is out marketing the building and this line may move one way or the other. We've shown two new entries into the building, main entries with lobbies one on the north side of the building about two thirds of the way down, and one at the rear side of the building adjacent to the new parking lot. We've done the calculations as far as parking requirements and that's why we added the 25 new spaces. Oh I'm sorry also in the front of the building here we're restriping three of the spaces to provide two handicap spaces instead of one which is there now so that we meet the current ADA requirements. That's why we're, if you look at the map on the plans we're building 25 new spaces we're only gaining 24 because we're giving one up. That is the essence of the application we're just simply adding some more loading docks and adding some parking in the back. With that, the impervious coverage will increase slightly, it will increase seeing the impervious coverage on the site by 10,821 square feet or 0.248 acres and that's done purposely we wanted to keep under a quarter acre of impervious coverage so that we did not have to install . . . have to go out there and improve the existing stormwater drainage system that's out there now to meet the new regulations. The stormwater drainage system that's out there now was installed back in the 1980's in accordance with at that time the Mt. Olive Land Use Ordinance which made us reduce the peak rate of runoff from the 100 year storm down to the 10 year storm which right now even exceeds State standards. So from a stormwater runoff viewpoint this application will have a diminimus effect on that. The overall total impervious of the site total is 23.3 percent and with this little bit amount of paving it will increase to 23.6 percent. Again a diminimus, we have a 46 acre site here so it's not going to affect it at all. We have existing on the site 148 parking spaces, but we're adding 25 and taking one away so when we're done we'll have 172 parking spaces. I do have a copy of the letter that Gene wrote from Van Cleef Associates dates August 9 the only thing that we're missing is a certification from the Morris County Soil Conservation District, we've applied for that and expect to have it issued at their September meeting. We are also requesting as part of the application three design waivers one for the environmental impact statement, one for the stormwater management calculations, and one for the size of the parking spaces. The waiver request for the environmental impact statement and the stormwater management plan are basically both for the same reasons, this is an existing developed site there's no new building expansions going on exterior wise, no new land disturbances beyond what was disturbed previously. So there's really nothing to gain by submitting an environmental impact statement. All the information that was required at the time was provided to the Planning Board in the 1980's so we respectfully are asking for waivers to those. And also the size of the parking spaces your ordinance requires either a 10 foot by 18 foot space, or a 9 foot by 20 foot space, we are proposing 9 foot by 18 foot spaces one to meet the current low impact development standards of the State and using their Best Management Practices Manual. Two the Institute for Traffic Engineers recommends 9 foot by 18 foot spaces in this case, and three in essence we do have a 20 foot space because the car could overhang the curb by 2 feet here on either side and we'd get the 20 feet.

MR. WEISS: Greg what is the size of the other 148 spaces?

MR. PLOUSSAS: 9 by 20.

MS. COFONI: 9 by 20?

MR. PLOUSSAS: Yes.

MRS. NATAFALUSY: Excuse me Mr. Chairman, we do have a copy of the Morris County Soil Conservation Certification, Soil Erosion and Sediment Control Plan certification.

MR. WEISS: Did that just come in?

MRS. NATAFALUSY: It came in August 29th.

MR. PLOUSSAS: When I checked with him they said they were going to act on it at the next meeting.

MRS. NATAFALUSY: It says 300 International Drive.

MR. PLOUSSAS: When I get back I'll get a copy of it and the Board has it so . . .

MR. WEISS: Lucky day.

MR. PLOUSSAS: Right see you come in and you get something. But as far as the size of the parking spaces that really is the current standard is 9 foot by 18 foot.

MR. WEISS: I don't think that would be unreasonable Gene you can tell us if we're wrong but that . . .

MR. BUCZYNSKI: Yeah I wanted them just to get on the record today. Greg submitted letters outlining the reasons for the three design waivers and I see no problems with that. We've allowed that size of parking space in other developments in town.

MR. WEISS: Do you think that's a noticeable difference if you have 148 of one size and 25 of another?

MR. BUCZYNSKI: No I don't think so.

MR. PLOUSSAS: No and it's also in a different location.

MR. WEISS: I see that right okay I'm just asking. Anybody else on the Planning Board?

MR. FLEISCHNER: I have a question although it's not a direct affect on your application I know you've been before this Board on other buildings the same way, have those buildings been rented out?

MR. PLOUSSAS: Not all of them some of them they have and they're doing the tenant work now. I know two of the buildings on Clark Drive are doing tenant work now but some of the other ones it's the ones we got approved I think three years ago along International Drive a couple of smaller flex buildings, they're still looking to market those. Again there's different tenant, different owners but . . .

MR. FLEISCHNER: Right I understand. Does this owner, you said he's currently marketing does he have any potential customers at this point that you can discuss?

MR. PLOUSSAS: I know he's speaking to perspective tenants, how far he is in the negotiations I don't know.

MR. FLEISCHNER: Right I understand thank you.

MR. GOLDSTEIN: I should make clear that the applicant was shown as different than the owner. The owner was Prologis, since the application was filed the applicant has acquired the property so they are now the owner.

MR. FLEISCHNER: Right thank you.

MR. WEISS: Anybody on the Planning Board have any questions? Scott?

- MR. VAN NESS: Is the driveway in the back is it remained marked as a fire lane?
- MR. PLOUSSAS: Yes a portion of it. From the southerly end of the new parking lot okay there's . . .
- MR. VAN NESS: Both sides?
- MR. PLOUSSAS: Yes they're going to replace the existing gates or actually relocate the gates that are there now.
- MR. VAN NESS: And the concrete curbing is going to come out for those driveways?
- MR. PLOUSSAS: For the . . . I'm sorry?
- MR. VAN NESS: Where it meets the existing driveways today.
- MR. PLOUSSAS: Yes that will be . . .
- MR. VAN NESS: Because that's gravel, isn't it gravel now?
- MR. PLOUSSAS: No that's asphalt, its asphalt, it's not in good shape in a lot of areas but it is paved. On the one side, on the southerly side that access is there to remain and on the northerly side we'll be relocating the access with new curb.
- MR. VAN NESS: And they'll both be marked fire lane.
- MR. PLOUSSAS: Yes.
- MR. VAN NESS: And obviously the entire section will be improved?
- MR. PLOUSSAS: Excuse me?
- MR. VAN NESS: The entire section will be improved?
- MR. PLOUSSAS: Yes.
- MR. WEISS: Thank you Scott. Gene did you have anything from your report?
- MR. BUCZYNSKI: The other thing which just for the record that any new signage that may be required by the applicant will conform to the ITC standards?
- MR. PLOUSSAS: Yes, the answer to that is yes and I did forget to mention it the site plan does show the location of two proposed tenant Type H signs which meet the FTZ Manual and there's a detail on the back.
- MS. COFONI: Gene you said FTZ Standards?
- MR. BUCZYNSKI: Well it used to be FTZ now we can call it ITC.
- MR. WEISS: It's the old Foreign Trade Sign Manual.
- MR. BUCZYNSKI: It's in my report it's the International Trade Center Sign Program Manual.
- MS. COFONI: Thank you.
- MR. WEISS: I once had a copy of that I don't know where it is.
- MRS. NATAFALUSY: Mr. Chairman will they need a zoning permit for any new tenant and for the signs?
- MR. PLOUSSAS: You're telling us right?
- MS. COFONI: Yes.

MR. PLOUSSAS: Yes. Yeah as I say we're not sure where the demising walls are going to be so when they know that they'd have to come in for the zoning permit anyway.

MRS. NATAFALUSY: And the sign.

MR. PLOUSSAS: And the sign you know and you know because we don't exactly know the mix of how much office, how much warehouse we have to prove to the Township professionals that we have adequate parking in accordance with the site plan approval.

MR. WEISS: Tiena?

MS. COFONI: I know you don't know the actual dimensions of Suite two and three but is it only going to be a maximum of three suites or could it be more than three suites?

MR. PLOUSSAS: I think the owner would like to ability to have more than three suites depending on the size of the tenant and as long as we don't exceed the 225,000 square feet total.

MS. COFONI: Oh I see yeah. Well yeah I mean certainly there wouldn't be an expansion of the building.

MR. PLOUSSAS: No right.

MR. WEISS: You wouldn't have to change the entrances though would you if let's say you made four?

MR. PLOUSSAS: Yes we would need new entries but my thinking is as long as we conform to the zoning and the parking requirements are acceptable it's an administrative matter for the planner, engineer and the zoning officer. But you tell me if I'm wrong.

MR. WEISS: I don't know Catherine do you agree with that?

MRS. NATAFALUSY: As long as the office and warehouse meet the parking standards.

MR. PLOUSSAS: As long as the parking were all right yeah.

MR. BUCZYNSKI: As long as the parking agrees you know . . .

MR. PLOUSSAS: Yeah we've been generous with the office here we've calculated it using about 14 percent. Typically they only run between 5 and 10 percent so we built some flexibility into the parking.

MR. WEISS: Rene?

MS. GADELHA: So this lot off of Suite 3 is 100 percent new?

MR. PLOUSSAS: I'm sorry?

MS. GADELHA: In terms of the parking spaces?

MR. PLOUSSAS: Yes the lot behind Suite 3 is new other than the fact that there is a fire lane there.

MS. GADELHA: Okay and then behind really what you can't see on the map, is there any residential back there? I'm not familiar with what

MR. PLOUSSAS: No

MS. GADELHA: The lighting wouldn't be an issue because it's a parking lot.

MR. PLOUSSAS: No.

MS. GADELHA: Okay that's it.

MR. PLOUSSAS: Not within hundreds, and hundreds of feet, maybe a thousand.

MR. GOLDSTEIN: There's a railroad back there.

MR. WEISS: It sounds like we have no other questions for you. Let me open it to the public, if anybody from the public has any questions for the testimony delivered by Mr. Ploussas? I see none, any other questions for Greg? Seeing none Greg thank you.

MR. PLOUSSAS: Thank you.

MR. WEISS: Alan?

MR. GOLDSTEIN: If anyone has any other questions I will try and answer them otherwise Greg is the end of our testimony.

MR. WEISS: I see a lot of heads shaking no. Gene, Chuck?

MR. BUCZYNSKI: No.

MR. MCGROARTY: No questions.

MR. GOLDSTEIN: Thank you very much.

MR. WEISS: And so that will conclude your testimony this evening Mr. Goldstein on this application?

MR. GOLDSTEIN: Yes sir.

MR. WEISS: That being said any comments?

MR. MANIA: I'll make a motion.

MR. WEISS: Oh John you're going to make a motion, what is that motion?

MR. MANIA: A motion to approve PB 11-23 IIT Mt. Olive DC LLC.

MR. RUSSELL: Second.

MR. WEISS: John thank you, Nelson. I think maybe just to be sure I did open it up to the public for questions for Mr. Ploussas but perhaps I'll open it to the public if anybody has any comments on the application itself and I see none. So we have a motion we have it seconded, any comments? Seeing none Catherine roll call please.

MR. NATAFALUSY:	John Cavanaugh	- yes
	Joe Fleischner	- yes
	Rene Gadelha	- yes
	John Mania	- yes
	Nelson Russell	- yes
	Scott Van Ness	- yes
	Steve Bedell	- yes
	Howie Weiss	- yes

MR. WEISS: Gentlemen thank you.

MR. PLOUSSAS: Thank you very much for your time.

APPLICATION #PB 11-20 – S & S REAL ESTATE INC.

MR. WEISS: Okay our next application is a "d" variance which requires

MR. MANIA: Mr. Chairman I've got to step down.

MR. WEISS: Mr. Mania will step down from this application and Mr. Fleischner has

MR. FLEISCHNER: I will also recuse myself.

MR. WEISS: Mr. Fleischner will recuse himself from this application for a conflict. So let me introduce the development matter is PB 11-20 S & S Real Estate seeking a "d" variance for preliminary and final site plan with variances and waivers located at 142 Route 46 which is Block 3207, Lot 3.

MR. GOLDSTEIN: Good evening.

MR. WEISS: Welcome back.

MR. GOLDSTEIN: Yes and I'm still here it's nice to be appearing before you on two matters in one night it's been a long time. This is an application for a taking down of an existing two-story house and replacing it with a medical office building about 2,500 square feet. The application is made more complicated by the size of the lot which creates a number of variances. I have four witnesses, I have three of them here tonight my planner/landscape architect will be a carry over to your next meeting. My witnesses are my engineer, my architect and my client who can comment on the use of the building and without further ado I would bring them all up and have them sworn in at one time. If you could open the plans the engineer is going to start with a review of the proposal.

MS. COFONI: Okay we'll swear both of you in then. If you could just whenever Mr. Goldstein calls on you just state your name spelling your last name and giving your business address. I don't know who he's going to start with so it's . . .

MR. GOLDSTEIN: Okay I'm going to start with the engineer but did you get Dr. Sandhu's name?

MS. COFONI: We'll take him for the record.

DR. SANDHU: PARMINDERJEET SANDHU (P-A-R-M-I-N-D-E-R-J-E-E-T) SANDHU (S-A-N-D-H-U).

MS. COFONI: Thank you.

MR. FANTINA: I'm David Fantina the engineer (F-A-N-T-I-N-A).

MR. GOLDSTEIN: All right David what's your business?

MR. FANTINA: I'm the owner of Fantina Engineering I'm a licensed professional engineer in the States of New Jersey and New York. I have appeared before this Board previously but it's been several years since I've done that but I've been a licensed engineer in the State of New Jersey since about 1987. I did prepare the plans that are before the Board tonight.

MR. GOLDSTEIN: Have you testified before the Board before and been qualified? Does anybody have any question on qualifications or can we move forward?

MR. WEISS: Alan seeing none we'll accept Mr. Fantina as an engineer.

MR. FANTINA: Thank you.

MR. GOLDSTEIN: David can you describe what the existing use is on the property now?

MR. FANTINA: Yes the property as Mr. Goldstein said previously is located on Route 46 in the Professional/Business Zone. It's presently, there's an older house on the property which is not occupied and there's a relatively large detached garage. The property is undersized; the requirements of the zone require one acre lot area we're significantly below that about .424 acres so we're less than half of the required lot area. In addition the frontage is 200 foot frontage or width is required in this zone, we only have 100 feet of width. So the lot is significantly undersized and if you look at the neighborhood the character of the neighborhood is somewhat of a hodgepodge in that there are residences, there are commercial uses the property immediately to our north on Route 46 is a Doctor's office, immediately to our south is a residence, across the street is a strip mall, a number of the properties in this area are undersized, a number of them are even smaller than ours, a number of them are narrower. Other lots are significantly larger than our and probably meet the requirements so there's no real uniformity to the neighborhood as it exists right now. I will say though that behind our property there are some residences that front on Elizabeth Lane. In between those properties and ours there's a 30 foot unoccupied right-of-way for South Rose Lane. Now South Rose Lane has actually been vacated north of our property and we have contacted the Township about the possibility of vacating the area behind ours also. The effect of that would be to give us some more property and also more property to our

neighbors to the west and that would tend to lessen the extent of the variances which I'll be describing in a few minutes.

MR. GOLDSTEIN: I might interrupt if I may for a moment. On page two of Chuck's report is a picture of the existing home.

MR. WEISS: I have a question, is South Rose Lane a paper street?

MR. FANTINA: Yes it is.

MR. GOLDSTEIN: The reference to Elizabeth those lots to the rear of us front not on South Rose Lane but on Elizabeth.

MR. FANTINA: You can see that on the key map on the first sheet the property is cross hatched up to the left, then there's the paper street South Rose Lane with no improvements, then the residences are to the west or to the left of that and they front on Elizabeth Lane.

MR. GOLDSTEIN: Dave can you go detail by detail as to each of the proposed improvements to be placed on the property?

MR. FANTINA: Yes the proposal is for a 2,735 square foot medical office building to be used by Dr. Sandhu it will be his office. We have the architect here today to describe the building in detail so I'll restrict my conversation to everything outside the building. What we've done is we've proposed the building in the front and the parking in the rear we thought that would be more attractive especially since the architect's building I think you'll agree is really a very attractive building. We're providing 16 parking spaces in the rear of the building and they'll be accessed by a 25 foot wide macadam driveway. We had designed a large underground detention system which Mr. Buczynski has reviewed in his report he agrees that the calculations we've prepared are acceptable. And that takes care of all the impervious coverage from the site. However because the site is so small there are a number of variances that we're requesting. The first two I already enumerated has to do with existing additions lot area and lot width and we're significantly deficient. But in addition to that there are some other variances and one is for the side yard. The medical office building will be 10 feet off of the northerly side line whereas the requirement is 25 feet. However I should point out that the existing house that you saw a picture of in Mr. McGroarty's report is only about 2-1/2 feet off the side line. So we're actually bringing this closer to compliance than would otherwise be the case. I would also say that there's really no . . . we have no ability to meet the side yard setbacks because if you consider if we have 25 feet on both sides that would restrict our usable area to just 50 feet in the middle and it would actually be less than that because we do have to have the driveway one side or the other. So there's really no way that we could make a meaningful building here and meet the side setback. We're also requesting a lot coverage variance which at first glance at least looks like a very significant one. The lot coverage required in this zone is 40 percent and our proposal is for 61.44 percent. While that's a significant overage I would just reiterate to sound like a broken record here but the property is so small that we can't really make this project work with any less impervious coverage. So what we've done is we've done everything we can to mitigate it. One way of doing that is as I said collecting all of the runoff on site so there will be no negative impacts on the other, any other properties. But in addition to that we made some decisions that we thought were aesthetically correct even though they may, and functionally correct, even though they may tend to increase our impervious coverage. The first one is as I said we put the parking in the back. If we put the parking in the front we'd have a slightly shorter driveway which would cut down on the impervious coverage somewhat it wouldn't get us to the 40 percent but we would be approaching it. However we didn't think it was a very attractive solution to put the parking in the front and the building in the back especially when you see the building I think it's really an attractive smaller building so we thought that was a balance or a trade off request more impervious coverage and put the building in the front. In addition to that your ordinance for a medical office of this size only requires between 9 and 10 parking spaces. However Dr. Sandhu's experience and our own experience is that a building this size for a medical use is going to require more than that and we figure that 16 spaces would be the least that we could provide and still keep cars queuing or having trouble. So 16 spaces is the right number as far as we can see and that's what we're providing. Of course providing those spaces means there won't be anybody trying to park somewhere else or having trouble getting in and out but the additional spaces also do increase the impervious coverage. The third thing is as I indicated we requested to the Town, Mr. Sohl I spoke to him several times and we formally requested that South Rose Lane be vacated. If that's vacated we get additional area. We have no plan to do anything with that area except leave it as green space, leave it as buffer and that would again reduce our impervious coverage from 61 percent down significantly. That would be about 1,500 square feet added to our property.

MR. WEISS: Do you know what it would reduce it down to?

MR. FANTINA: It would be about 56 percent if we didn't do anything else.

MR. WEISS: So that's about 5 percent.

MR. FANTINA: About 5 percent yeah. The other variances that we're requesting have to do with maximum height of 25 feet I'm going to defer the height conversation to the architect he'll discuss the height of the building. I talked about the side yard setback there's a buffer requirement we don't comply with the 30 foot wide buffer adjacent to the residential district. The residential district is behind us however I agree with Mr. McGroarty that we need that variance but I would say that we functionally comply with that. And the reason I say that is that South Rose Lane as I said is unoccupied it's 30 feet wide so it's right now it's no man's land and it's a 30 foot wide buffer a built in buffer. If it is vacated 15 feet of that will go into our property so instead of having a minimum 5 or 6 foot buffer that number will go up to 20, but if it's not vacated and I have every reason to believe it will be, but if its not vacated still functionally that buffer will be in place.

MR. MCGROARTY: Well I don't mean to interrupt your flow but I don't think that's appropriate. I don't think you can testify to a variance now based on utilization of public land. That is the street right-of-way, and I don't mean to interrupt you I apologize but I think at some point you'll need to come back, you or the planner or somebody and address the negative criteria with the buffer as well.

MR. FANTINA: Well your right Mr. McGroarty and the planner will be in next week.

MR. MCGROARTY: Okay I just wanted to make sure we weren't going to lose that. Okay.

MR. GOLDSTEIN: Just to clarify it I don't think it's the intent to leave the applicant to say that we're using public lands as part of our application.

MR. MCGROARTY: Okay.

MR. GOLDSTEIN: But I think that there is some validity to the last point that was made which was even if it isn't vacated as a practical matter there will be a strip 15 feet wide that will remain open green area.

MR. MCGROARTY: It might though or for some reason and I don't know what the reason might be mosquito control whatever it might be the town might come in and clear it.

MR. GOLDSTEIN: That's true.

MR. MCGROARTY: But I think we understand and you'll address

MR. GOLDSTEIN: Because again they vacated the area to the north.

MR. MCGROARTY: Right understood.

MR. WEISS: Chuck thank you for that.

MR. FANTINA: The last two variances are the trash enclosure; we've placed the trash enclosure in the only spot that I think it really makes sense which is in the southwesterly portion of the property. It will be easily accessible there and we could move it so it would be 10 feet off of the property line I could move it over a couple of parking spaces but I don't think functionally it will work. If the Board felt it didn't want to grant that variance we'd certainly move it but I think it makes an awful lot more sense where it's placed.

MR. WEISS: Where else would you move it to?

MR. FANTINA: Well as I said it doesn't make a heck of a lot more sense but if I just moved it over two parking spaces you could have a couple of parking spaces then a dumpster then a couple of spaces. It would be more than 10 feet off of the property lines then but it's kind of an awkward spot.

MR. RUSSELL: Is there a house south of that?

MR. FANTINA: Yeah there are houses . . . as a matter of fact I'll point to the houses. There is a house here, there's a block garage right here almost on the property line and then the dwelling is right there.

MR. BEDELL: What's behind that garage on the other property is it all wooded or is it open?

MR. FANTINA: My recollection is this whole area is wooded but I'm not 100 percent (inaudible). The final variance was for a freestanding sign and we're going to rescind that request. We're going to modify the sign design so that it meets the ordinance.

MR. MCGROARTY: I apologize again if I may? Did I miss it or, and I don't expect that Dave you would be the expert that you would, perhaps your architect but the floor area ratio variance?

MR. GOLDSTEIN: We're going to address it I'm sorry.

MR. FANTINA: Yeah I didn't mention it you're right I'm going to defer to the architect. There is a floor area ratio variance which was called out in Mr. McGroarty's review and that was perhaps his main variance and I'm going to defer that to the architect.

MR. MCGROARTY: Okay so that the record is clear that you do have that variance as well.

MR. GOLDSTEIN: Right.

MR. GOLDSTEIN: All right what my engineer is doing is reviewing Chuck's report. As indicated he skipped over the first point which is the floor area ratio which I'm going to talk about also and he has just listed the additional other variances. Again most of these are a consequence of the lot size we have an undersized lot this is what it is. I'd like him to continue though with a review of the report and to review comments 5.1 is for the architect to address same with 5.2, same with 5.3, 5.4 David would you address that one?

MR. FANTINA: Yeah 5.4 I touched very briefly on that and Mr. McGroarty says that we should at least discuss or at least have looked at a possibility of avoiding the side yard variance. I don't see that there's any way to do that. The two alternatives we looked at were parking in the back, parking in the front; parking on the side doesn't really help us it actually makes it worse. Because the lot is so narrow if you have a drive-in lane and parking it's going to tend to move the building more to one side. I don't see any way to get this building centered on the lot and still get a usable traffic flow in and out of the parking area with the caveat that if the parking was in the front then we could center the building side to side.

MR. WEISS: Okay hold up. Scott.

MR. VAN NESS: Have you discussed this with DOT about the entrances into the property? Do you have to have enter and exit on one side or could you have an entry on one side and an exit on the other which would in turn bring your building at least away from the property line. Gene is that possible over there?

MR. BUCZYNSKI: They won't give them two separate entrances.

MR. VAN NESS: Because we tried that across the street didn't we?

MR. BUCZYNSKI: Yeah they won't give them two.

MR. FANTINA: It has to do with frontage.

MR. BUCZYNSKI: Right.

MR. VAN NESS: They work against us in so many ways.

MR. MCGROARTY: So if I may then I guess the . . . I don't know Mr. Chairman how you want to do this do you want to just wait and let him finish and then we'll go back?

MR. WEISS: Yeah let's do it because we're rolling on this and then I'm sure . . . go ahead.

MR. FANTINA: Okay I think I addressed 5.4.

MR. GOLDSTEIN: 5.5 please?

MR. FANTINA: 5.5 okay 5.5 has to do with the setback of the parking to the rear line and also the buffer. Those were kind of rolled in to twins but they're the same thing. We have about 5 or 6 feet . . . I should mention that not only do we have a small lot and a narrow lot but the lot is kind of oddly shaped. The way we have it we're about 5 feet off in the northwest corner, we're significantly more than that in the southwest corner but because the lot comes on an angle and the parking will be straight we are moved out about 5 feet off here in this direction. Once again South Rose Lane would help us if it was vacated instead of being 5 feet off at a minimum we'd be 20 feet off because we expect to get 15 feet. My discussions with Mr. Sohl's secretary today she didn't have an update for me but the last two times I've spoken to him he said that they hadn't received any negative comment and he thought it would be acceptable. Although when I spoke to Mr. McGroarty and Mr. Buczynski about that I believe they said they hadn't had a chance to comment on it yet, this goes back a couple of months. So I think that was forwarded to them, as of yet I haven't heard . . .

MR. MCGROARTY: We weren't asked to comment on that.

MR. BUCZYNSKI: Yeah we still haven't.

MR. FANTINA: Okay.

MR. GOLDSTEIN: Does that mean you want to make comments?

MR. MCGROARTY: If we're asked.

MR. BUCZYNSKI: If we're asked by the town but we might not be asked.

MR. FANTINA: Okay no one has given them any negative comments to my knowledge at any rate.

MR. BUCZYNSKI: We're not holding anything back but nobody has asked us from the town to comment.

MR. WEISS: That's the process correct? That's an Administrative . . .

MR. BUCZYNSKI: Right.

MR. MCGROARTY: But let me if I may on this variance just point out this is a little different than our typical zoning. In this zone it's not just a question of the parking being close to the rear yard. This zone was created acknowledging that there's a residential area behind it, neighborhoods behind Route 46. And so the ordinance built in a 30 foot buffer within which there cannot be any structures or parking. It does allow, as I indicate in the report that parking can be reduced down to 25 feet for the rear yard setback as long as again the Planning Board is comfortable with the buffers that are provided. And the ordinance the PB zone standard for buffers are a little bit more aggressive than actually the other section of the ordinance regarding buffers. So that again brings us back to the question of South Rose Lane, brings us back to the question of the landscaping which I understand that will be next week for their planner to testify to. But just to keep that in mind that's why that was there was fully recognizing there's a residential area behind it and there's a concern about keeping as dense a buffer there as possible. I'm sorry for . . .

MR. FANTINA: That's quite all right. And item 5.6 then has to do with the trash enclosure and in this one I'll read from Mr. McGroarty's letter which I guess came from the ordinance. It does allow for trash and recycling containers to be placed within 10 feet of a side lot line if *it can be demonstrated that said facilities cannot be situated within the described area due to lack of proper access by service vehicles or where same interferes with safe and efficient circulation within the site*. Again I would say that we have that situation here and that we do have a spot over a couple of space where we can put the trash enclosure but to me it doesn't make any sense there is would be more difficult for a truck to access it and it would be awkward for people to have to park on either side of the trash enclosure.

MR. GOLDSTEIN: 5.7?

MR. FANTINA: 5.7 and 5.8 we agree with . . . there were some I think details or additional information that Mr. McGroarty is asking and we agree to that.

MR. GOLDSTEIN: 5.9 and 5.10?

MR. FANTINA: 5.9 I'm going to refer to my client Dr. Sandhu about disposal of medical waste. And 5.10 I will defer to the architect.

MR. GOLDSTEIN: I'd like to go into Gene's report with the engineer but I'd like to point out to the Board in the ordinance Section 400-101(l) professional zone. I'm not going to read it but if I can paraphrase it and Chuck disagrees with me. As we saw on page two of Chuck's report there's a picture of the house and how I read this particular zone and the creation of this zone is to allow development along a one mile strip on Route 46 between Netcong Road and Cove Street to redevelop these properties taking into account the residences that are there and so forth but also the need to I think remove the kinds of structures that are shown on the picture in Chuck's report. My client or David testified we've got a 2,700 square foot building here that's not a very large building and in order to accomplish that which we want to do we talked about a smaller building it's just not economically feasible, the utilization would not be appropriate or whatever. So we have tried to minimize the impact as best we can on this lot in the manner in which Dave testified. But I want the Board please to keep in mind that this is a special zoned area and it seems the intent of the Township to have these properties developed appropriately if you will. Dave do you want to go into Gene's report?

MR. MCGROARTY: Well Alan? I'm sorry Mr. Chairman I just, one question again just procedural so I understand and I'll stop interrupting you then. Will your planner be addressing these variances in somewhat more detail? That is the nature of the variance?

MR. GOLDSTEIN: Yes.

MR. MCGROARTY: Okay very good.

MR. GOLDSTEIN: I regret that he's not here tonight.

MR. MCGROARTY: Not . . . well it's not for me to say it's not a problem but that's all I want to know.

MR. GOLDSTEIN: He's going to go through each of the variances and give the reason for

MR. WEISS: That would be proper protocol obviously to have the planner address the variance.

MR. MCGROARTY: I just wanted to make sure because I know Mr. Fantina gave us some

MR. GOLDSTEIN: Ken Nelson is the planner (inaudible) landscape he will discuss both.

MR. WEISS: Well then let's start looking at Gene's report then.

MR. FANTINA: Gene's report I can . . . I think I can do it quite quickly because he asks for a number of technical changes to the plans. First he just talks about general variances but if you look at B. Technical Items the first six we have no problem we agree with those completely. Item 7 and 8 have to do with landscaping and I was going to agree with him but I will defer to Mr. Nelson because I think he does have some comments on the landscaping in response to the comments. Items 9, 10 and 11 again are detail oriented and I agree with all of those I have no objection to making those plan changes. As far as the approval of the other agencies are concerned the first one New Jersey Department of Transportation we were waiting to appear here tonight before we submitted application to them just to see what the feedback from the Board would be. But as soon as we get some feedback from this Board we will be making an application to them. Certification from Morris County Soil Conservation District that is pending and the Township of Mt. Olive Health Department for the proposed well we will be submitting that upon approval if approval is given for this project by this Board. And the Department of Public Works for connection, Dr. Sandhu has already paid for the dwelling units; we've already made the application there.

MR. BUCZYNSKI: But he still has to submit an application for actual connection.

MR. FANTINA: Right that will be done again after approval if any by this Board.

MR. BUCZYNSKI: I think you're done right Dave?

MR. FANTINA: I'm done.

MR. BUCZYNSKI: The only item, I submitted a report August 9 now if the Board is going to act on this application next week when they do the planning testimony normally engineering items like this are addressed in advance otherwise it would just reflect all the outstanding items. I'm not sure if there's any possibility of getting the items addressed before the next meeting or we're just going to call them all as conditions?

MR. FANTINA: You hadn't discussed that but certainly if that needs to be done that could be done.

MR. GOLDSTEIN: We generally want to make sure that we're not going to do revisions upon revisions. We can make them conditions or . . .

MR. BUCZYNSKI: So we'll just make them all conditions then.

MR. GOLDSTEIN: Yeah just make them all conditions.

MR. FANTINA: They seem like the kind of things that could be conditions as far as I can see unless you have any different conditions.

MR. BUCZYNSKI: Oh no I don't have a problem making them conditions a lot of times the Board likes to have a cleaned up application where we don't have a lot of conditions but I guess you can just reference . . .

MR. WEISS: Are we confirmed that it's definitely on next week?

MS. COFONI: Catherine did you put them on next week?

MRS. NATAFALUSY: Alan asked if we could put them on for planning testimony next week I scheduled them I don't have them on the agenda right now I'm waiting to see what happened tonight if the Board wants to but I do have a space on.

MR. GOLDSTEIN: I asked Catherine because when I found out that the planner would not be available I asked how soon can . . .

MR. WEISS: I don't have a problem with that.

MR. BUCZYNSKI: A lot of times what we've done before too is if it's approved next week we can ask them to revise the plans prior to the resolution being adopted.

MR. FANTINA: That's good.

MR. WEISS: Let's go back if we can to number 12 where you talk about your looking for approval from the following agencies and number C is the Health Department and I do have a copy as we all do of the Health Department report. Is there any commentary to?

MR. FANTINA: Yes thank you for bringing that up that's an item on my list. I've reviewed the Health Department report and we will comply with these I expect to get a clean letter from the Health Department.

MR. WEISS: Okay. Gene did you want to speak about your report it looks like everything has been addressed.

MR. BUCZYNSKI: No nothing to say if they're going to do all my items.

MR. GOLDSTEIN: Gene I know one issue that's going to come up your talking about revising the plans. On the landscape discussion is going to be about the river stone?

MR. BUCZYNSKI: Right.

MR. GOLDSTEIN: I discussed that with the landscaper who couldn't be here and he said that he put the stone in because he was concerned that the material would not survive well.

MR. BUCZYNSKI: What material would not survive?

MR. GOLDSTEIN: That if you were looking for something other than stone, some kind of . . .

MR. BUCZYNSKI: It wouldn't survive because of the location?

MR. GOLDSTEIN: Yes.

MR. BUCZYNSKI: Well we'll just let them address it next week that's fine.

MR. GOLDSTEIN: Right but that's why I'm saying we can't necessarily revise the plans because that's yet to be resolved.

MR. BUCZYNSKI: We'll just wait until next week Alan that's fine.

MR. GOLDSTEIN: Thank you.

MR. WEISS: Does anybody on the Planning Board have any questions for Mr. Fantina? Seeing none let me open it to the public if anybody from the public has any questions for Mr. Fantina based on the testimony that he delivered this evening? What you do is you come up to the podium you'll state your name and address and spell your last name for the record and you'll ask a question of Mr. Fantina based on what he spoke about tonight.

MR. POLO: My name is Eric Polo (P-O-L-O) we live at 18 Elizabeth Lane this is my wife Theresa we are immediately behind the renovation property in question. And we are just concerned about the buffer and the paper road as it exists now. And we've just recently remodeled the entire house and take great painstaking measures to maintain the aesthetics of the neighborhood and the feel and flavor of the old Budd Lake neighborhood. We've done a lot of stone work, we will continue to do so and we're looking to possibly, if there is going to be acquisition of this paper road we would like control of at least the 15 feet so that we can create a buffer that might be aesthetic to the neighborhood and protect ourselves from you know . . .

MR. WEISS: Mr. Polo which property is yours is it Lot 7, 8 or 9?

MR. POLO: 7 & 8 yes.

MS. COFONI: 7 & 8?

MS. POLO: 7 & 8.

MR. POLO: Correct.

MS. POLO: I had petitioned Council as well about vacating that paper road. Frank had contacted me, a Frank I forget his last name.

MS. COFONI: Were your lots merged maybe and now it's just Lot 8?

MS. POLO: Lot 8 it's 3100, Lot 8 yeah. It's listed under Bogert-Rahmann.

MS. COFONI: Yeah right.

MS. POLO: Then my name is Bogert-Polo now we got married so I dropped Rahmann but I haven't changed all the stuff yet.

MS. COFONI: Okay so it's literally directly behind it.

MS. POLO: Right it's directly behind you and what we're interested in is maybe getting some sort of a barrier in between the parking lot and our backyard like a fence or shrubbery or something to separate the parking you know the parking lot from our backyard.

MR. WEISS: Well it sounded to me and correct me if I'm wrong that the landscape architect will be here to testify to that.

MS. POLO: Next week?

MR. GOLDSTEIN: Well we weren't going to testify to that because we weren't planning to use the property that was going to be vacated we only referred to it. But our interest is the same as yours half of the property that was vacated would go to you and the other half . . .

MS. POLO: Right and half to you absolutely and it will be nice to get rid of that ugly vacant property and have them put up a building.

MR. WEISS: If we eliminate that assumption and take that paper road off of the table we probably will address buffering correct?

MR. BUCZYNSKI: We will address landscaping in the rear.

MR. WEISS: That's what I mean landscaping.

MR. MCGROARTY: Well they have to because it's a variance.

MR. GOLDSTEIN: Right.

MR. WEISS: So regardless of the paper road being vacated or not you're going to hear testimony about how they claim to buffer their property not taking into account the paper road.

MS. POLO: Right that's fine.

MR. WEISS: So that we'll comment at the next hearing.

MR. POLO: Next hearing okay.

MS. POLO: I didn't know when that was.

MR. WEISS: Well okay the next hearing according to what we're saying there is a time on the agenda for next week but before we leave tonight we'll have that confirmed.

MS. POLO: Thank you.

MR. GOLDSTEIN: And we'll work with you.

MS. POLO: Sure good.

MR. POLO: Yeah for the record we certainly don't object to improving Mt. Olive and so forth but we are concerned with preserving the look of the neighborhood that's behind it.

MR. WEISS: Well you know I thank you for that because it's important for us to hear how the neighbors feel about it and you know it's nice that you come out and tell us how you think because you're the one that has to live there. So your continuing opinion here will matter to us.

MR. POLO: Thank you very much.

MR. WEISS: Anybody else from the public?

MS. CHERRY: Good evening my name is Carol Lee Cherry (C-A-R-O-L) (L-E-E) Cherry like the tree. I live at Lot 3106 diagonal from where the property is going. My concern is the drainage in the back part of the property. That property is higher than my land and even though there's that 30 foot buffer my concern is putting a medical building in and having that drainage in that corner what effect it would have on my property in that corner of where we meet.

MR. FANTINA: Let me address that the detention system that we're providing is designed so that everything goes back into the ground. And we do have an outlet pipe which you may have seen on the plans which goes into the corner of the property which is the corner that's closest to your property. That's really an overflow for very, very large storms. You're every day storms, maybe not the storms you've had the last couple of weeks, but you're every day storms or your two year storms, ten year storms are going to go back into the ground. We think that's the best solution and frankly that's the only solution we have here because of the way the property slopes. However we do have an overflow

and the overflow is into that area but we did a . . . my surveyor did a topographical survey of that little area and even with all of the flow is another low point so the water is going to collect, go into the ground and then it will overflow and that overflow itself is self contained. So it would have to overflow twice to ever go on to your property and what gets on to your property after this by the calculations it should be less than whatever gets there today.

MR. BUCZYNSKI: Except for a storm like Irene right?

MR. FANTINA: Well yeah.

MS. CHERRY: My second question, while there is swamp area with that area will that make that swamp area larger because of the overflow? Right now it's maybe 2 lots I guess it's . . . Your 8?

MR. FANTINA: Yeah.

MS. CHERRY: So it would be like 4 and 2 behind there is swamp area on the paper road, my concern is that with the overflow is that swamp area going to be larger on that Rose Lane?

MR. FANTINA: The way it is today everything from this property drains back there. Okay so if it's wet back there at times it's because everything is draining. That's not going to be the case anymore when you get 1 inch of rain or a little bit of rain it's all going to get caught by our curb and by our drainage system and go into the ground. So the answer is no.

MS. CHERRY: Thank you very much.

MR. WEISS: Just to make sure you said earlier Mr. Fantina that part of your obligation here is to collect all of the water all of the run off on this property will be contained by your property.

MR. FANTINA: Yes.

MR. WEISS: And so that was important you said that earlier so there's an obligation from this applicant to make sure that their stormwater runoff that is as a result of this will remain on the property and it looks like according to that outlet if your, I'm sure it was pretty clear it's right by the corner of your property is a second level of protection which is a very nice improvement it sounds like.

MS. CHERRY: Yes thank you.

MR. WEISS: Anybody else from the public? Seeing none Mr. Fantina thank you very much.

MR. GOLDSTEIN: Do you have a set of plans the architect will be our next witness you might want to take a look at them. While my witness is coming up the variance for the FAR the floor area ratio will again be addressed by our planner but will also be addressed by our architect. And the Mt. Olive ordinance is unique in that it requires a combination of the collection of the calculation of all of the floor areas without exception for rooms that aren't going to be used or whatever. We have a number of rooms here, floors that will not be used and I want to make clear that the basement which is shown on the plan as unheated will be used for storage only it is not intended to be occupied. Similarly the second level is not heated and it will not be occupied. And the applicant would agree that if the Board sees fit to grant us the variance requested to make that as a condition of the approvals. So let me introduce our architect he needs to be sworn in.

(DHARAM MEHTA SWORN IN FOR THE RECORD)

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

MR. MEHTA: Sure my last name is Mehta (M-E-H-T-A) my first name is Dharam (D-H-A-R-A-M) and the address is 248 West Main Street, Rockaway, New Jersey 07866.

MS. COFONI: Thank you.

MR. GOLDSTEIN: I am showing you a rendering which you have prepared is that correct?

MR. MEHTA: Yes sir.

MR. GOLDSTEIN: I'm going to hand one to each of the Board members we'll identify this as

MR. WEISS: Hold on one second Alan we need to qualify your architect.

MR. GOLDSTEIN: Oh I'm sorry I apologize he's testified here before. I'm sorry what are your qualifications? Who are you and have you testified here before?

MR. MEHTA: Yes I'm a licensed architect in New Jersey and New York. I got my license in 1974 and I have about 40 years experience in this profession. For the past 26, 27 years I've been in my own business and before that I worked for another architects office in New York and New Jersey. And I have appeared in front of this Board before including several other Boards, dozens of other Boards Planning Boards and Zoning of Adjustments in New Jersey.

MR. WEISS: (inaudible) have presented in front of this Planning Board or the Zoning Board?

MR. MEHTA: We were here what Planning Board?

MR. GOLDSTEIN: I think he was at the Board of Adjustment here it was a gasoline station.

MR. WEISS: I'm just not familiar with Mr. Mehta. Any questions?

MR. MCGROARTY: In fact the building is being built now next to 7-Eleven it's a small building and a gas station?

MR. WEISS: Oh right I saw it. Okay we can accept Mr. Mehta as a licensed architect.

MR. GOLDSTEIN: Can you describe exhibit A-1 which I have just passed out to the Board members.

MRS. NATAFALUSY: This is A-1?

MR. MEHTA: Yes. That's the artist's rendering from the front. It's a right hand corner and it basically shows the look of the building with the roof lines. It shows the siding, some stone in the corners which I'll go in detail with my drawings then the first floor has basically where the medical offices are that's where the windows are. There is a kind of fake entrance in the front because the main actual entrance is in the back. And then there are some (inaudible) story windows which are in the unfinished unheated attic space. There are some eyebrow windows on the slope roof again and there is an attic space, like another second attic space above that main attic space and then there's a flat area above that and that's where we have a couple of HVAC units for the two medical offices we have on the first floor.

MR. GOLDSTEIN: And where is Route 46 looking at this exhibit A-1?

MR. MEHTA: Route 46 is like there somewhere like that.

MR. GOLDSTEIN: It's on the lower side.

MR. MEHTA: On the lower side yeah.

MR. WEISS: So just based on . . . you're pointing to the main area in front of the main entrance from our exhibit A-1 running from the left to the right on that diagonal.

MR. MEHTA: Yes sir.

MR. GOLDSTEIN: Speaking of the main entrance where would the parking be in relationship to the front entrance?

MR. MEHTA: Well see the parking is in the back of the building? This shows a driveway going in the back and there's a car here and that's the back of the building it's a parking lot and that's where we have 17 parking spaces. So the front entrance basically is I thought that it was kind of dull with all of the windows so I wanted to have something of for a look I needed a front entrance there which also functions . . . it functions also when I drew the plans these two doors here will also be as a second means of exit from each office space. So all I'm doing is covering that space with something which looks

like in the back. It's just a flat roof with some decorative (inaudible) and it just comes out a couple of feet it's not like

MR. WEISS: It's made to look like the main entrance but it's not.

MR. MEHTA: Yes.

MR. GOLDSTEIN: That was the point I wanted.

MR. WEISS: I think you said that and I was curious why you say that.

MR. GOLDSTEIN: What are the materials, the exterior materials that you're proposing?

MR. MEHTA: The materials are basically we have in the corners we have stone. Because the plan of the building is like a fat cross and so if you take a big box and you take the corners out so it breaks the box and then each corner has stone. And in the front after that from left to right or from each corner to corner then we're going to have some kind of clapboard siding, vinyl or there are other sidings available which are a little bit more expensive but if it would be basically clapboard siding. And the roof will be fiberglass shingles which will be like tiered down which is good for 30 years and then on the flat roof up top where the HVAC units are there will be like single ply roof and that's where the HVAC units will be. And the railing around the flat roof is going to be like white balusters a decorative kind of thing which are not that high like it will be 4 inches high or something.

MR. WEISS: So A-1 depicts a color rendering showing some yellows and greens and earth tone groups is that the color scheme that you plan on building or will we see red and purple and green?

MR. MEHTA: Well actually it will be earth tone colors and yeah it shows yellow

MR. WEISS: But if you turn the yellow into a beige, I don't think that would bother anyone on the Planning Board.

MR. MEHTA: No it will blend with that area the buildings you know they have the same kind of colors there. I have some photographs I can show you. So basically that's the building, the building has first of all it has a full basement, and then above that the office space, then we have an unfinished attic space which will be utilized. I'll go over the plan if you . . .

MR. GOLDSTEIN: Just stay with me for a minute.

MR. MEHTA: Yeah.

MR. GOLDSTEIN: All right. The building, I want to stay with the exterior of the building and its dimension before we go into the interior.

MR. MEHTA: Sure.

MR. GOLDSTEIN: The building is 27 feet 4 inches high is that correct?

MR. MEHTA: Yes.

MR. GOLDSTEIN: All right the ordinance permits a 25 foot high building.

MR. MEHTA: Right.

MR. GOLDSTEIN: So we're in excess by 2 feet 4 inches.

MR. MEHTA: Yes.

MR. GOLDSTEIN: Did you consider reducing the height of the building so that it would be conforming?

MR. MEHTA: Actually I (inaudible) think I could (inaudible) a little bit the reason is that the steeper the roof slopes are, that the building looks, if the roof slopes are very shallow it doesn't do anything from the main highway. So I in my own mind I'm hoping the Board will agree with me a couple

of feet does help but it isn't the height of the building because otherwise the slope of the roof will be shallow and that doesn't look right.

MR. GOLDSTEIN: So the purpose for making the building 27 foot 4 inches is aesthetics.

MR. MEHTA: It's basically aesthetics nothing else.

MR. GOLDSTEIN: And you could make the building 25 feet if the Board desired.

MR. MEHTA: Yes I could not a problem.

MR. WEISS: Is it possible to put the mechanicals in the attic?

MR. MEHTA: Well if you put it in the attic then it's a split system kind of like a house. You have a furnace in the attic and then you have compressors outside. So what these are these are rooftop units which are heating and cooling and they are basically designed for commercial use and they are more efficient, easy to maintain. But to answer your question I could have that thing in the attic yes but it would be a different kind of system.

MR. CAVANAUGH: So just to follow up on your question, can you give some testimony why you wouldn't consider a geothermal system? This building would be ideal for geothermal.

MR. MEHTA: You know we can get into that thing but see every time you add something to this you're adding more cost.

MR. CAVANAUGH: It's no more cost than an air conductive heating unit like your speaking of.

MR. MEHTA: Well I have taken some (inaudible) courses on

MR. CAVANAUGH: I put in a geothermal system in my house so I know exactly what it costs.

MR. MEHTA: I know but I don't know that if we are there yet. These things have to be functional, economical and eventually people will start using it. It adds to cost sometimes you put solar panels and they don't look right.

MR. CAVANAUGH: Not solar panels.

MR. MEHTA: No I understand geothermal though.

MR. CAVANAUGH: So I would counter and say putting the mechanical units on top of the roof like this, we can do better in 2012. We can.

MR. MEHTA: I will look into that.

MR. CAVANAUGH: I think you should I mean I recommend that to the Board as well. You know its proven technology it's been around for 25 years and maybe it's not common to you and maybe not to your owner but it's far more economical. And since you're going to be disturbing the ground anyway and you're pulling out 42 inch trees you might as well put in a heating loop underneath your parking lot and get modern. It's not that big of a chunk.

MR. GOLDSTEIN: John we'll look into that.

MR. MEHTA: We'll look into that.

MR. CAVANAUGH: Yeah it's not much more than conventional if you're doing ground up. Retro-fitting of course it's more money.

MR. GOLDSTEIN: We'll give you a report next week. Because the next point I was going to get into was the 2 foot 4 inch parapet.

MR. CAVANAUGH: You're on slippery slopes as you're here you know you've got

MR. GOLDSTEIN: I just heard that. All right any other points that you'd like to make about the exterior of the building?

MR. MEHTA: No I think what I have tried to do is I have tried to give a residential look to the building and not look like a house. The slope roofs are basically of course in every house we have. On the right hand side where the medical building which has slope roofs, on the left side there's a house which has slope roofs so I decided because of the size of the building is kind of average house to combine the slope roofs and some flat roof and give some kind of railing, give some character to the building and basically that's what I have tried to do. And these eyebrow windows I think they would look nice they're traditional and (inaudible) story windows in the attic in the attic space. It might look like two-story but it's not so it's basically all aesthetics I what I want to see as a building in that piece of property.

MR. WEISS: You know what Mr. Mehta when I look at this it's a very pretty building and your rendering shows it in a grand open space in the middle of a meadow. It's beautiful, it looks very big and I understand the building is 2,750, 2,735 but it looks really big. And I'm wondering if its massiveness is due to the fact that everything from about the, it's hard for me to tell, the 12 to 15 mark is aesthetics correct? There's no upstairs or no second story.

MR. MEHTA: Well there are service stairs go to attic space yes.

MR. WEISS: But there's nothing happening in the second story.

MR. MEHTA: There's nothing happening on the second story.

MR. WEISS: And so the way I'm explaining it is that it's all aesthetics from the roof line up.

MR. MEHTA: Yes sir.

MR. WEISS: And so it gets . . . I don't know if this is too massiveness, I mean it's very pretty, very pretty but is there a different way to design this building, and it's not my job to tell you how to design a building, but it just looks real big for this small lot.

MR. GOLDSTEIN: I understand what you're saying but maybe we should make the building smaller and have a rendering that shows parking and other things around it that would give you a better feel for the relationship.

MR. WEISS: That might be helpful. I understand this is going to become 2,735. It looks, I mean I don't know if I'm being crazy but it shows in a tremendously wide open space and I lose perspective and I understand this is going to be 2,735 but how does that 2,735 stacked up look in a very tight lot? I don't know it's not . . .

MR. VAN NESS: First this is not a scaled drawing right?

MR. MEHTA: This is just an artist's sketch.

MR. VAN NESS: Right so I think this drawing as is is just it's very flat I don't think the building looks like this at all. This building does not look like this building. I mean it does but it doesn't. Okay so if you were able to provide a scaled drawing, here we are right here is a scaled drawing, in a setting that might give us a better a realistic point of view on what we're looking at. This looks very flat and makes it look very wide it's like I almost want to eat it it's kind of like a hamburger right there.

MR. WEISS: You know on a scaled drawing though it's very nice because to me it looks like maybe an old farm house converted with wings, I know there's a better word for wings but it kind of looks very pretty like this was some kind of historic building that's been retrofitted for today's use. So I like the look I think that we talked earlier you have decorative second floor and then a coverage for the mechanicals but there's got to be some way to step that down.

MR. VAN NESS: And is there future plans for the upper levels?

MR. GOLDSTEIN: No.

MR. VAN NESS: Is it just going to be always vacant, unheated, unused, no nothing in it but . . .

MR. GOLDSTEIN: Unheated, unused again (inaudible) aesthetics.

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

MR. GOLDSTEIN: But excuse me there will be storage of files, you know there will be storage there.

MR. VAN NESS: So you're going to be using it for storage.

MR. GOLDSTEIN: Yes.

MR. BEDELL: What is the height? The office building to the left how tall is that? Just to put it in perspective.

MR. MEHTA: The building

MR. BEDELL: Yeah there's that commercial building I guess to the north?

MR. GOLDSTEIN: Next door.

MR. MEHTA: On the left side.

MR. BEDELL: Yeah the left side yeah.

MR. MEHTA: That's the house.

MR. VAN NESS: To the right.

MR. BEDELL: Well I guess looking at the . . .

MR. MEHTA: I have some photographs if you don't mind I'll show you those photographs what's around that. I didn't get to that point yet.

MR. BEDELL: Yeah because I can tell there's two commercial buildings one looks like it's probably a three or four story building, well actually it's the Best Western.

MR. MEHTA: Yeah there's a two-story or something on the right side of the medical building which is on the right side of this building.

MR. BEDELL: Yeah but how tall is that building? Like two-story is that similar height?

MR. MEHTA: I think, I'm (inaudible) to measure it but what I saw the height is . . . this is very compatible with what we have on the right side or even next to that.

MR. BEDELL: Okay and on the left side there's a house there is that a two-story house?

MR. WEISS: No.

MR. MEHTA: No that's not a two-story house but that's like the grade difference is there so the roof line is like . . .

MR. BEDELL: Okay but it's not dwarfing the property next to it.

MR. MEHTA: No, no.

MR. BEDELL: Okay, all right.

MR. WEISS: The property next to it is probably even larger isn't it?

MR. MEHTA: Yeah it's a larger property.

MR. WEISS: It's kind of a split; the house sits up higher than the driveway on that property.

MR. BEDELL: Okay, all right.

MR. GOLDSTEIN: I'd like to cover . . . I talked to you about making the building not as tall I'd like to talk to you about not making the building as big. Here again we're seeking a variance for the size of the building and the building is roughly 2,735 square feet. Was there any consideration to making the building smaller?

MR. MEHTA: Well if you make anything smaller already this has . . . economically it's not really feasible you have three exam rooms for each office space so it's not a big medical office, the office is of course but I think anything less than that would be (inaudible) for my client you know it's not feasible for him to do anything.

MR. WEISS: I know on a commercial property you don't have to look to purchase the neighboring properties correct? That's not a . . .

MR. GOLDSTEIN: Right there's no vacant lots on the side it's not like a . . .

MR. WEISS: I think if this was a . . . am I correct to assume that if this was a home we would ask the applicant if they made an effort to purchase the neighboring properties?

MR. MCGROARTY: I don't think so because this is not a vacant lot.

MR. WEISS: Okay.

MR. MCGROARTY: I mean I don't think the Nash issue kicks in but our attorneys can advise you on that but I don't think because it's not an isolated vacant lot.

MR. WEISS: Well let's look at . . . I'm sorry Chuck.

MR. MCGROARTY: Well could I ask again Mr. Chairman could I ask a question while we're on the subject?

MR. WEISS: Sure.

MR. MCGROARTY: Of, and this may be again for Dr. Sandhu but there's the second level the attic space which is unfinished and unheated, that will be for mechanical units and whatever and storage.

MR. MEHTA: Yeah you're right.

MR. MCGROARTY: Likewise the basement.

MR. MEHTA: The basement is for plumbing and hot water heater those kind of things and some storage.

MR. MCGROARTY: Yeah because your plan says for mechanical and storage.

MR. MEHTA: Yeah.

MR. MCGROARTY: So I guess the question is is it filing cabinets storage that we're talking about in both the basement and the second level? Again if that's something through Dr. Sandhu we can wait. I'm just curious I mean do you need that much storage space?

MR. MEHTA: No my understanding from Dr. Sandhu is the attic space will not be used for any storage because he has a humid basement there he would like to go in the attic which is unfinished, the basement is unfinished too but (inaudible) office this size about 1,700, 1,800 square feet each side of the 2,700 square feet you don't need that much storage so I think the basement would be enough. So basically the attic is . . .

MR. MCGROARTY: So I guess the question then is, I mean the height variance is only a couple of feet I mean it's not, the Board will actually evaluate. But then again, and you have the mechanical units above that and whether you go with the mechanical units or Mr. Cavanaugh's suggestion why a full 8 foot ceiling for the second level, the attic? Why not a reduced height if you don't really need, or perhaps you do need, do you need the 8 feet for the mechanicals?

MR. MEHTA: No what happens is if you look at the (inaudible) story windows the roof ends and there appears to be windows in the unfinished attic space. Now if I change the slope of the roof to

a shallower slope then the whole thing can drop. Okay so I can be 7 feet, it can be 6 foot 8 that's not a problem but it's the Board's wish if they . . . I mean I have done a lot of homes in (inaudible) and all that and they made a mistake for a long time to have slope roofs, height limit and what they did was people they had 10 feet high on the first floor, and 9 feet on the second floor, and by the time they came to the roof the roof slopes become very shallow and the houses started to look ugly. And then they changed their ordinance back to we'll give you another 3 or 4 or 5 feet if you add only in the roof slopes. So that's all I'm doing here I'm trying to make a slope on the roof a little bit pleasing to the eye, it can be shallow with no problem.

MR. MCGROARTY: So if you reduce that you're saying you get a squatter looking building and it's . . .

MR. MEHTA: In my opinion it's not going to look right but if the Board wishes we can drop the height.

MR. MCGOARTY: Okay thank you.

MR. WEISS: Do you think it's possible to get a scaled drawing to show the two how they would look? Because essentially I kind of agree with Chuck you almost like squish, it's not a word, but squish the top level down to 6 feet versus the 8 feet.

MR. MEHTA: I can make it . . .

MR. WEISS: Because I would hate to tell you we want it and then have the building not look good.

MR. MEHTA: Well that's your town. I mean you want it, you want a nice looking building I . . .

MR. WEISS: I understand that. I'm not certain that having that second level at 6 feet makes it not nice looking and I'd like to see that. If it's something you can do for us.

MR. MEHTA: I definitely . . . what I can do is I will do a larger scale a 14 scale and I'll bring the height, I will have next to each other a 27 foot 4 inch height and a 25 feet high and then the Board can see next week I'll make an actual scale.

MR. WEISS: You know what I think there's a lot of variances being requested if that's one we could knock out without changing too much it will certainly sit better here.

MR. MEHTA: I have no problem.

MR. WEISS: Okay thank you.

MR. GOLDSTEIN: Could we go into the interior of the building I'd like to just have the witness testify as to the interior proposal that is before you?

MR. MEHTA: These are . . .

MR. GOLDSTEIN: No I want to go into our building.

MR. MEHTA: Yeah just give me two seconds please.

MR. GOLDSTEIN: I don't know that the Board wants to see other work I want to stay with our application.

MR. MEHTA: Okay these are some few buildings I have designed, commercial buildings in different towns.

MR. WEISS: Good point Alan thank you you're right that's fine.

MR. MEHTA: This is basically what I did is this is the existing house with a detached garage. On the right hand side we have the medical office building which . . . and beyond that is a two-story hotel there so I don't know what the height is there but that's the medical building next to it. On the left side this is a ranch, the garage is next to the property and then there's a house. But this property is

higher than this level here. So when you have a height here two-story and you know it could be still a little higher than there's so it's not going to look out of place.

MR. GOLDSTEIN: Just for clarity we're looking at a board which I'll mark as A-2 that has five photographs and the rendering. The photograph in the top middle is the existing condition of the property.

MR. MEHTA: Yes sir.

MR. GOLDSTEIN: The one to the right the medical building is the property to the right.

MR. MEHTA: Right.

MR. GOLDSTEIN: And the one drawing on the top left is the property to the left.

MR. MEHTA: Yes sir.

MR. GOLDSTEIN: Okay and then on the bottom left is what?

MR. MEHTA: This is a shopping center across the street that's on eastbound. This shopping center and this shopping center here which is . . . there's a pharmacy there and everything else is empty there I guess. This and this are next to each other it's on the eastbound. So this is basically what you have around this building. So what I was saying before like this is a house with a sloped roof, this is a medical building with some kind of sloped roofs.

MR. GOLDSTEIN: He's referring to the building to the right.

MR. MEHTA: Right. And the shopping center has some peaks and all of that and you know so that's what I came up with for the medical building.

MR. GOLDSTEIN: Mark that A-2?

MR. WEISS: That's correct.

MR. MEHTA: Okay. If you look at the bottom left corner that's a proposed plan which is a larger scale.

MR. WEISS: And what we're looking at here is an exhibit which is your plan A-1?

MR. MEHTA: Yes that's my drawing of A-1.

MR. GOLDSTEIN: That's just what's been submitted, that hasn't been marked up or anything.

MR. MEHTA: I have made minor changes here which I'll just in a couple of seconds I will go over those changes.

MS. COFONI: Excuse me I'm so sorry what's the date of the revisions of what you're looking at? Do you have revisions on this?

MR. MEHTA: It's supposed to have a revision on that.

MS. COFONI: Is it different than what was submitted to the Board?

MR. MEHTA: This date I have is June 22, 2011.

MR. BUCZYNSKI: That's the same thing.

MR. MEHTA: Same thing but I forgot to put a revision date here because we did add a basement plan, attic plan.

MS. COFONI: Okay so we will mark that as an exhibit because it's different than what was submitted.

MR. GOLDSTEIN: A-3 is A-1 as submitted plus the revisions showing the areas of the individual floors?

MR. MEHTA: Yes there are . . . well this is your first floor which is the main medical office space on a larger scale a 14 scale. On the right hand side what you see in a much smaller scale at 16 inch which shows the basement which is a full basement and the footprint of the building. Then you go on the upper level which is the attic floor which is a section of this space here it's 8 feet high and that's the windows I was talking about. So this is your attic space which is the same size as the basement or the first floor. And then above that this space here that is this space here which is, actually it could be part of the attic space but I cut down by putting a floor here which is not even accessible. And that's you're . . . and then on top of that that's your building (inaudible). So we have a basement here, first floor, unfinished attic space and there's a space which is really part of the attic but I'm not making part of the attic it's just 4 feet high.

MR. MCGROARTY: So how many square feet are you adding for each floor?

MR. MEHTA: If you count everything, if you count all of the floors and the total area is 9107.

MR. MCGROARTY: Could you, I'm sorry Mr. Chairman.

MR. WEISS: Go ahead Chuck.

MR. MCGROARTY: Could you just, could we do the basement first?

MR. MEHTA: Sure.

MR. MCGROARTY: Thank you.

MR. MEHTA: The basement is 2695.

MR. MCGROARTY: Okay. We know the first floor right?

MR. MEHTA: The first floor is 2,735. The attic space is 2695 again and the space which is above the attic space that is 982.

MR. MCGOARTY: 982?

MR. MEHTA: Yes sir.

MR. MCGROARTY: And so you're total? Gene can do this fast I can't.

MR. GOLDSTEIN: 9107 I think was what the . . .

MR. MCGROARTY: 9107?

MR. BUCZYNSKI: Yeah.

MR. GOLDSTEIN: Let me ask you a question.

MR. MEHTA: Sure.

MR. GOLDSTEIN: This area the unused 4 foot high attic space.

MR. MEHTA: Right.

MR. GOLDSTEIN: Why do we need to put a floor there to create that upper space? Why can't the attic plan just be open to the roof?

MR. MEHTA: I think that would be a huge attic space I mean you can see already comments from the Board that 8 feet high is maybe too high. So I just didn't want to . . . someone to think this will be used for something other than basically mechanical type work and all of that. It could be part of that but then I have to (inaudible) down everything, I could (inaudible) down to here and then everything changes, the whole architecture changes.

MR. GOLDSTEIN: So you're saying you need this ceiling over the unfinished attic space.

MR. MEHTA: Right.

MR. GOLDSTEIN: Because that creates

MR. MEHTA: That creates what I have.

MR. GOLDSTEIN: That creates another 982 square feet I'm trying to reduce that.

MR. MEHTA: Well which is not even accessible I mean there are no stairs going up there or anything, the 982 square feet.

MR. MCGROARTY: If I may just ask so the floors that you've described to us now the basement and the others total 9,107 square feet.

MR. MEHTA: Right.

MR. MCGROARTY: And that if I got my numbers right that's a floor area ratio of .49 and the maximum permitted floor area ratio is .15. So that will be the context which either yourself or your planner will address the variances for the floor area ratio which is of course a "d" variance.

MS. COFONI: I'm sorry Chuck could you mention that again the numbers I'm sorry.

MR. MCGROARTY: Well again this is just off of mine I mean I stand to be corrected by the applicant. The numbers that they just gave us based on the size of the property which is 18472 square feet, that's an undersized lot, that would equate to a floor area ratio of .49, and the maximum permitted in this zone is .15. So that's the difference, now again we're talking about floors that are not going to be occupied as proposed and again I had some comments in there about if you move forward with this variance making sure that that condition remains that way but again that's just the scope of the variance that they will have to address.

MR. GOLDSTEIN: I don't disagree with what Chuck said. Some town ordinances exclude this kind of space from the calculation of floor area. Mt. Olive ordinance doesn't it's the total floor area.

MR. MCGROARTY: And by the way as I indicated in the report the basement, the second floor, attic and the top floor they do not count towards the parking requirements. The town's ordinance does exclude them for the purposes of calculating parking but they do count towards the intensity of the building that's the floor area ratio. The town's definition is identical to that of the Municipal Land Use Law so that's what we do.

MR. WEISS: It seems odd when most of it is not usable but I do understand that.

MR. MCGROARTY: It goes to the intensity of the building. And again their planner will I guess address it too it would make a big difference if the floors would be occupied then the intensity certainly would be a key issue. If they're not going to be occupied then it's a different story perhaps.

MR. GOLDSTEIN: What's the height of the third floor?

MR. MEHTA: Its 4 feet.

MR. GOLDSTEIN: It's a 4 foot high space.

MR. MEHTA: Yes sir.

MR. WEISS: It looks like its 7 feet 4 on the drawing.

MR. MEHTA: Well see that's . . . I changed this we did add certain things here the floor plans in that process. The 7 foot 4 before was including the floor thickness and the roof thickness and there was some error on my part. But actually that is 5 foot 8 inch but the clear height inside is 4 feet.

MS. COFONI: So if I'm looking at this correctly, and again this is a lawyer doing math mind you, it seems to me that if to comply the square feet would be approximately 2,770 square feet for the .15 floor area ratio. Does that seem right Gene?

MR. BUCZYNSKI: Yeah okay.

MR. MCGROARTY: Yeah it's what the first floor is. They came in with the first floor at being a you know it was the understanding that that was how we calculate floor area ratio and based on that they came in with a floor area ratio of .148, just under the .15.

MS. COFONI: Right okay.

MR. GOLDSTEIN: I'd like to turn next to Chuck's report. The review comments, the items for the architect the comment on . . . starting with paragraph five and review comments 5.1, 5.2 and 5.3 I think we've already covered. The parapet we're deferring to the moment.

MR. MCGROARTY: We're deferring for a moment from that?

MR. GOLDSTEIN: The parapet because of the comments that John made about geothermal.

MR. MCGROARTY: Oh I see.

MR. MEHTA: I think there was one more comment regarding the noise from HVAC units and I have copies here which my mechanical engineer he just emailed me with the signature and everything which he will send me a hard copy this week. And this report says that the decibel level which is the noise level from the mechanical unit, rooftop unit to the property line is

MR. MCGROARTY: Is his testimony based on another witness though?

MS. COFONI: I'm sorry I was thinking of something else.

MR. MCGROARTY: The architect is offering information regarding decibel levels of the mechanical units based on information provided to him by another expert as I understand it.

MS. COFONI: Who's the other expert you're citing?

MR. MEHTA: Actually it's my mechanical consulting engineer; I think I was asked somewhere that I should have some information on the noise level which my first response was each unit is about less than . . . about 1,800 square feet and we have a unit for each space and the noise level is less than an average house. But since I was asked, so I asked my mechanical engineer to give me some calculations and which I have it here so you can review this thing and see if it meets the criteria. We cannot find any noise level at property lines.

MR. GOLDSTEIN: This was motivated; this response was motivated by a comment in Chuck's report about the parapet and the decibels or the units or whatever. And I asked the architect to get from his mechanical engineer the specs. I don't think that's an inappropriate, I don't think it's inappropriate for him to testify as to what the specs. are going to be for the building he's building or in the units.

MR. MCGROARTY: I guess the question then to your witness would be does it meet the Township Ordinance with regard to decibel levels? It's not for us to check it's for you to testify to.

MR. GOLDSTEIN: Right that would put the Land Use issue I would leave that up to the planner.

MR. MCGROARTY: Okay.

MR. WEISS: Just go back, were the planners going to testify whether the noise levels meet the ordinance?

MR. GOLDSTEIN: Well yes I wanted to defer this. My witness brought it up on his own I wasn't going to go there because of the consideration

MR. WEISS: So that is an open issue then your planner will testify next week.

MR. GOLDSTEIN: Yes we'll see what we're going to do.

MR. MEHTA: But the planner is not qualified with due respect for noise level.

MR. GOLDSTEIN: Thank you.

MR. MCGROARTY: Well are you?

MR. MEHTA: I'm not that's why I got an engineer to do this.

MR. MCGROARTY: But he's not here.

MR. MEHTA: Oh that's okay but I'm saying

MR. GOLDSTEIN: And your engineer doesn't know the town ordinance either so let's defer it.

MR. MEHTA: Okay, fine.

MR. CAVANAUGH: Mr. Chairman just as a recommendation, we've had other applications where they give the manufacturer of the unit and usually there's a cut sheet from the manufacturer with a decibel rating. That's another way to get around this if there's a question from what we're

MR. MCGROARTY: Well if I may though John that won't tell you what the decibel level will be at the property line.

MR. CAVANAUGH: No.

MR. MCGROARTY: And that's the issue, especially in an area or in a situation where you have a reduced buffer. And it may be nothing, the noise may be absolutely indecipherable but someone needs to put that on the record.

MR. CAVANAUGH: Correct.

MS. COFONI: And typically that's the engineer.

MR. MCGROARTY: It's one of their experts.

MR. BUCZYNSKI: Yeah either a noise specialist or somebody.

MR. MCGROARTY: But I mean if they give us just the details we don't know what that noise level will be at 10 feet, 20 feet, 50 feet. I don't think based on the cut sheet.

MR. GOLDSTEIN: I find nothing in Gene's report on which the architect should comment. And I have no further questions of this witness.

MR. WEISS: Nothing else so we end it pretty much at 5.3 on Chuck's report.

MR. GOLDSTEIN: Yes that's correct.

MR. WEISS: Okay. Go ahead Tiena.

MS. COFONI: I apologize if I missed it but just from the look of the internal design of the offices it looks like there's going to be two separate offices, medical offices here?

MR. MEHTA: Yes.

MS. COFONI: So it will probably be the applicant's testimony.

MR. MCGROARTY: Yeah because we asked about the . . . there's information on the architectural plans, number of employees and I have a question about that and I would imagine Dr. Sandhu is the person.

MS. COFONI: I agree. I have nothing else Howie.

MR. WEISS: Anybody else have any questions? Seeing none let me open it to the public if anybody has any questions on the testimony delivered this evening from Mr. Mehta now is your

opportunity. Seeing none thank you Mr. Mehta. Alan let me ask you a question, from a time perspective we still have another issue that we have to deal with this evening what kind of time?

MR. GOLDSTEIN: Five minutes.

MR. WEISS: Okay I'm asking.

MR. GOLDSTEIN: Yeah, no five minutes.

MR. WEISS: If you take ten that's okay too I didn't know if you had a lengthy presentation.

MR. GOLDSTEIN: No Dr. Sandhu, Chuck raised several questions 5.9 and 5.10 in Chuck's report there were two items that I wanted the last witness to cover.

MR. WEISS: Sure.

MR. GOLDSTEIN: Dr. Sandhu?

MR. WEISS: Dr. Sandhu was sworn in earlier.

MR. GOLDSTEIN: He was sworn in? Okay name, address?

DR. SANDHU: Parminderjeet Sandhu (S-A-N-D-H-U) 137 Mountain Avenue, Hackettstown, New Jersey.

MR. GOLDSTEIN: And what is your profession?

DR. SANDHU: I'm an Internist.

MR. GOLDSTEIN: And you're the applicant?

DR. SANDHU: Yes.

MR. GOLDSTEIN: And you propose to own this building?

DR. SANDHU: Yes I do.

DR. GOLDSTEIN: Okay Chuck McGroarty raised several questions in his report. The first question that just came up actually which wasn't in Chuck's report but we covered, this is a proposal for two medical offices?

DR. SANDHU: Essentially one office, I have (inaudible) specialty group I'm an internist I have two other internists who work with me and I have a couple of specialists who work with me. So we are trying to separate it rather than working in one office that when we as a Family Practitioner/Internist are working in one office the Cardiologist the Gastroenterologist and the Neurologist can have other office space and they can utilize it. That's the purpose of dividing it so that patients you know there's a little separation of space. Actually if you look at it the waiting area is the same so patients will come into the same area but then they will see the Cardiologist and they will go to the other side, when they come and see us they will be on this side.

MR. GOLDSTEIN: The first question that Chuck raised is how do you dispose of the medical waste?

DR. SANDHU: We usually don't have a whole lot of medical waste. In the good old days we used to draw blood and everything, these days we don't we only give injections during the flu time (inaudible) they give injections then we have small little boxes which are pre-contained and every month there is a service which comes and three, four, five boxes whatever they are they're disposed of.

MR. GOLDSTEIN: And what do you foresee as the hours of operation?

DR. SANDHU: 9:00 to 6:00, 7:00 some days we are open for convenience to 7:00 but most of the time 9:00 to 5:00, 9:00 to 6:00.

MR. GOLDSTEIN: And do you ever open at 8:00 a.m.?

DR. SANDHU: We usually as doctors and other people come early in the morning and sometimes just for the convenience of the patients who want to come early for (inaudible) we oblige them.

MR. GOLDSTEIN: Okay so would it be fair to say the operation will be 8:00 a.m. to 7:00 p.m.?

DR. SANDHU: Something like that.

MR. GOLDSTEIN: Okay and would there be any 24 hour clinic proposed here?

DR. SANDHU: No.

MR. GOLDSTEIN: You would have two doctor's offices, two office managers?

DR. SANDHU: We only have one office manager but there will be two receptionists.

MR. GOLDSTEIN: Okay. So roughly you would have six employees here?

DR. SANDHU: Five, six employees at one time yes.

MR. MCGROARTY: I'm sorry how many?

DR. SANDHU: Five to six employees at one time.

MR. GOLDSTEIN: There's 16 parking spaces provided, do you think that's an appropriate number to satisfy your staff and your patient needs?

DR. SANDHU: Yeah it's always good to have it because sometimes even in the wintertime you know sometimes people get stuck and they leave their cars there rather than having less parking space I always think that for Doctors times sometimes the patients wait a little longer and other people come in so it's always If you can provide more spaces it's always an advantage.

MR. GOLDSTEIN: I have no other questions.

MR. WEISS: Go ahead Steve.

MR. BEDELL: Are you proposing to use all of this space yourself or basically it looks like the two sides basically mirror each other except there's that little door by the corridor I guess where the two doctors offices meet. So would you utilize the entire space or would you sublet half out?

DR. SANDHU: No it's just my office.

MR. BEDELL: Just your office, okay.

MR. WEISS: Chuck did you have a question?

MR. MCGROARTY: I did if I may Dr. Sandhu just so I understand, so there are yourself, there are two offices identified as Dr. offices as I understand it typically examination rooms. But there will be at least two doctors at a time?

DR. SANDHU: Yes.

MR. MCGROARTY: Okay and you indicated one office manager even though there are two

DR. SANDHU: Usually when the Cardiologist comes they bring a receptionist with them and they bring another person with them just to have them out.

MR. MCGROARTY: Okay and two reception desks so there will be two separate people.

DR. SANDHU: Right.

MR. MCGROARTY: Okay what about . . . does that cover everyone then pretty much I mean are you going to have like nursing staff or anyone else that would be there?

DR. SANDHU: There's a medical technician which helps us on the medicals.

MR. MCGROARTY: What I'm getting at is the number of parking spaces. I mean you exceed the minimum number the ordinance requires and I'm not suggesting that it's a problem but you figure you'll have perhaps five to six professionals, yourself and your support staff in the building which would leave . . . how many spaces are there 19?

MR. GOLDSTEIN: 16.

MR. MCGROARTY: Leave 10 spaces for patients. Now is it by appointment your offices?

DR. SANDHU: Yes.

MR. MCGROARTY: Okay. And I don't know if Mr. Goldstein asked this question the plan says six days a week is that accurate?

DR. SANDHU: Saturdays we are open 9:00 to 1:00, 9:00 to 2:00.

MR. MCGROARTY: No Sundays.

DR. SANDHU: No Sunday at this moment no.

MR. MCGROARTY: So it would be Monday thru Friday would be the 8:00 a.m. to 7:00 p.m., and Saturday would be . . .

DR. SANDHU: 9:00 to 2:00.

MR. MCGROARTY: 9:00 to 2:00.

MR. WEISS: I think there's a difference between no Sundays and no Sundays at this point.

MR. MCGROARTY: Well that's what I was going to ask Mr. Chairman because again, and that's why I made the comment about the 24 hour clinic or you know in the future this evolving into some other kind of clinic if that might happen who knows.

DR. SANDHU: I don't have any plan to open it 24 hour but yes I may open it on Sunday depending upon my requirement and what you know what the medical community and the you know later on how it evolves you know we would be providing care you know seven days a week.

MR. WEISS: No the reason I brought it up is because if you're testifying that there will be no Sundays . . .

DR. SANDHU: At this moment I don't have. I have three offices right now and we only have one place in Succasunna which is the Urgent Care Center which is open seven days a week. Again it opens on Saturday and Sundays 9:00 to 2:00. But in this place I don't have any plans to open it . . .

MR. WEISS: I would hate to see the Planning Board restrict the Sunday operation.

DR. SANDHU: Right I would like it not to be restricted.

MR. MCGROARTY: I would just suggest though that the Board keep in mind that you know if variances are granted that you have the right to impose reasonable conditions. And I'm not suggesting that Sunday hours are wrong, 24 hour operations or emergency care clinics might be a different story. Again I think the issue is waiting for the testimony from Mr. Nelson to persuade you that the buffer such as it is, is going to be sufficient. Because you know if you're going to have, I don't think there's going to be any problem with the Route 46 side it's the back and the activity in the back of that site. Which may not be any problem at all but perhaps they can keep that in mind when they testify as to how they're going to you know open this clinic and you know how the patients will come in and out and the hours of operation and all of that sort of stuff. Because there will be some noise associated no doubt with the parking, you know there always is. So that was the point of those questions.

MR. GOLDSTEIN: I would think to have the doctor to have 9:00 to 2:00 on a Sunday would not be a burden to the community. As a matter of fact I would think it would be an aid to the community if

there's a need here for people, the residents to see a doctor. 9:00 to 2:00 on a Sunday I would think that this would be beneficial.

MR. WEISS: I don't disagree I would just hate to see a resolution drafted that says no Sundays.

MR. GOLDSTEIN: Again that's the point I'm making. And again Chuck as to the point that your making on the buffer and the traffic I don't think a few cars in a parking lot no earlier than 9:00 a.m. on a Sunday morning or later than 2:00 p.m. on a Sunday afternoon are going to be a burden to the neighbors.

MR. MCGROARTY: Alan I'm not saying they are but I'm laying it out just to say . . . I mean because I don't want to put you know form over substance but your planner as you know will testify both to the positive and the negative criteria and the negative criteria will be one of the factors will be any potential adverse impacts on the neighborhood.

MR. GOLDSTEIN: Right.

MR. MCGROARTY: That's all I'm not saying it's a bad thing. Rather that we talk about it now than it be left unsaid and then there's a problem.

MR. GOLDSTEIN: That's why Dr. Sandhu is here.

MR. WEISS: I have a question for Dr. Sandhu. The office manager, is that person always there?

DR. SANDHU: Yes but they sometimes come late, early, they'll stay longer.

MR. WEISS: Because I was going back to what Chuck was talking about with parking spaces. If we have two receptionists and two physicians, an office manager I missed the . . . what about the nurse is there two nurses?

DR. SANDHU: There are two medical technicians. Sometimes depending upon the traffic we have we only bring one sometimes we bring two if there will be more patients.

MR. WEISS: So then there's really a minimum of 7 employees.

DR. SANDHU: Six that's what I thought five to six.

MR. WEISS: Two physicians, two receptionists that's four, office manager is five, and two medical technicians is seven.

DR. SANDHU: One or two medical . . . well I counted six so you can count it seven that way.

MR. WEISS: Well you know what, it's interesting I suppose if there's not enough parking it will ultimately affect your business.

DR. SANDHU: Right.

MR. WEISS: But I don't know the business trend and we'll kind of take your expertise as what you need. I just want to make sure . . . is there a time where there's more than one medical technician per side? Do you share the services of the medical technician?

DR. SANDHU: We share usually, the nurse we call it the medical technician or the nurse who comes there.

MR. WEISS: How come you can call it a nurse and I have to call it a medical technician?

DR. SANDHU: Sometimes she's a nurse.

MR. WEISS: We're talking about the same person though aren't we?

DR. SANDHU: Same person though yes.

MR. WEISS: And so there is a possibility to share that service so if for example the Cardiologist is maybe doesn't have afternoon hours that medical technician can work on your side of the business correct?

DR. SANDHU: Yes.

MR. GOLDSTEIN: I would suggest in trying to evaluate the number of parking spaces there are six exam rooms. All right I think we've all been in doctor's offices where there is a person in each exam room and then there are a couple of people in the reception rooms.

MR. WEISS: No I understand it's close.

MR. GOLDSTEIN: Yeah so to allow ten parking spaces for potential patient use is you know to me is not crazy.

MR. WEISS: No I think we're making a good argument that the question is is it enough parking spaces, Dr. Sandhu says it is. Okay?

MR. GOLDSTEIN: I thought Chuck was trying to suggest that maybe it should be reduced I'm sorry.

MR. MCGROARTY: No, no I just want to make sure, again and I'm not making a judgment on it at all I mean I think if you have . . . I was looking at it where I thought you had at least six employees and I was wondering if there were going to be, the same question the Chairman had.

MR. GOLDSTEIN: I see, I understand.

MR. MCGROARTY: And again I'm thinking too if Dr. Sandhu leaves this or changes it and if the Board's approving it just to make sure that whatever happens in the future can fit. Because again it's a substandard lot and it's kind of . . . there's other things going on.

DR. SANDHU: And I just had one comment when everybody was talking with the second space about the office space you know reducing it? I would rather not have the basement I look at this with the siding and other things you know if the stuff is downstairs now in Hackettstown we have our computers and everything our hardware is downstairs we have a huge problem we are now bringing it upstairs. You know we are putting it in the attic over there. So while we appreciate you know not making us reduce the top level so low that we can't use it. If I want not to use the basement . . .

MR. WEISS: I'm sure you will have a direct access to your architect or we will. That's certainly up to you to change that. Any other questions? Anybody from the public have any questions for Dr. Sandhu? Ms. Lee?

MS. LEE: Carol Lee Cherry 22 Elizabeth Lane. Thank you very much for improving that area I greatly appreciate it. My only concern that I hope the Board will take into consideration and the doctor with your team, my husband works nights and so noise and buffer are a big, huge issue with my husband. And so I'm speaking on his half because he does not come home until 3:00, 4:00 in the morning and so when your office is open is his prime-time sleeping so I would greatly appreciate it that when you do consider doing the landscaping and the buffering in the back that you take that into consideration that there are sleepers behind you we don't all work during the day. And once again I just wanted the Board to take that into consideration when the landscaper comes next week because I don't know if I'll be here or if we are even allowed to be here for the landscaper. But thank you for cleaning that up for us.

MR. MCGROARTY: You're certainly allowed to be here and ask . . .

MS. CHERRY: I know but my life is . . . I don't know my scheduling.

MR. MCGROARTY: Oh I'm sorry I thought you meant by here I'm sorry.

MS. CHERRY: No, no, no I just don't know my schedule.

MR. WEISS: We could make a new rule and allow her to comment.

MR. MCGROARTY: Mr. Chairman I did have one thought just on that lady's comment. And Alan you know food for thought on your end, the insurance business that went in in this same zone that building

again could not satisfy the 30 foot buffer requirement in the back. Excess extra landscaping and fencing and so I would suggest maybe you have Ken Nelson maybe and your folk's take a look and your architect too look at fencing as well. Particularly where it narrows down toward the northerly side as that lady just, Ms. Cherry's comment just made me think of that too but that will help absorb some of that.

MR. WEISS: Mrs. Polo you had a question?

MS. POLO: You know Dr. Sandhu that we also work nights.

DR. SANDHU: Yes I know.

MR. POLO: Mr. & Mrs. Eric Polo (P-O-L-O) 18 Elizabeth Lane okay and we also would like to echo Mrs. Cherry's sentiments that as night workers we know and respect Dr. Sandhu's great work and he's a very good physician we're familiar with him and we also appreciate the renovation and improvement to the neighborhood. But the buffer again is just a concern as we all . . . there's a great number of night workers in that neighborhood and I just wanted to echo the same sentiment.

MR. WEISS: Perfect we will address that.

MR. POLO: Thank you very much.

MR. WEISS: Okay seeing no other questions from the public let's confirm or look at our schedule for next week. Catherine I think we allocated time for it is that still (inaudible)?

MRS. NATAFALUSY: Well yeah Woodfield is coming back to us with the decks they've taken; you know they've removed the request for patios.

MR. WEISS: Marina is on the schedule?

MRS. NATAFALUSY: Marina is on, and we put Callaremi on next week the minor subdivision. So I don't know what we want to fit this . . .

MR. MCGROARTY: With a site plan.

MRS. NATAFALUSY: With a site plan as well.

MR. BUCZYNSKI: If you remember too Marina we heard that before they had some issues and we just received revised plans that basically addressed those issues.

MR. WEISS: Okay so Marina I think could go very quickly there's a little bit of public that might have something to say and I think Woodfield is going to go very quickly because it's simple now we got rid of the patios. Could we put, I think Woodfield should go first, is Woodfield first?

MRS. NATAFALUSY: Woodfield is first.

MR. WEISS: That can go very quickly.

MRS. NATAFALUSY: Marina is second.

MR. WEISS: And I guess it's only fair to Marina because they're carried as well.

MRS. NATAFALUSY: Right.

MR. WEISS: But perhaps before we start Callaremi let's bring this application back.

MRS. NATAFALUSY: It's up to you.

MR. WEISS: No I think that's the right way to do it because the Callaremi application could go on for a lot longer than, whether we gave them one hour or two it could go longer than that so let's put you on third and Alan I think although it's hard to say nothing is . . . I think the other two will go not quite as quickly as our first one tonight but rather uneventful.

MR. GOLDSTEIN: We appreciate being put on we will try to prepare so we can expeditiously present the information you're looking for.

MR. WEISS: Perfect. Thank you so that's next . . .

MRS. NATAFALUSY: Next Thursday.

MR. WEISS: So this application will be carried until the 15th.

MS. CHERRY: What day of the week?

MR. GOLDSTEIN: That's a week from tonight.

MR. WEISS: One week from tonight.

MR. GOLDSTEIN: Thank you very much.

MR. WEISS: Good night everybody.

MRS. NATAFALUSY: Notices are carried.

MR. WEISS: Do we need to make a motion to go to closed session Catherine?

MRS. NATAFALUSY: Yes.

MR. WEISS: The last item on the agenda is to move into closed session so I need a motion.

MR. VAN NESS: I make a motion we go into closed session.

MS. COFONI: And just for the record we'll be going into closed session regarding litigation entitled Intercounty Paving Associates vs. Planning Board Township of Mt. Olive.

MR. WEISS: Thank you so Scott made a motion.

MS. GADELHA: I'll second it.

MR. WEISS: All in favor?

EVERYONE: Aye.

(PLANNING BOARD WENT INTO CLOSED SESSION AT 10:10 P.M.)

MRS. NATAFALUSY: Okay so we're out of closed session.

MR. WEISS: Okay so at this point we'll open it up to the public for anything that was not . . . there's nobody here. Motion to adjourn?

MR. MANIA: So moved.

MR. RUSSELL: Second.

MR. WEISS: All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 10:30 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department