

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

ROLL CALL:

Members Present: Joe Fleischner, Judy Johnson, David Koptyra, John Mania, Nelson Russell, Brian Schaechter, Kim Mott, Howie Weiss

Members Excused: Dan Nelsen, Frank Wilpert, Jr., Sandra Stotler

Professionals Attending: Chuck McGroarty, Planning Consultant, Eugene Buczynski, Township Engineer, Tiena Cofoni, Esq., Catherine Natafalusy, Planning Administrator/Secretary

Professionals Excused: Edward Buzak, Esq.

APPROVAL OF MINUTES

September 11, 2014 Public Meeting

Motion: Joe Fleischner
 Second: Brian Schaechter

Roll Call:

Joe Fleischner - yes
 Nelson Russell - yes
 Brian Schaechter - yes
 Kim Mott - yes
 Howie Weiss - yes

October 16, 2014 Public Meeting

Motion: John Mania
 Second: Kim Mott

Roll Call:

Joe Fleischner - yes
 Judy Johnson - yes
 David Koptyra - yes
 John Mania - yes
 Nelson Russell - yes
 Brian Schaechter - yes
 Kim Mott - yes
 Howie Weiss - yes

APPROVAL OF RESOLUTIONS

Res. #PB 02-07 – Toll Brothers/Morris Hunt – (Ext. Req.) – (Blk. 4400, Lot 86 & 108)

Motion: Joe Fleischner
 Second: John Mania

MR. WEISS: Any conversation? I just happen to have one. My copy . . .

MR. BUCZYNSKI: Catherine is that 02-07 or 09? The resolution says 09.

MR. WEISS: There's something wrong that's what I was just going to bring up. It's either 07 or 09, the resolution says 09 the agenda says 07.

MS. NATAFALUSY: I didn't bring the file with me.

MR. WEISS: Michael Selvaggi do you know, do you recall if it was 07 or 09?

MS. NATAFALUSY: 02-07 or 09 application number.

MR. WEISS: It was for the Toll Brothers Morris Hunt extension?

MR. SELVAGGI: I don't want to say because I'm not sure.

MR. WEISS: That's fine I thought you would know Michael that's okay. Okay well we have it as . . . I moved it as 07.

MS. NATAFALUSY: That's what I have in my files.

MR. WEISS: So if this one is incorrect then we'll . .

MS. COFONI: We'll modify it.

MR. WEISS: That would be the only change so Joe, John?

MR. FLEISCHNER: That would be wonderful.

MR. MANIA: No problem.

MR. WEISS: Okay it's been motioned and seconded no further conversation Catherine roll call please.

MS. NATAFALUSY: I checked the agenda from November 13 and its 02-07.

MS. COFONI: Okay.

MS. NATAFALUSY: Joe Fleischner - yes
 Judy Johnson - yes
 David Koptyra - yes
 John Mania - yes
 Nelson Russell - yes
 Kim Mott - yes

Res. #PB 01-04 – Toll Brothers/Morris Chase (Ext.Reg.) – (Block 4400, Lot 79)

Motion: John Mania
 Second: Kim Mott

Roll Call:

Joe Fleischner - yes
 Judy Johnson - yes
 David Koptyra - yes
 John Mania - yes
 Nelson Russell - yes
 Kim Mott - yes

Res. #PB 14-16 – United Parcel Service – (Block 102, Lot 18)

Motion: Brian Schaechter
 Second: Nelson Russell

Roll Call:

Joe Fleischner - yes
 Judy Johnson - yes
 David Koptyra - yes
 John Mania - yes
 Nelson Russell - yes
 Brian Schaechter - yes
 Kim Mott - yes

Res. #PB 14-15 – Benjamin Moore – (Block 6800, Lot 9)

Motion: Joe Fleischner
 Second: John Mania

Roll Call:

Joe Fleischner - yes
 Judy Johnson - yes
 David Koptyra - yes
 John Mania - yes
 Nelson Russell - yes
 Kim Mott - yes

COMMITTEE REPORTS

MR. WEISS: Okay committee reports, Judy anything from the Mayor?

MS. JOHNSON: There's no Mayor's report tonight.

MR. WEISS: Thank you very much. John anything from the Council?

MR. MANIA: Yeah we will be reorganizing on January 2.

MR. WEISS: Do you think you will be rejoining us next year?

MR. MANIA: Yes.

MR. WEISS: Welcome back.

MR. MANIA: Thank you.

MR. WEISS: Nelson environmental commission?

MR. RUSSELL: Yeah we met on December 3rd the environmental commission feels we have a problem with the water runoff on Route 46 into the lake. The environmental commission has an engineer who has volunteered to draw up a proposal to add a filtration system to the catch basins on Route 46. The environmental commission will contact the engineer who put in the system for CVS to get some ideas as to cost a method. We then discussed and we ought to keep the Council in the loop, I suggested that the environmental commission post a statement on the Mayor's Facebook page explaining the problem and our activity. I also suggested a year-end report for the Mayor and Council detailing what the environmental commission has done over the past year and what our plans are in the future and we left that unresolved. We discussed the 180 acres on the west side, on the right of westbound Route 46 as to who owns it because there's dumping going on and parties as evidence by the presence of beer cans.

MR. WEISS: Where is this piece of property?

MR. RUSSELL: It's on the right of Route 46, westbound Route 46.

MR. FLEISCHNER: Going down Hackettstown hill. It was up for auction but the deal fell through.

MR. MCGROARTY: By the reservoir.

MS. NATAFALUSY: The HMUA property.

MR. FLEISCHNER: Right apparently there's a cost of like a million dollars to fix the . . . there's a dam in there and we heard that's why it fell through but we don't really know so we don't know if the HMUA still owns all of that property. We know they were trying to sell it.

MR. WEISS: Tell me about this, I'm just a little concerned about it you said the environmental commission has an engineer that was going to do some work for you?

MR. RUSSELL: An engineer who volunteered.

MR. WEISS: Tell me a little more about that is that to do what, to study the water runoff?

MR. RUSSELL: To study the catch basins and what it would cost to put in a filtration system similar to the one at the catch basin for CVS.

MR. WEISS: I don't know how to handle that, what happens with the engineer's report once we get it?

MR. RUSSELL: This is for discussion on how do we keep the Council in the loop.

MR. WEISS: Have you had conversation with the Council on this?

MR. RUSSELL: We haven't yet no.

MR. WEISS: Do we have any input about this?

MR. RUSSELL: It's not going to cost us anything.

MR. WEISS: No, no I understand that I'm just wondering what do we do with it once we get it?

MR. FLEISCHNER: Apparently, apparently although if I may since the runoff is from Route 46 it is a State issue.

MR. BUCZYNSKI: It is.

MR. FLEISCHNER: Right. However, there were those of us on the ordinance committee who felt that the Mayor and Council should be informed and we had some debate about . . . I'm always wary when someone does something for nothing. So I'm not sure where it's going but I agree with you Howie it's you know it's a question because apparently there's some runoff that goes into the lake and from the highway and it is a detriment to the lake.

MR. RUSSELL: The environmental commission is an advisory committee of the Council and Mayor so we want to be able to advise them of what potential cost and timing would be of fixing those catch basins.

MR. WEISS: Okay well I guess my only suggestion is you just keep in touch with Administration and the governing body.

MR. MANIA: Our next meeting is the 23rd so if anybody wants to appear . . .

MR. WEISS: Okay or even if not appearing, John perhaps even a note from the environmental commission, some kind of communication.

MR. MANIA: Something to inform us as to what's transpiring.

MR. WEISS: Okay thank you Nelson anything else?

MR. RUSSELL: That's it.

MR. WEISS: Okay Joe we did have an ordinance committee meeting.

MR. FLEISCHNER: Right we had an ordinance committee and we just discussed an issue but not at this time to be addressed to the Planning Board.

MR. WEISS: Is it a secret?

MR. FLEISCHNER: No it's not a secret but it's not something where we could . . .

MR. WEISS: I'm joking I was there.

MR. FLEISCHNER: I know that's why I'm saying it it's not a secret.

MR. WEISS: No I know it's about a pending application.

MR. FLEISCHNER: When two people know something it's not a secret.

MR. WEISS: Correct. Okay anything else Joe?

MR. FLEISCHNER: That's it.

MR. WEISS: Okay we have nothing from the street naming committee, and David anything from open space?

MR. KOPTYRA: No we didn't have a meeting this month.

MR. WEISS: Okay wonderful.

EXTENSION REQUEST

APPLICATION #PB 99-31 – ARD MT. OLIVE ASSOC. – (Block 4400, Lot 79)

MR. WEISS: Let's get into our first matter of the evening it's an extension request for PB 99-31 ARD Mt. Olive Associates a two year extension request for Phase 2 located on Flanders Road Block 4400, Lot 79. Mr. Rick Hoff is here again, Rick welcome back.

MR. HOFF: Thank you Mr. Chairman.

MR. WEISS: The floor is yours.

MR. HOFF: Thank you very much. Before we get talking I thought I'll hand out these pictures that I know most members of the Board have seen on a number of occasions but . . .

MR. WEISS: And I guess just for the record we'll be marking this A-1.

MS. COFONI: Yep we can mark the . . .

MR. HOFF: I can mark that one A-1.

MS. COFONI: Perfect.

MR. HOFF: We can mark the second one A-2 and so on.

MS. COFONI: That's fine. I'll actually give the marked ones to Catherine and I'll take . . .

MR. WEISS: We'll make sure we mark them accordingly as we hand it out.

MR. HOFF: Okay.

MR. WEISS: This first one with only blue is going to be A-1.

MR. HOFF: The one with only blue is premarked A-2 it's the one with blue, green and red that would be A-1.

MR. WEISS: Okay so the one with multiple colors is A-1.

MR. HOFF: Correct.

MR. WEISS: Just for everyone's record A-1 has the multiple color and A-2 is just blue Phase 1?

MR. HOFF: A-3 will be townhouse lots and A-4 is single-family lots.

MR. WEISS: Perfect.

MS. NATAFALUSY: What was A-2? I'm sorry.

MR. WEISS: A-2 had the all blue.

MS. NATAFALUSY: Okay.

MS. COFONI: A-3 is the brown graph.

MR. WEISS: Which is townhouses. If anybody from the public wants to look at them there are some extras. Okay Rick I think we have everybody.

MR. HOFF: Okay again for the record Richard Hoff of the law firm of Biscair Hoff here on behalf of the applicant ARD Mt. Olive Associates LP. We are here tonight for two forms of relief, we are seeking an extension of preliminary approvals which are applicable to 63 lots within Morris Chase phase 2 and we are seeking an extension of final approval that is applicable to 66 lots within phase 2. That's

the conclusion I can of course provide the Board some background as to why we have a situation that we have with respect to this project. Before tonight's hearing I talked with Ms. Cofoni regarding just background, I did not bring the litany of resolutions and opinions and administrative findings that have been made over the course of this matter. Ms. Cofoni and I agree that that's already part of this record so I didn't feel the need to burden the Board with additional materials for purposes of our presentation. At certain points I may rely on resolutions or we may refer to findings or opinions that we're accepting as part of the record so I didn't bring more paper than I needed to.

MS. COFONI: And just so the Board knows what we've been doing just so we can all keep it all straight is in all of the resolutions we've kind of been doing a running whereas clause so each resolution for extension has all of the history in it so that's just to keep everybody on the same page throughout.

MR. HOFF: And I do not want to bore the Board with the details of the history I've been through it a number of times but we did provide notice so with the Board's indulgence I would like just to provide just an overview of what is Morris Chase phase 2 at this point and why we have so many colors on our A-1 chart.

MR. WEISS: Let me just ask a quick question for members of the Planning Board I know this has been going on for quite a while, is anybody here new to this application? Has anyone not heard any testimony for this application, the ARD application? I just want to try to help you help us.

MR. HOFF: Listen if the Board is familiar with the history leading up to the most recent events I'd be happy to accept that as . . .

MS. MOTT: I'd be the only one.

MR. WEISS: Okay so only Ms. Mott, why don't you hit the highlights and Kim certainly we can take it off line if you had any other questions.

MS. MOTT: Sure.

MR. WEISS: And it might be a good refresher.

MR. HOFF: Sure why don't we for purposes of the story refer to A-1. A-1 is Morris Chase in its entirety, this project was approved originally back in 1987. There was a series of litigations, there was a series of extensions of approvals, but the key change to the project occurred when there was a litigation settlement between the property owner ARD Mt. Olive Associates and the DEP. The dispute was over wetlands located on the property. The resolution of that lawsuit took an original approval from 1987 and it changed the phasing schedule with respect to that project. The project was the same a couple of lots were eliminated to relocate certain things but by and large the project was the same. The difference that resulted from the settlement agreement was that we phased the project differently. What's now become known as phase 1 are the white lots as you'll see on A-1 there are lots that appear that are not shaded any color, those represent lots in phase 1 that are currently being developed or are already constructed by Toll Brothers. The lots that are the blue and the green became known as phase 2. Now as you look at this you say well that's odd this is not a way to phase a project don't you normally just go in chunks? You know you go start the front of the job work your way to the back and that's how it was originally contemplated in 1987 but the result of the settlement agreement with DEP it was decided we're going to build on the lots that we know are dry, there are no wetlands implication whatsoever. Those represent the white lots. The blue and the green lots represent the lots that we'll agree to disagree at this stage as to whether there is wetlands on those properties. At some point in time we'll have to go back seek further approvals to delineate the wetlands. If there are wetlands on some of the blue and the green you can't build on them but there may be an instance where the blue and the green can be developed. Because the argument in the DEP litigation was they're not really wetlands out there, we're not talking about wetlands we're talking about topography that leads to puddeling and it's not wetlands but the parties agreed to settle. They agreed to settle in this manner which effectively allowed for phase 1 to proceed before phase 2 and then when you're ready with phase 2 get your DEP approvals come on back and then you can build subject to those DEP delineations. So that (inaudible) from the year 2000 forward there was a new approval established where certain lots were now put in phase 1 and certain lots were put in phase 2. Phase 1 would proceed first, phase 1 did proceed first. In 2003 I believe at that point it had been, Toll Brothers came forward and got final approval for the white lots and the blue and the green lots remain part of phase 2. Toll Brothers goes ahead and proceeds all along getting extensions and ARD is the owners of the blue and the green they too have gotten extensions either from this Board or you know remand or otherwise that the project has been extended along. Now the next question obviously is why phase 2 blue and green and in some

parts red? Well it turns out in 2009 it was discovered that when Toll Brothers did the final plat for Morris Chase phase 1, in other words whenever you want to sell your lots and build you've got to plat them down at Morris County. And on that plat you take a big chunk of lots and you break them into small lots. Well it turns out when phase 1 was recorded those blue lots were plotted so what you had was even though those blue lots were still subject to the ARD approval and still within the ownership of ARD they were recorded and created and in fact ARD gets a bunch of tax bills for these blue lots they exist. And we realized that at one point during the hearing in preparation for a hearing that in fact we had a situation where phase 1 plat was recorded but created phase 2 and effectively granted final approval to phase 2 lots even though those lots weren't buildable because there is still the wetlands issue to resolve. In fact there's notations on the map that created them that says hey listen you can't build on these there's restrictions until you get wetlands approvals. But they in fact existed. So this Board in 2009 decided, well had to create a situation where phase 2 got further carved up. There are those lots now in phase 2 that are granted final approval and those are the blue, and there are those lots in phase 2 that only have preliminary approval those are the green chunks on A-1. So from that point forward 2009 forward ARD needed to proceed on two tracks, we needed to get approvals because the statute has different sections that apply to different approvals, we needed to extend the final approvals for blue and extend the preliminary approvals for the green. So we're here tonight again along those lines with respect to extending two separate approvals. In A-2 what you see in A-2 is nothing more than taking the green chunks from A-1 and plotting those. If at some point in time ARD is able to develop the entirety of phase 2 the green portions it will look like A-2 those are the lots that will be created as a result of that preliminary subdivision. It's premature at this stage because those lots only have preliminary obviously that's part of the relief we're seeking tonight to extend that approval which is governed by the approval granted in 2000, and then separately to extend the approval that's applicable to the blue lots. By way of just clean up the red lots that are depicted on A-1 to further complicate things those red lots were created when Toll filed the plat for phase 1 and were actually conveyed to Toll by ARD. So while they were technically phase 2 lots they were picked up and conveyed by ARD to Toll as part of the transaction again unknowingly but they are in fact technically phase 2 lots under the original approval that now Toll owns and not ARD. So my letter of September 3, 2014 Ms. Cofoni accurately caught my mistake we're not seeking an extension of 74 lots for final, we don't own 74 anymore we only own the 66. So I apologize for that confusion even I sometimes, you know it's been a decade, I sometimes get confused with the numbers. So we are here tonight for our bi-annual trip to Mt. Olive to seek an extension of phase 2 of Morris Chase. I have with me tonight Mr. Greg Law he is a principal with ARD. So at this point I'd ask if Ms. Cofoni could swear Mr. Law so we could talk about A-3 and 4.

(GREGORY P. LAW 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. LAW: Sure my name is Gregory and middle initial is P. Law (L-A-W) the address is 558 West New England Avenue, Winterpark, FL 32789.

MS. COFONI: Thank you.

MR. HOFF: Before I turn to Mr. Law there is one additional bit of background and by relaying this I'm not intending to be confrontational in any way I'm just recounting what's been done through prior opinions. Throughout the process there's been a number of opinions issued by the Superior Court and the Appellate Court that's from our perspective made pretty clear that phase 2 has long been acknowledged to be dependent upon the completion of phase 1. It's part of the settlement, it's part of the way the infrastructure is staggered. While it is one project there's been an acknowledgement that it's sequential. In fact by the litigation it has to be sequential we need to do phase 1 first and phase 2 will follow. So the last time we were here Mr. Law presented testimony that tract phase 1 really we're waiting on the progression of phase 1 and he's going to talk about A-3 and A-4 which is phase 1 sales. We watch them closely because as we testified before and you'll hear again tonight when we're at a point where phase 1 is nearing its end we will look to phase 2 to commence construction. Before that point in time all we're doing is spinning our wheels of sorts. We're not in a position where we're going to compete with the builder in phase 1, there are infrastructure issues that we can't compete with them we need to see how the water and the sewer progresses. There are a number of factors that I know Mr. Buczynski and Mr. McGroarty are well aware of in terms of how this project is situated so our story has always been and you'll hear again tonight when phase 1 is done phase 2 must proceed. So with that bit of background I'm going to ask Mr. Law if he could, again brevity being key, your position with the applicant and your experience with this particular project.

MR. LAW: Well my position with the applicant is that I am a partner in the partnership and further I've been involved for at this point decades in the technical aspects of the development including all of the design, approvals, everything that's actually out there I've been involved in at some point in time. With respect to the exhibits basically . . .

MR. HOFF: Why don't we start with A-3.

MR. LAW: Okay we'll start with A-3 which is the townhouse lots.

MR. HOFF: Before you get to the details the information that you derive from that, where did you get it?

MR. LAW: This comes from the Morris County Clerk's office I mean this is a record of deed sales anybody can go online and find out how things are going. And it's an accurate way, I mean an actual sale is when a piece of property transfers as opposed to when somebody has a contract. I mean it's often said that way but it's really not quite the same thing. So anyway this is tracking what the actual sales are and there's been steady progress it's kind of cyclical this particular thing was arranged by quarter. Some quarters as anybody knows in the real estate business are not as good as other quarters but they basically stay in that regard. Anyway it's just a simple projection out at this point it would appear that the trend continues like it has over the last several years that it will be the last units in the townhouse section will be completed in the first quarter of 2017.

MR. HOFF: Okay you're talking about the townhomes currently being constructed by Toll Brothers is that correct?

MR. LAW: Yes the first phase what we call phase 1.

MR. HOFF: And A-4 is that a similar projection with respect to the single family?

MR. LAW: Yes it is.

MR. HOFF: Okay is the source of information the same?

MR. LAW: The source of information is exactly the same. At this point you know it's not going to be done quite as fast as the townhouse section; it looks like it will be done in the first quarter of 2018 with single-family.

MR. HOFF: With those projections in mind as we've indicated before at what point in time do we need to start looking to moving phase 2 by way of seeking additional approvals, start investigating utility availability that type of investigation.

MR. LAW: Okay now the issue in this case were basically all state approvals has to do with the duration of time that they last. From our perspective and having been experienced developing in New Jersey that the process should start approximately a year, fifteen months ahead of the time that you'd be looking to have an approval in place. Starting sooner than that you can't get anybody's attention, the approvals are not likely to be ratified and if you start too soon of course they may not even exist at the time they actually need them. So at a certain point in time that Toll gets closer to the end of the charts indicated in A-3 and A-4 it's your intention to proceed with seeking the additional state approvals associated with phase 2?

MR. LAW: Yeah at this point we're looking at you know some time towards the latter part of next year which will give us ample time, more than the amount of time I talked about to at least explore with the DEP you know some areas, three basic areas wetlands, water and wastewater.

MR. WEISS: Mr. Law I wasn't present for the Toll Brothers extension so I'm looking at your data and maybe you can confirm with me that based on the data given on A-3 would you say that it's accurate to say that they're selling about three a month on their townhomes?

MR. LAW: Probably . . . the short answer is probably, I actual have more detailed lists of that if you need it.

MR. WEISS: I'm generalizing I know Joe you don't agree.

MR. FLEISCHNER: I think they were selling more if I recall.

MR. WEISS: And I only said it based on where you are today, where you plan to be at the end of 2014, at the end of 2015. And that just helps me when I look at you know I think we're pretty consistent, the same with single-family homes your selling about 1-1/2 a month. Does that seem to be accurate? Does that make any sense?

MR. FLEISCHNER: I thought it was more.

MR. WEISS: Well if they're moving quicker that's great news that's fine. I just wanted to make sure that the data that you're giving us isn't to be interpreted and I'm just using it on estimation where your numbers are.

MR. HOFF: And I don't know because I wasn't here either but I don't know if in terms of sales they're talking about entering into contracts.

MR. BUCZYNSKI: It's entering into contracts; that's what they said at the time yes.

MR. HOFF: Sometimes close, sometimes don't.

MR. LAW: And you know in answering how much they are per month it really does vary by we'll say quarter. Meaning certain parts of the year are very dead, and some parts are very . . . a big chunk of your sales are it's not like retail sales in terms of Christmas because it's actually reverse of that.

MR. WEISS: We know that the Spring is a more accurate selling season. I just wanted to make sure that the data is consistent with reality and it sounds like it is, if anything you're underestimating which is fine again I wasn't here.

MR. LAW: Well in terms of projecting out again I'm not here to tell you what . . .

MR. WEISS: No of course not I understand.

MR. LAW: Poles, expectations are if we were just taking literally the track record that is on the record of you know what it is which seems to be very consistent with actual . . . we were talking several years ago about how things seem to be going.

MR. WEISS: It's a steady decline of remaining homes so I would agree with that comment.

MR. HOFF: And as indicated in our papers we're requesting the two year extension, again it's all projections, but if you follow the chart at the end of September of 2016 we hope the conversations will be somewhat different in terms of our ability to looking more forward to actual construction instead of more wait and see.

MR. WEISS: I would just add something that if nothing else whether we agree with each other or disagree with each other there's been consistency certainly on your part. And your part is, and I think we agree that phase 2 is contingent upon phase 1 no matter if we agree or disagree at the end of the day we agree with that and that's been your argument and I think we've accepted that and I think from this point we'll be ready, I'm not speaking for the while Planning Board but I think we can live with that and I think we can understanding the nature of this very unique application I just I found your request for two years to be odd and I'm going to tell you why. In the nature of being consistent let's be consistent with phase 1, and looking at the resolution that I just signed this evening their extension now goes to February of 2017. And I believe you're asking for an extension that will take us into September of 2016.

MR. HOFF: September of 2016 because we were always September they were always February that's just the way that the approvals ran because they moved forward with their final on phase 1.

MR. WEISS: I'm only suggesting to offer you an increase in extension to come in after that. Maybe give you an extension until March of 2017. Because if you come back, I don't want to have you come back in December of 2016 and say we've got to wait three more months. That's my thought is as much as we like when Mr. Law comes up from Florida to visit us and it's very nice of him but I think the reality is in December of 2016 we might not have anything to tell you. There might not be no news and that's why I just found it to be . . . let's go back and be consistent if your application is dependent upon

theirs let's go back and listen to phase 1 first and then have you come in right after that. I can't imagine you would argue with that to me it makes sense.

MR. HOFF: I'd be happy to amend our application.

MR. WEISS: I don't know if you have to amend it I think with Planning Board whether you ask for two, we gave you one . . . you're asking for two we're giving you a little more am I correct?

MS. COFONI: Yeah that's fine. You're thinking March 2017?

MR. WEISS: I am. Which however, many months that is we can document it and somebody else can do the math.

MS. COFONI: Yeah.

MR. WEISS: But I think from our standpoint it makes a lot more sense. And again it just saves Mr. Law a trip up in December when we won't know anything until perhaps February. And hopefully by 2017 they're going to come up with great news, they're ready for you guys to start building but let's not project that now.

MR. HOFF: Okay.

MR. WEISS: So that's my idea and I think you have no problem with that?

MS. COFONI: No.

MR. WEISS: Does anybody on the Planning Board have any problem with giving . . . although the applicant has asked for two years let's go a little bit further than that. Okay I don't want to take from your presentations.

MR. HOFF: No I'm done I'm fine with that.

MR. WEISS: If you're done then I think, if you have nothing else and Tiena you're fine?

MS. COFONI: I'm fine.

MR. HOFF: Nothing further.

MR. WEISS: I will open it to the public. Does anybody from the public have any comment for the testimony given tonight? Seeing nothing from the public I'll close it to the public. I'll entertain a motion from the Planning Board.

MR. FLEISCHNER: I move we approve PB 99-31 ARD Mt. Olive Associates to February of 2017.

MR. WEISS: No March.

MS. COFONI: I have March 31, 2017.

MR. SCHAECHTER: I will second.

MR. WEISS: March 31st that makes sense.

MR. WEISS: Okay any conversation, comments?

MS. NATAFALUSY: Who second please?

MR. WEISS: I'm sorry that was Joe made the motion, Brian seconded. No comments, Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes
Nelson Russell - yes

Brian Schaechter - yes
Kim Mott - yes
Howie Weiss - yes

MR. HOFF: Thank you very much.

MR. LAW: Thank you.

MR. WEISS: Gentlemen have a good holiday season.

APPLICATION #PB 14-19 – BRIAN GRANCAGNOLO – (Block 2801, Lot 44)

MR. WEISS: We have our first developmental matter of the evening it's PB 14-19 Brian Grancagnolo. What we'll do Brian is we'll swear you in and then what you can do is you can introduce, tell the Planning Board why you're here and we'll talk about it. So the attorney will swear you in.

(BRIAN GRANCAGNOLO SWORN IN FOR THE RECORD)

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

MR. GRANCAGNOLO: Sure Brian Grancagnolo 23 Fifth Street, Budd Lake, NJ 07828.

MS. COFONI: Thank you.

MR. WEISS: Okay so Brian obviously you're here for a reason and you can certainly sit down and relax. Why don't you tell us the situation that brought you here this evening and we'll review the technical end after you tell us why you're here.

MR. GRANCAGNOLO: Okay so I'm here tonight to seek a variance for a rear setback. We have two structures on the property that are in violation of that rear setback. We inherited the home from my parents who lived there for quite a long time and during the process of trying to sell the home we found out that there's a three season room and now a deck that we found out don't have permits. So we started down the process to get those permitted and are before you tonight seeking the variances which we need before we can do that.

MR. WEISS: Okay do we have permits for the three season room?

MS. NATAFALUSY: No that's what initiated it.

MR. WEISS: You're here to get a permit to build that.

MR. GRANCAGNOLO: It exists.

MR. SCHAECHTER: No to make it legal.

MR. WEISS: Okay understood. Okay Catherine did you have anything to add to Brian's comments?

MS. NATAFALUSY: No I just basically what he said was he came in; I guess they're trying to sell the house.

MR. GRANCAGNOLO: Trying to sell the home exactly.

MS. NATAFALUSY: And found out that the three season room had no permits so they came in for the variance. And then while I was doing my report noticed that the deck also encroaches in the rear yard setback and checked with the Building Department and the Assessor's office and there is no permits for the deck as well.

MR. WEISS: And it's your testimony that you did not build those.

MR. GRANCAGNOLO: No they both have been there for probably for 20 plus years.

MR. WEISS: Doesn't it get picked up on a sale of a home that there's no permits?

MR. GRANCAGNOLO: That's why I'm here. We inherited the home.

MS. COFONI: That's what's bringing it; he inherited the house from his father.

MR. WEISS: Oh you inherited it.

MR. GRANCAGNOLO: That's why I'm here we inherited the home so we are looking to sell it and now it's what was there.

MR. WEISS: Okay so the process is still good.

MR. FLEISCHNER: But you raise a valid point because at one point there was an assessment redone, not an automatic one where people actually showed up at your house to do an assessment.

MS. NATAFALUSY: But when the Tax Assessor goes out and does the assessment we don't get notes and say guess what somebody just built a deck.

MS. COFONI: They don't cross reference stuff.

MR. FLEISCHNER: So nobody talks to nobody.

MS. COFONI: On a town wide basis that would be a lot.

MR. FLEISCHNER: I mean I would think that in the future should something like that be done Mr. Mania they should have an iPad or similar device with them to document what they see at different people's houses. Because like animal control knocks at your door and makes sure that you don't have a cat or a dog running around and they document it, but yet assessor's don't.

MR. WEISS: And so Brian is caught in the middle here.

MR. FLEISCHNER: Yes.

MR. WEISS: So let's try to clean this up and what do you suggest Tiena our course of action should be.

MS. COFONI: What do you mean?

MR. WEISS: Well obviously we can grant a variance and clean it up.

MS. COFONI: Yes, right, right he is seeking two variances to validate the existing structures that are there.

MR. WEISS: No understood.

MS. NATAFALUSY: I should probably say that you know at its closest point the three season room as I put in my review was situated approximately 22 feet from the rear lot line. So that it encroaches 13 feet in the rear yard setback so that they need a variance for that. And the deck is situated approximately 24 feet from the rear lot line so that means it would be encroaching 11 feet from the rear yard setback. Building and total impervious coverage are within acceptable limits. So it is a 15,000 square foot lot in a 10,000 square foot zone so it's got more than enough lot area.

MR. WEISS: Okay so the applicant essentially looking for some relief from the rear yard setback as Catherine just said and . . .

MR. FLEISCHNER: There's nobody behind them.

MR. GRANGAGNOLO: Yeah we have Green Acres behind us which is lovely I love the open space.

MR. WEISS: Okay does anybody on the Planning Board have any comments or concerns? So if we were to grant . . . let me just . . . is there anybody from the public here that would have an issue? I don't see anybody from the public here to speak against it so I'll close it to the public.

MR. FLEISCHNER: I do have a question though.

- MR. WEISS: Joe go ahead.
- MR. FLEISCHNER: And not to be a pain. Would you now, should this be granted have to pay for a permit to construct the thing that's already . . .
- MR. GRANCAGNOLO: Yes I'm planning on that.
- MR. FLEISCHNER: All right just for the record they'd have to get a permit.
- MR. GRANCAGNOLO: That's already factored into my mind.
- MR. FLEISCHNER: Okay.
- MR. WEISS: So obviously that would be a condition of course. I would probably think the only condition of approval is that correct?
- MS. COFONI: Yeah other than our typical . . .
- MR. GRANCAGNOLO: As I understand the process if I get the variance then I have to apply for the permit and then have it inspected.
- MS. NATAFALUSY: Yes the Construction Code Official will have to go out and do inspections and see if there are any footings or . . .
- MR. WEISS: Well I just want to review one more time Brian that the applicant is requesting a variance for encroachment of the principal structure in the rear yard setback and we're looking for a waiver from that correct?
- MS. NATAFALUSY: The three season room and the deck.
- MR. WEISS: Okay with that being said will somebody make a motion? Hold on before we do that Brian were you done?
- MR. GRANCAGNOLO: Yes thank you.
- MR. RUSSELL: Looking at the drawing I'm noticing that the fence seems to be in the road right-of-way it's outside of the property line.
- MR. WEISS: Nelson are you looking at the survey or the (inaudible).
- MS. COFONI: Right here.
- MR. BUCZYNSKI: Well it's not in the street but it's still in the right-of-way.
- MR. WEISS: Is that not an issue for us to speak about tonight though is it?
- MS. NATAFALUSY: This fence must have been built without permits as well.
- MR. GRANCAGNOLO: And that has been there. We can take that down if that's an issue.
- MR. BUCZYNSKI: The fence you can take down but the well is your well.
- MR. GRANCAGNOLO: Yeah I mean I don't know when that . . . I'm assuming that was drilled ages ago.
- MS. NATAFALUSY: That's something they'd have to deal with the Health Department on.
- MR. FLEISCHNER: And maybe at one point in time that was acceptable. I mean you know . . .
- MR. WEISS: How old is the home?
- MR. GRANCAGNOLO: 1968.
- MR. WEISS: I would like not to complicate this.

MR. FLEISCHNER: Right let's not.

MR. WEISS: I think the advice is at one point your going to deal with the Health Inspector, the Health department on this and you do agree to take down the fence?

MR. GRANCAGNOLO: Yeah that's not a problem.

MR. WEISS: Were you planning on taking down the fence?

MR. GRANCAGNOLO: No but I'm happy to it's a split rail fence it's nothing it's a

MR. WEISS: Well does the Planning Board have a real problem I don't need you to do all the work.

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

MR. WEISS: Okay well it's noted and I don't think the Planning Board has a problem with it. We're not here to make your life difficult we want to clean it up and if it's the fence is part of your home and it's a simple fence like that, you understand the down side in putting a fence on a right-of-way. As long as you understand that if somebody has to access that for any reason your fence would be removed with or without your permission I suppose. So I'm not going to ask you to take the fence down there's no reason to do that and the Planning Board seems to agree with that so let's try to end this before we get it more complicated. Does anybody on the Planning Board like to make a motion to approve the request for the variance in the rear yard setback?

MR. SCHAECHTER: I will make the motion to approve 14-19 Brian Grancagnolo variance for the rear yard setback.

MR. MANIA: Second.

MR. WEISS: Brian thank you and John thank you is there any conversation? Seeing none are we confident that we addressed everything?

MS. COFONI: Yes.

MR. WEISS: Wait, wait we're not done. With this variance do we need to have the applicant make his proofs?

MS. COFONI: Yes.

MR. WEISS: Because I don't think we did that.

MS. COFONI: No we probably need to go through what you typically do with the questioning.

MR. WEISS: There is a process when an applicant asks for . . . so let's assume that this was brand new and you wanted to come in for a variance request to build these. There's a process that we have to follow, I'm sure you saw it in your application you have to prove the positive and negative criteria. So in this case by . . . it's kind of weird because it's here already but by having these structures exist do you think it would negatively affect the neighborhood?

MR. GRANCAGNOLO: No I think the structure is in line with the current development of the neighborhood it's actually not very visible from the road it's below the home in terms of its size and I think only one neighbor probably can see it.

MR. WEISS: Brian I think I heard you say that in the rear of your yard there's no neighbors so anybody behind you their quality of life wouldn't be affected by . . .

MR. GRANCAGNOLO: It shouldn't adversely affect anyone behind us.

MR. WEISS: I would say that's enough testimony for my liking for the negative criteria and of course from the positive criteria this room although it's been there part of the house adds to the value of . . . I don't want to testify for you but . . .

MR. GRANCAGNOLO: Yeah I think it would add to the value of the home it's a pleasant (inaudible) outside the back looking towards that open space area.

MR. WEISS: Okay I'm happy with that. With that addition of the proofs John, Brian your okay with modifying just making sure the deck is part of your motion and second.

MR. SCHAECHTER: Absolutely.

MR. WEISS: Okay that was more a technical conversation we just had together. So we're good?

MS. COFONI: We're good.

MR. WEISS: Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes
Nelson Russell - yes
Brian Schaechter - yes
Kim Mott - yes
Howie Weiss - yes

MR. WEISS: Brian good luck to you and so the way it will work in 30 days from now the resolution will be signed you can pick up a copy and then go proceed to the construction office.

MS. NATAFALUSY: We don't do that at reorganization so it would have to be on January 15.

MS. COFONI: It will be January 15.

MR. WEISS: Well that's about a month I'm pretty accurate in my estimate. About a month you'll have the resolution signed and from there you'll take that document and then you'll be able to get your building permits and anything else that you need.

MR. GRANCAGNOLO: Okay.

MR. WEISS: All right good luck.

MR. SCHAECHTER: Hey Howie?

MR. WEISS: Yes.

MR. SCHAECHTER: Is there any reason why we can't you know have the reorganization meeting, close the reorganization and then open up another meeting?

MR. FLEISCHNER: And approve resolutions?

MR. WEISS: No we can do that in reorganization.

MR. FLEISCHNER: Yeah like why make people wait if we have a resolution why can't you do something like that?

MR. WEISS: I think we have stuff scheduled on reorganization don't we?

MS. NATAFALUSY: We just usually do reorganization and don't do any . . .

MR. SCHAECHTER: If we're here we're here.

MR. WEISS: Chuck didn't we talk about in our ordinance committee meeting that we were going to add something to that meeting?

MS. NATAFALUSY: No February.

MR. MCGROARTY: I mean you can do it.

MS. NATAFALUSY: Oh okay we can add resolutions that night.

MR. FLEISCHNER: I'm just thinking resolution-wise you know and then . . .

MR. WEISS: Yeah there's no rule that says we can't I'm not sure . . .

MR. FLEISCHNER: Because if we're all here . . .

MR. WEISS: I'll give the Catherine the approval to put on whatever she wants to put on and that is that.

MS. NATAFALUSY: Okay so Howie we would have to go out of reorganization, go into a public meeting and adopt the resolutions and then . . .

MS. COFONI: Yeah.

MR. MCGROARTY: Towns where they have the reorganization they shut it they restart it.

MR. WEISS: I think in years past we've done business under reorganization.

MS. NATAFALUSY: Yeah go out of the meeting yeah. All right so January 8th.

MS. COFONI: Okay.

MR. WEISS: Okay.

APPLICATION #PB 14-16 – MICHAEL MAHER – (Block 4400, Lot 56)

MR. WEISS: Okay let's get back to the next developmental matter which is PB 14-16 Michael Maher preliminary and final site plan 197 Route 46 Block 4400, Lot 56. Tonight we have Mr. Michael Selvaggi representing the applicant. Michael welcome.

MR. SELVAGGI: Yes thank you happy holidays. To my right is the applicant Dr. Michael Maher. We're here this evening Dr. Maher is a contract purchaser for property identified as Lot 56 in Block 4400 it's the old kitchen/bath tile shop along Route 46 the eastbound side. It's about 2-1/2 acres it's located in your C-1 zone the property has been abandoned the owner has passed away the Dr. had negotiated a contract with the estate which is contingent upon him getting a site plan approval to redevelop the structure so it can be used for his existing chiropractic business. What we'd like to do is have Dr. Maher testify and kind of fill you in on what his proposal is generally. Also talk about some of the proposed uses he has so you guys get a comfort level to know that this is not going to be an intrusive use by any means, it's rather benign and will fit quite nicely in that corridor and more importantly probably consistent with what your Master Plan has kind of sought for that section of Route 46. So Mr. Chairman if we may Dr. Maher can be sworn?

MR. WEISS: Sure we can swear Mr. Maher in.

(MICHAEL MAHER 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. MAHER: Michael L. Maher (M-A-H-E-R) 98 Route 46 Suite 5, Budd Lake, New Jersey.

MS. COFONI: Thank you.

MR. SELVAGGI: Okay Dr. you have obviously a degree and a license in what type of medicine?

MR. MAHER: I'm a doctor of chiropractic .

MR. SELVAGGI: Okay and you have a current office?

MR. MAHER: Yes.

MR. SELVAGGI: And where is that located?

MR. MAHER: It's in Budd Lake right by Home Goods.

MR. SELVAGGI: Okay how long have you had an office there?

MR. MAHER: I've been there since St. Patrick's Day 2006.

MR. SELVAGGI: Okay and why are you looking to leave that location?

MR. MAHER: I basically maxed out my space in a sense. I've been there for, I'm going into my ninth year and the space isn't big enough we have a lot basically new technologies coming out with different therapies and we need more room to put different types of therapies in different rooms to treat patients. There's not enough room space.

MR. SELVAGGI: Okay and you lease that space now?

MR. MAHER: Yes.

MR. SELVAGGI: What attracted you to this particular property?

MR. MAHER: Well since the practice is in Budd Lake I would say about 90 percent of my patients are from the Budd Lake area. And it's always been in my mind that when I was going to start a practice and when I was going . . . well on my own not work for somebody, that I would live in the community in which I practice. So I bought the practice in Budd Lake back in 2006 and then I started treating people there and I don't really want to relocate the office out because I feel that it's just a good feel. If your doctor is here and you walk around town you see people it's all around just sort of always thought of how I wanted the practice to be.

MR. SELVAGGI: Okay you're a resident then of Mount Olive?

MR. MAHER: Yes.

MR. SELVAGGI: How many people do you plan on having work at the new location?

MR. MAHER: Currently right now I have three on staff; if I go into the new location I would plan on probably needing another two so it would be a total of five.

MR. SELVAGGI: Okay does everybody work there at the same time?

MR. MAHER: No people are in and out in a sense that I have (inaudible) girls and then I have people that assist me with the therapy.

MR. SELVAGGI: Okay by the way what do you propose for your hours of operation at this location if you get the approval?

MR. MAHER: If I get the approval, right now I currently open my office for six days, Monday, Wednesday and Friday are full days I normally start at around 8:00, 7:45 and go to about 11:00 maybe 12:00 depending on how busy we are, take a two hour lunch break and come back in at 2:00 go to about 6:00. On Tuesday and Thursday I go from about 2:00 to about 6:00, Saturday mornings I come in sometimes 7:30, 7:45 in the morning and I leave around 10:30, 11:00.

MR. SELVAGGI: Okay how do you schedule your patients? And I'm asking the question so the Board has an understanding that you know you're not going to create a parking problem or a traffic problem there.

MR. MAHER: No I run a tight ship in a sense that when I schedule a patient I get a patient in and out. I don't run a doctor's office where people wait an hour or a half hour to come in and out of the office. Basically I assign a room with a therapy to a patient they have to be in at that specific time. If they miss their appointment we don't cause a backlog we end up pushing them to a different therapy or just seeing me and we keep the flow of the office. Average time per patient in my office is roughly about 20 to 25 minutes.

MR. SELVAGGI: Okay given the hours of operation that you spoke of I know Mr. Buczynski in his December 4 report talked about site lighting and I know on the plans I think you had called for the lighting to be off at 7:00 p.m. you know on timers. Is that a condition you're comfortable with in terms of the lighting?

MR. MAHER: That's fine, that's fine because I have kids I plan on being home with my kids so I don't want to be there.

MR. SELVAGGI: Okay.

MR. MAHER: There will be no patients coming in and out at that time so it doesn't matter.

MR. SELVAGGI: Okay and I know we have an architect and planner talk about it, but generally you're proposing to do what with the building, just more or less renovate it?

MR. MAHER: Well first of all I plan on making the building look a lot nicer than it is because when you drive by that couldn't represent my office as it is. So I plan on doing a lot and I think it's going to be beautiful from what we had planned. It's going to be a place that people are going to want to pull in and receive treatment. Right now I think when you look at it you wouldn't want to pull in so I think we're all on our way if we can get everything approved.

MR. SELVAGGI: Okay Mr. Chairman that's all I had for Dr. Maher obviously we have our engineer and then Michael Byrne will be our architect/planner.

MR. WEISS: This property is about two . . .

MR. SELVAGGI: 2.3 acres.

MR. WEISS: And your really only developing that front little parcel. What's in the back is there anything in the back right now?

MR. MAHER: I just think its open space.

MR. WEISS: It's not developed there's no parking lot?

MR. MAHER: No there's nothing there.

MR. SELVAGGI: And Mr. Glasson can certainly expand on it.

MR. WEISS: I'm kind of going back to the parking thing and you know I always take the position that you know parking, it's your business and if you don't provide enough parking then they're not coming and so I'm sure we'll hear from Mr. Glasson and . . . The reason I brought up the property I suppose if your business flourishes which we hope it does is there room back there for additional parking?

MR. MAHER: You know what with the space that we're going to have in that building I really don't think we're going to need additional parking, 23 spots I believe will be fine and I don't think it should be a problem.

MR. WEISS: Okay.

MR. MAHER: Yeah I don't think it would be a problem.

MR. WEISS: I'll take your work, like I said if it's not they're not coming.

MR. MAHER: Yeah exactly.

MR. WEISS: But we have to also look at it a little bit differently we don't want to create a backup of traffic onto the highway of people waiting to come in and out. So I'm kind of being optimistic for you that your business grows and technology changes and you can handle a lot more people. Is there room, and I think the answer should be yes, there's probably room if you needed it.

MR. MAHER: I mean there's a lot of space if we had to yeah.

MR. WEISS: Okay so it's not like it's a small . . . I was curious about what . . .

MR. BUCZYNSKI: Well it is wet back there if you go further back in its wet.

MR. WEISS: Okay.

MR. SELVAGGI: Way back yeah.

MR. BUCZYNSKI: Yeah.

MR. WEISS: Okay that's the only question. Brian you had a question?

MR. SCHAECHTER: In your current location how many parking spots? You're in a shared building so you've got the oral surgeon . . .

MR. MAHER: We're in a shared lot so we have the oral surgeon, the attorney I mean it's a decent sized lot but I mean we also have . . . there's also a health clinic that's open 24 hours a day also in our lot. We've never had a parking problem.

MR. SCHAECHTER: With all that activity there's never been a parking problem.

MR. MAHER: No never.

MR. WEISS: Okay does anybody else have a concern for Dr. Maher? Okay.

MR. SELVAGGI: All right? You can have a seat. Mr. Glasson will be our next witness. Jim?

(JAMES GLASSON 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. GLASSON: James Glasson (G-L-A-S-S-O-N) my company is Civil Engineering Inc. 1 Cove Street, Budd Lake, New Jersey.

MR. SELVAGGI: Okay I know Mr. Glasson appears here frequently I would hope we could move past the formal . . .

MR. WEISS: Is there anybody here who has not heard Mr. Glasson I would think that we'll accept Mr. Glasson as an expert engineer.

MR. SELVAGGI: Thank you Mr. Chairman. Jim while you're setting yourself up you were responsible for overseeing the engineering plans that were submitted?

MR. GLASSON: Yes I was.

MR. SELVAGGI: Okay and you've been out to the property?

MR. GLASSON: Yes I have.

MR. SELVAGGI: All right let's first talk about some of the existing conditions out there particularly referencing the Chairman's comments about you know land in the back and what's back there if nothing else just to put that issue to bed. So what are we looking at?

MR. GLASSON: Okay we're looking at right now my sheet 2 of 9 just a colored version of 2 of 9.

MR. SELVAGGI: Which we'll mark A-1.

MR. GLASSON: If you want to refer it in your sheet 2 of 9 as I go through this it might help you. We're Lot 56, Block 4400 our street address is 197 Route 46, the property is outlined in yellow here. You can see it's a real irregular shape piece of property it's located just south of the intersection of Route 46 and Gold Mine Road. Directly caddy corner to this property is the Valley National Bank to just give you some perspective, directly next to this property is the old Budd Lake Post Office that right now is the IMC Machine Company directly adjacent to it. The property has 111 feet of frontage on Route 46

you can see it's kind of broken up into two shapes, there's a rectangular shape out towards the front and that is the area that all of the development is currently and that is the area that we are proposing to renovate with our new location for the chiropractic office. There is no development in the rear of the property it's predominantly wooded, the front portion of the property has a depth of about 219 feet so this rectangular area is about a half an acre. The remaining area in the back is about 1.75 acres and that area is completely wooded. Directly adjacent to us is the Southbranch of the Raritan River that runs here so that's what Mr. Buczynski indicated there is some wet areas and there is definitely some wet areas that exist along this back threshold off of the Southbranch of the Raritan. We're in the C-1 zone which requires a minimum lot size of 1 acre, lot width of 200, lot depth of 150, principal building setback 75 feet front, 25 feet side, and 25 feet rear. I'll get into where that existing building sits right now but this was the previous site of the Giorgio Tile & Marble was the name of the company that existed out there. Up until a couple of months ago there was piles and piles of large pieces of marble. We were doing our field work out here there was pallets and pallets of large pieces that were out there that were still left and that were recently removed. The tile and marble company operated out of this single building a single story brick and masonry building that exists basically in this northwest corner of the property. To give you an idea of the setbacks the front setback of that building itself right now is only 14.4 feet where that C-1 zoning requirement is 75 so that's an inherent existing variance condition with the building. Looking at it from Route 46 the left side setback is only 11.6 where 25 is required, the right side setback is 71.6 where 25 is required and the rear of this property is actually because of this jog the rear yard is measured off of this portion here is 66.77 where 25 is required. So there are two existing variances with regard to the existing structure that being the front and the left side. The property also has a paved parking lot the parking lot has an ingress egress off of Route 46 it's about 24-1/4 foot wide and it opens up to a parking area that's located on the south side of the building and then parking located in the rear. All of this again stays in this front portion of the property nothing to that rear portion that's wooded. The total coverage that exists out there right now is about 20,600 square feet it's only 20.56 percent where your C-1 allows 60 percent. Your C-1 also allows a building coverage of 30 percent, this property has a building coverage of only 4 percent, a floor area ratio allowable is .4 and this property only has a floor area ratio of .03 so it's well under the thresholds for coverage, floor area and building coverage. It's served by the Budd Lake sewer system there's a sewer lateral off of a manhole that's located in an easement along Route 46 it's serviced by an on lot well for water supply that's located at the right side of the building if you're looking at from Route 46 in the front yard area. Overhead electric and telephone and then for storm drainage which was an issue that we had for getting completeness, there was two storm grates or trench drains that are out here, one by the entrance and one about half way down. The property pitches from the north to the south both the storm drains are completely packed solid so on my first submission to the town I didn't even have the information on it because when we went out to do them they were packed solid with debris. Dr. Maher had a company come out they cleaned the storm drains out we actually ran water through them we were able to diagnose that drain in the rear in fact past the drain in the front and joined up with that and fed the catch basin located on Route 46. They had water running I went out there and witnessed the whole thing, they had cameraed it I believe they gave the engineer a DVD of the camera that they sent down the line but it did flow right to the Route 46. We didn't know where it went quite frankly when we first looked at it, we had no idea if it went out the back or went out the front but it did go out to the front so the storm drainage system was a lot better than we anticipated it would be or even realized it was. And that handles all of the drainage from this entire paved area because it all tips in this location. The adjacent properties to our north directly next to us is a motel I think it was the old Budd Lake Motel that sits directly adjacent to our property line so on our side where we're 11.6 that motel which is vacant at the present time and in a state of disrepair is located almost directly on the property line. That's a C-1 zone property directly behind that is a residential house it also abuts our area of our property that has been built upon and that's in a C-1 zone but it is a residential dwelling. Further north along this wooded portion of our property are a number of residents about five of them all in the R-3 zone. They abut our property where it's wooded so there's no affect from our proposal or the existing conditions on their lot. As you travel around the property again here's the Southbranch of the Raritan that runs through what is the dry cleaners located on Lot 53, Block 4400 that's also C-1 and as I said earlier directly adjacent to us is the old Budd Lake Post Office the IMC Machine Company on Lot 55, Block 4400 also C-1. Across the highway are two residential dwellings in the PB Professional Business zone and then on the corner in the nail salon in the professional business zone. The nail salon is located at the corner of Route 46 and New Street. That completes my existing condition analysis of what's out there. My second plan is sheet 4 of 9 that you have before you in the site plan.

MR. SELVAGGI: All right and we'll mark that A-2.

MR. WEISS: What are we going to call A-2 Jim?

MR. GLASSON: It is my Site Layout Plan sheet 4 of 9. It is a blown up version a 10 scale version of the front portion of the property. So what you're seeing here these are the property lines that open up to that weird irregular shape in the back it's not even shown on this drawing. So as you're looking at it you know it looks a little strange compared to the figure you see here, all you're looking at this portion of the property because that portion of the property is the only portion that has the improvements. So that's what my site layout focused on. We're proposing to redevelop this site for the Mt. Olive Chiropractic Center for Dr. Michael Maher he's proposing hours Monday through Friday for this new business 8:00 a.m. to 6:30 p.m. and Saturday 8:00 a.m. to 11:00 p.m.

MR. WEISS: That's not exactly what he said.

MR. GLASSON: No he was telling you about what his hours were previously but that is what we're going operate under this new . . . so I'm going to put that on record, he was telling you what his hours were for his existing business.

MS. COFONI: Oh.

MR. WEISS: I'm trying to clear it up because that's kind of not the way he addressed it.

MS. COFONI: Oh okay.

MR. SELVAGGI: Our understanding that there's no . . . I mean it's a permitted use so I mean it's you know . . .

MR. GLASSON: Well the anticipated hours that show up that we had talked about for the new business were 8:00 a.m. to 6:30 p.m. Monday to Friday, Saturday 8:00 to 11:00. Whether he's closed for two hours at lunch I didn't include that but I'm just saying that that's the anticipated hours.

MR. NELSEN: Open until 11:00 p.m.?

MR. GLASSON: No a.m. Saturdays only 8:00 a.m. to 11:00 a.m. sorry.

MR. MANIA: Yeah you had said 11:00 p.m.

MR. GLASSON: We don't have any renovations to the structure itself other than right now there's a . . . I'm going to say a dilapidated wood roof that sits on the north side of the building that we're going to take down. The only exterior structure that we're proposing on the building is a canopy area over what would be the revised or reconfigured front door location. There would be a canopy 11 by 14 that's located off of the southerly side of the building. The basic structure of the building remains completely intact other than taking down there's a roof overhang that's dilapidated on this north side that would be removed. The interior of the building will be completely renovated Mr. Burn will discuss that, we have taken out a garage door that existed in the back of the tile and marble business and also we propose to take out a garage door that exists on this side. Replace the back one with a man door and replace this with windows in this area. We have for access we're going to continue to utilize this access way off of Route 46 it's 24-1/2 foot wide although your ordinance does require 25 foot for a two-way aisle. That existing access is 24-1/2 feet as it presently exists, it is curbed and it does open up to this parking area here that has a total distance across of 43 feet. We've proposed in this location 10 by 18 spaces that would leave a 25.6 foot aisle after it which is in conformance with your 25 foot requirement for two-way traffic. It would allow these cars to have no problem backing out and exiting the site. There is a pretty large queuing area here before Route 46 so it's not as if this parking sits right out on Route 46 there's a queuing area of about 40 feet here so I pulled in and out of here a lot with my survey guys to do our survey work and there is ample room to queue the two cars in and out before you get out onto Route 46 without interfering with the parking lot. As we move around the parking lot what you see on my plans that you have before you are striped parking areas. We're going to stripe this it's kind of an irregular shaped paved area we're going to do a complete overlay of the parking area but we're going to stripe it so we can designate spaces. Right now out there it's paved but there's nothing designated so we're proposing these 10 by 18 spaces we have another I'm going to say caddy corner five 9 by 20 spaces along the rear of the building we have two handicap van accessible spaces and we have five additional 9 by 20 spaces along with a single parallel spot along the, what I'll call is the rear improved area of this portion of the property. We have 23 spaces total there's nothing in your ordinance for this type of use so basically in talking with the doctor we talked about what would it be his build-out and I know he said what he has now but we talked about at one point he would possibly have himself with two therapist which would require three spaces and he could possibly at some point in the future have as many as four employees if things were as good as they possibly could be. So that would be seven

spaces, the doctor himself would have one person that he would see and five waiting which would be six more spaces and he would anticipate each therapist would have a person that they were seeing and one person waiting because their sessions would be longer. That's a requirement of 17 spaces I do show on my plan a requirement of 20 that's only because I counted the doctors twice so I counted the doctors and the employees so we actually really only need 17 spaces. He has 23 proposed he thought that was more than enough based on what he does now, that's 6 extra spaces at his maximum amount of employees and his maximum amount of therapists. So that's really the way he indicated to me was people move in and out of the office it's a cyclical thing you don't want people sitting there to long so . .

MR. WEISS: Jim I have a question for you. The handicap parking is in the rear of the building, why wouldn't it be closer to the door?

MR. GLASSON: Okay let me explain that. Let me go back to the existing conditions and then I'll explain my proposed (inaudible). The existing building right now on the south side of the building there is a large concrete walkway that's about 12 foot wide that's actually elevated. Then there's a lower walkway that's adjacent to the existing parking spaces so they're actually presently out there right now is a wall that exists right here. So there's a change in grade here of about 2 to 3 feet so right now you could not, a handicap access could not be provided from this direction because there's a change in grade here. We're going to take that wall out we're going to take out that large concrete area that's in really bad shape that's out there it's a concrete walkway that's actually elevated. So you step out you have a walkway, you have a wall and then you have another walkway that goes all the way to the building. We're going to take that walkway out, we're going to put a new walkway adjacent to the building and we're going to use this area to landscape there's no reason for a 12 foot wide walkway. So the advantage would be your handicap spaces now would have access either to a door in the rear or to access this walkway at grade and proceed to this entrance. Whereas, if you access from here you would have to come down this walkway and enter through stairs under that canopy.

MR. WEISS: So if we take the spot closest to the road and we call that spot number one the person who parks in spot number one has to walk all the way . . .

MR. GLASSON: No the person who parks in spot one just walks straight ahead and goes up stairs.

MR. WEISS: Okay.

MR. MCGROARTY: There's two doors right?

MR. GLASSON: There's two doors but the main door is here. This person right here who parks in this space would have to step out of their car, step up onto this walkway enter up two steps to get to a walkway to get to the front door. Whereas a person here just in a wheelchair wheels straight at grade to here, there's a grade difference of 2 feet between these two walkways. This hill is going to have a slope, right now there is a wall that exists an old railroad tie wall that exists across that lower area we're going to remove that. We don't need a walk; this upper walk is 12 foot wide it's just . . .

MR. WEISS: Because somewhere halfway through the parking aisle somebody is going to have to go right or left.

MR. GLASSON: Yes if you park here you're going to be able to decide if you want to walk here and go this way or do you want to walk that way.

MR. WEISS: You can't be able to because you won't go straight unless you're right by this. All right I've got it now.

MR. GLASSON: Yes correct.

MR. WEISS: All right I've got it now.

MR. GLASSON: So the logical place to put the handicap spot it is here that way there's no, you know there's no issue with the stairs the stairs are for people who park over in this end anyone in the back walks in at grade.

MR. BUCZYNSKI: The only thing while we talk about the handicap because it was in my report too are you going to put some signage so that when they come in, people come in they know where the handicap spaces are?

MR. GLASSON: Yeah we can do that I mean they're going to assume I think that you have to find . . . I mean I have to have handicap spaces so . . .

MR. BUCZYNSKI: I know you do but I mean somebody coming in and wondering if there is a handicap access they don't know unless they drive all the way in the back. It would be nice to advise them to go to the rear.

MR. GLASSON: Yeah you know I could put a sign that says handicap access with an arrow or something. You know I mean something to get them to the back of the building.

MR. BUCZYNSKI: Right that's all.

MR. GLASSON: Yeah, yeah.

MR. MCGROARTY: Mr. Chairman if I can just follow up just so I understand too. It was my impression based on, particularly on Mr. Byrne's plans he can talk about it that the rear door will be available to people to come and go in and out.

MR. GLASSON: Absolutely, yes absolutely. There's a rear door here, there's a door here which I'll call the main entrance only because it has the awning area and then there's a door on the north side, this north side door would be more like employees coming in and out and they would exit to the parking lot here down this walkway because there is a 7 foot wide walkway that presently exists on the north side. There is a door that's being put in right here that's replacing an existing garage door right now so they could enter that location too I mean but their main entrance will be in this location.

MR. SELVAGGI: Jim just importantly I mean we're not adding any more impervious coverage with this parking . . .

MR. GLASSON: No I didn't even get to that yet. We're actually reducing our impervious coverage. We're reducing our impervious coverage to 19,192 square feet with the removal of all of this concrete that was here, this area that I show planted here is all concrete at the present time as well as the concrete sidewalk that exists out to the front that basically goes nowhere because there's an existing retaining wall here, the concrete walkway goes out to this planted area so we're actually reducing our impervious coverage by almost 1,500 square feet. We are in the Highlands Preservation Area we are subject to a Highlands exemption I have a Highlands Exemption Plan within my set of site plans we actually are negative in the Highlands. I mean we haven't used any of our 125 percent we would fall in Exemption #4 for 125 percent we've used none of it. If in the future the doctor decides to come back and wanted to look, investigate in adding more parking in this rear area he still has a full 25 percent to utilize under the Highlands law. We're not choosing to do that we don't think we will be back here we didn't look at the impact of any environmental issues in the rear we just stuck strictly with what was already at coverage. Our utilizes that we're going to propose are going to remain the same everything with regard to our water, our sewer hookup, our overhead power and our storm drains would remain the same. With regards to lighting we have two pole mounted lights one in this rear portion of the property and one that's in this new area that's become landscaped. Those pole mounted lights are set at a height of 18 feet they would be time clock operated to be off from 7:00 p.m. to 7:00 a.m. to coincide with those hours that we talked about earlier. We also have two building mounted lights 10 foot high along this rear that's for access for the employees leaving at night exiting to the rear of the building. For landscaping I know Mr. McGroarty's report . . .

MR. MCGROARTY: Jim could I stop you? I'm sorry to interrupt your testimony but as I indicated my question in the report was on the two building mounted lights, will they be on all night?

MR. GLASSON: No.

MR. MCGROARTY: So they'll be timed with the pole light?

MR. GLASSON: Those four lights will all be timed with the pole lights but there will be a security light over that door in the back just a building security light. But the overhead lights the 10 foot high lights on the building will be off.

MR. MCGROARTY: Okay.

MR. GLASSON: I noted in Mr. McGroarty's report he talked about it, we are removing a 30 inch tree that falls basically in this location here.

MR. WEISS: Can we . . . let's stick with, because I don't want to jump back and forth between Chuck's report and Gene's report. I think now you're going to talk about stuff in Chuck's report?

MR. SELVAGGI: Well we're talking about landscaping I mean the broader category and I think the reason why we do it is to show what we propose as landscaping will . . .

MR. WEISS: Well let me just ask a quick question, is there anything else that you wanted to address from an engineering standpoint that we could come back to Gene's report on? I don't want to stop your momentum but . . .

MR. BUCZYNSKI: Are you going to go with my report afterwards?

MR. GLASSON: Yeah I didn't go through the report.

MR. WEISS: Okay that's fine as long as . . . I just don't want to go from your stuff to Chuck's.

MR. BUCZYNSKI: Well there's a couple of items I can do at the end when he's done with his testimony.

MR. WEISS: That's fine Jim you can continue.

MR. SELVAGGI: All right so let's talk about landscaping.

MR. GLASSON: Landscaping the majority or all of the trees on the outskirts of this existing improved area are to remain. We do have one 30 inch tree that's adjacent to the building that tree I would take that tree down in a second even if it was or wasn't required to have replacement only because it's heaving existing walkway and its close to the foundation it's about 9 feet off the foundation right now. So Mr. McGroarty indicated we could have replacement requirements either way, that tree has to come I would not want to leave that tree up. It's about 9 feet off of this corner of the building and it's actually is heaving the sidewalk that's out there right now. Although we are removing that sidewalk it is actually heaving it now. We have approximately 78 new shrubs and trees most of those shrubs and bushes are located in the front area here and along this area that we are landscaping that we're taking out that walkway and we also have a row of shrubbery along the building face. Right now the concrete actually runs right up to the building face and we're trying to soften the look. The real look of this building is strictly I'm looking at it from Route 46 and looking at it from this direction there is no real view at all of this building from the rear other than when you pull in here and see the rear of the building. And this side of the building is almost impossible to see, if you can see on this drawing this is the outline of the structure right next door. So this is almost like an alleyway to get through here. I have at one point to the concrete landing that exists out here 8 feet. So I mean it's very close, these two structures are incredibly close together so your visibility to see here it's almost an alleyway looking at it off of Route 46 you can't really see anything. Although we are going to put grass and clean that area up we are going to entirely wood chip this outside bed, the doctor is also proposing to leave . . . there's a metal fence that runs around the entire outskirts of this portion of the property with a gated entrance across here. We are going to remove the gated entrance because the gated entrance could be dangerous by keeping cars from getting in but we are going to leave the metal fence that does provide some protection around the outskirts of this portion of the property. If the metal fence is in disrepair he'll fix it, he's thinking of painting it just something so it's just a chain link metal fence but it's actually in pretty good shape but it does have some signs of rust. But it doesn't look like it's anything that couldn't be painted or what not but I mean it is a nice 6 foot chain link fence that gives you some security around the outside. Signage, we do have an existing freestanding sign that sits out about 10.9 feet off of the right-of-way it's shown on my site layout plan that existing freestanding sign is to remain and be refaced it will be internally lit. The sign that presently exists out there is 6 feet wide by 6.9 feet in height in sign face its 41-1/2 square feet this zone allows 90 square feet it's a two sided sign and the height of this sign is 14.1 feet to the top where this zone allows for 15 feet for the freestanding sign. We do have two proposed building mounted signs as I said the visibility of this site is from Route 46 and also from this southerly side of the building when you enter. On the Route 46 side we have a building mounted sign 3 by 7, 21 square feet located centrally on the front of the building 22 square feet is allowed based on your square footage of building face on that side. On the southerly side we have another building

mounted sign proposed that's 4 foot by 21 foot or 84 square feet based on the building square footage on that side and 86 square feet is allowed. So I believe all of the signs that we're asking for are conforming, the location of the existing sign is actually conforming distance off of the right-of-way of the freestanding sign also. That really completes my testimony.

MR. SELVAGGI: Okay let's run through Mr. Buczynski's report.

MR. FLEISCHNER: Mr. Chairman?

MR. WEISS: Sure Joe go ahead.

MR. FLEISCHNER: Jim the only concern that I would have is people coming out of the parking lot trying to make a left turn that's a pretty hairy left turn. You know I don't know have you looked into some of the aspects of trying to make a left out of there? I mean I know that it's just . . . it's a concern to me because you're a lot closer to the . . . oh this is further than the dry cleaners so you've got a 50/50 chance.

MR. GLASSON: You have a good sight line I mean I've pulled out of there . . .

MR. BUCZYNSKI: You have the gap at the light too.

MR. GLASSON: Yeah the light actually provides you some leeway because when the light changes you get a transition.

MR. FLEISCHNER: No I understand that but then there's people trying to make a right at the red light if there's no cars coming they make a sharp right it's just . . .

MR. SCHAECHTER: Yeah but its part of the . . .

MR. FLEISCHNER: Well it just means they'll be more patients.

MR. SCHAECHTER: Yeah but the gas station there too has a right turn arrow.

MR. SELVAGGI: Yeah I mean I think probably any application that comes in for any property on Route 46 I think coming out and if you're on the eastbound side making a left is always going to be tough. There's nothing we need from the DOT or anything else on this you know . . .

MR. FLEISCHNER: I just thought I'd raise it.

MR. SELVAGGI: Yeah no.

MR. GLASSON: I can say though I mean I've probably been out there ten or fifteen times in the last couple of months and when that light changes you get a huge gap because I can see . . . you can see right to the light and through the light. When that light changes everything stops.

MR. FLEISCHNER: Right but the tough part is people coming west down that hill and they think it's you know the Indy 500.

MR. GLASSON: But bear in mind you do have two lanes there so I know when I was pulling out sometimes I would have to pull out into the closer lane because somebody was coming along the opposite side. But I didn't notice that we had a problem . . .

MR. WEISS: Okay well the applicant is under no obligation to do anything about that.

MR. FLEISCHNER: I understand that.

MR. WEISS: Okay so let's review Gene' report.

MR. SELVAGGI: All right we'll go right to page two, Roman Numeral two is technical items and we didn't spend a lot of time or any time talking about the waiver request which Gene I guess has recommended.

MR. BUCZYNSKI: I have no concerns there's four requests of waivers the environmental impact statement which I thought was not a problem to waiver since you were not really getting into the

disturbed areas at all even though there's wetlands on the rear it's not being disturbed so I didn't think an EIS was really required. The second one was a submission of topo within 50 feet of the lot, really since this proposal is all limited to existing disturbed areas we felt they were not going outside those areas so I thought it wasn't really necessary to have them give us additional topography. The loading space requirement based on the report they submitted us there's no need for loading docks as far as deliveries go your going to just have deliveries via FedEx or UPS trucks. And the last item was dumpster area and they're going to have it basically inside or a private hauler correct?

MR. GLASSON: Yeah I don't know if my office operates the same way I have . . . I mean I have an office right down the street and we're the same type of situation we have office garbage so once a week literally we empty the garbage and we put the cans out. So I mean it's not something that's going to have food or that kind of stuff so he would like to handle it the same way.

MR. BUCZYNSKI: I didn't think there would be any problem with the waiver request.

MR. GLASSON: He'll line up his own private hauler I lined mine up the guy comes at 6:30 in the morning before we're even there we put the cans out and he picks up. So I mean it's the same principal he'll have, any private business on that stretch has that.

MR. BUCZYNSKI: On item two my concern, I know you mentioned about the two inch overlay my concern is the paving is kind of irregular there with joints all over the place and I think you would be better off to consider milling it I thought of milling it inch and a half mill and then paving it with two inches of top. It might make a cleaner parking lot for you. But I also put in my report that you can discuss further with the contractor and see what he thinks in the field but I think milling is the way to go milling it and then paving it.

MR. GLASSON: Okay well it would help with the drainage too because then it would . . .

MR. BUCZYNSKI: Yeah exactly. So I think that should be a condition of approval in my estimation. As far as number three Jim mentioned about the Highlands Exemption #4 as he had on one of the previous applications I think last month we have the rights to approve those exemptions on a local level and my recommendation is based on information submitted by Mr. Glasson that we can definite approve it on a local level. One item that I didn't mentioned in my report is the existing retaining wall that runs around the, I guess northwesterly side of the property of limits of improvements. There's some areas maybe need some improvements so I imagine that where it needs repairs to the retaining wall it will be done?

MR. GLASSON: Yeah some of the . . . there's a railroad tie wall that runs along this area of the parking lot some of it is fine but some of it is in lousy shape.

MR. BUCZYNSKI: I think just repair retaining wall is required. I believe that's all I have for items . . . oh regarding the on-site well it just has to get approved by the Health Department for the proposed use.

MR. GLASSON: Right.

MR. BUCZYNSKI: That's all.

MR. WEISS: Okay and no problem with that Mike?

MR. SELVAGGI: No.

MR. WEISS: Okay anybody have any comments or questions? Okay does anybody from the public have any questions for the testimony given on the engineering aspect of the application? Seeing none I'll close it to the public let's move quickly over to Chuck's report.

MR. SELVAGGI: Okay yes Mr. McGroarty's report the first comment on the variance we'll have our planner testify as to that. And then the tree removal I think we had already addressed as well as the lighting. And then the building facade will also be addressed by the architect.

MR. GLASSON: (Inaudible) do you want . . . You had said unless we would state the tree removal and we are subject to tree removal if . . . unless we can demonstrate the tree is detrimental or whatever. Do you want us to add, I mean the only place I'd be able to add actual specimen trees would

be you know I could put a couple up the sides, it's not really you know I wouldn't put anything back here this is like an alleyway like I said.

MR. SCHAECHTER: It's already heaving the sidewalks so it is a detriment.

MR. MCGROARTY: Yeah right.

MR. GLASSON: Yeah that tree has to come down.

MR. WEISS: Well what are we agreeing on?

MR. MCGROARTY: No I mean Mr. Glasson is testifying that under the ordinance that and the language there is if it endangers life or property you heard the explanation it's very close to the building it's a nice tree it's a big tree but it's in a lousy place at this point.

MR. WEISS: Okay so we're satisfied that he does not need to put a replacement.

MR. MCGROARTY: That's your call but it seems like a reasonable . . .

MR. WEISS: Let's address that quickly as a Planning Board, do we have any input and comments on how you feel about

MR. RUSSELL: Doesn't he go to the tree bank?

MR. FLEISCHNER: Yeah but this is a different . . .

MR. SCHAECHTER: This one is detrimental to the property.

MR. GLASSON: And we are . . . all of these trees are all remaining intact and the entire rear is completely wooded but all of these trees that are around the outside are all remaining. That's the only tree that has to go.

MR. SCHAECHTER: He's added some landscaping already.

MR. GLASSON: Yeah he's adding it yeah.

MR. WEISS: Well I think we can be honest if that sidewalk is coming out anyway correct?

MR. MANIA: Right.

MR. WEISS: So I don't have a problem with the direction but it's not necessarily in danger because of the sidewalk.

MR. SELVAGGI: Well the foundation is where it is yeah.

MR. GLASSON: It's a 30 inch tree it's 9 feet off of the foundation.

MR. WEISS: Okay so let's just . . . I guess the recommendation is we'll call this a danger to the existing structure and the Planning Board then is agreeing that we don't need a replacement tree per ordinance. Chuck you're okay with the decision if that's the . . .

MR. MCGROARTY: Sure.

MR. WEISS: Okay so then the Planning Board will not require the applicant to plant trees with the removal of the 30 inch tree that's there.

MR. SELVAGGI: Okay I think Mr. McGroarty you can certainly speak about the lighting proposal . . .

MR. MCGROARTY: You addressed that.

MR. SELVAGGI: We've addressed and the building façade on 2.4 on page two will be addressed in a moment and I will certainly correct the plan.

MR. MCGROARTY: Okay.

MR. WEISS: Chuck anything else in your report?

MR. MCGROARTY: No Mr. Byrne I think will address the things as Mr. Selvaggi just said. Otherwise we're good.

MR. WEISS: Okay so as we concluded Mr. Glasson's testimony does everybody on the Planning Board have any questions for Jim? Seeing none is there anybody from the public have any questions on the planning or engineering testimony delivered by Mr. Glasson? Seeing none I'll close that to the public.

MR. SELVAGGI: We'll call Mr. Byrne who is our architect and planner to be sworn.

(MICHAEL E. BYRNE 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. BYRNE: Yes my full name is Michael E. Byrne (B-Y-R-N-E) my business address is 10 Main Street, Chester, NJ.

MS. COFONI: Thank you.

MR. SELVAGGI: Okay Mr. Byrne you actually will be wearing two hats tonight you are a licensed architect?

MR. BYRNE: Yes I am.

MR. SELVAGGI: What's your educational background and experience in such matters?

MR. BYRNE: I went to which was Newark College of Engineering and I went there originally then subsequently then switched over to New Jersey Institute of Technology, received my Bachelor of Architecture Degree there in 1978, opened my own practice in 1980 and have been practicing in this general region for . . .

MR. WEISS: I would say not to take away your thunder we're familiar with your work Mr. Byrne I think the Planning Board would agree that we're happy to see you again and always very pleased with the presentations that you make. So we can certainly accept you as an expert architect.

MR. SELVAGGI: And then also as a planner because he'll be testifying as a planner.

MR. WEISS: Architect and a planner.

MR. BYRNE: The one thing I do have to mention is my planner's license currently being . . . I moved and my planner's license didn't keep up with me. So I've resubmitted for a renewal but currently I haven't received the actual renewal certificate back from the Planners.

MR. WEISS: Is that a problem for you Ms. Attorney?

MS. COFONI: No.

MR. WEISS: No problem for me then either.

MR. BYRNE: I just wanted to be upfront with that.

MR. WEISS: Okay.

MR. SELVAGGI: All right Mike you prepared the architectural plans?

MR. BYRNE: Yes I did.

MR. SELVAGGI: Generally I mean because you can go on for hours in terms of what you're doing but what's the applicant's proposal first from the outside what are we going to see that's different and then you know generally what is he looking to do in the interior?

MR. BYRNE: Well actually I think I'd rather approach it the other way around and start with the inside and then we'll address the outside.

MR. SELVAGGI: Whatever you want we'll go inside now that's fine.

MR. BYRNE: Basically what we have up here is sheet A2 which is the drawings that were originally submitted to the Board.

MR. WEISS: No I don't think we can use A2 it's going to be . . .

MR. SELVAGGI: Well it's A-3 but it's . . .

MR. BYRNE: My architectural sheet A2.

MR. WEISS: I understand so exhibit A-3 is going to be sheet A2.

MR. SELVAGGI: And is there a reference on there besides A2?

MR. GLASSON: This says A2 project: Maher Office on August 22, 2014 date.

MR. BYRNE: Okay again on this sheet what we have on the upper proposed portion of the sheet is a general floor plan of the existing structure and with the improvements that we're doing internally within the building. The existing building consists of two separate sections, the original showroom portion . . .

MR. WEISS: You know what Mr. Byrne I'm really sorry I'm going to take some notes while Tiena is out. Exhibit A-3 is the floor plan of the existing structure?

MR. BYRNE: It's the footprint of the existing structure with the floor plan layed out the way we're going to propose it.

MR. WEISS: Okay.

MR. BYRNE: What we're looking at on this plan is from this point to the left was the existing showroom portion of the building and from the center of the building to the right was the existing warehouse portion of the building. They were built at two separate times (inaudible). What we're proposing to do initially is to create the primary chiropractic portion of the office in the existing original showroom of the structure which is the portion adjacent to Route 46 and that's going to consist of a reception/waiting area, a business office, three backup staff rooms where his assistants will work with the patients, two treatment areas, and then the doctor's private office in that portion as well as two bathrooms and a staff room in that front portion as well. The rear portion of the building is going to be set up with some additional future treatment areas for potentially other doctors that Dr. Maher may bring in to his practice as well as a storage room and primarily a physical therapy area which is going to be done in conjunction with his practice. The intent at this point is to set it up so that we're going to be developing the front half of the office, his primary chiropractic office initially, the second portion the portion that goes into the warehouse he may not develop the interior portion of that right away that may be phased into a slightly later time. But the intent is that all the exterior improvements to the building will be made at this point as well as all of the site improvements. So the only thing he may not do is the actual physical build out inside that rear portion of this, this structure. One of the things that was a question mark as far as access to the site from a handicap accessibility and such and this property actually was quite unique in the fact that it was nice even though we have that roughly 24 to 30 inch grade differential at the front. The fact that the back parking area here was exactly on grade with the front door so there's no reason to provide for any kind of ramping structure. Even though it may be a little bit further to travel it's all on a flat surface so there's no ramping, there's no railings to deal with from an aesthetic standpoint and it's a much more user friendly access to the building from that perspective. As was mentioned by Mr. Glasson we are also proposing at the rear façade of the building where there was currently an overhead door we're going to be putting a new small storefront area with an access door in there. So when the physical therapy portion is utilized people from the handicap spaces can enter directly into that rear door as opposed to having to go all the way up the front entrance area. So it's going to work very cleanly from that perspective. The other area, and primarily

the only area we're really asking for I believe variance relief with respect to bulk variance is the addition of a canopy that we are going over top of the existing front doors as they enter the existing showroom or the new office space. The intent there is because we have that grade differential that's occurring there I wanted to create a canopy that gave protection at the front door as well as protection of those stairs so that anybody who is dealing with going up and down the stairs could get to that front entry has a little bit better chance not having to deal with some ice or snow on those stairs or wet stairs. So that was the primary intent of bringing the canopy out over that area it was primarily a safety issue as well as it currently has a canvas awning that comes out in that area and the intent here was to do an awning that was more compatible with the rest of the structure.

MR. SELVAGGI: And that canopy is located with the front yard setback I believe?

MR. BYRNE: It's within the front yard setback yes.

MR. SELVAGGI: Okay.

MR. BYRNE: And that's kind of dictated from the standpoint that the existing structure is so far into the front yard setback that there's no way we can do a canopy without violating that setback requirement.

MR. SELVAGGI: I gather then you'd call this a hardship or a C-1 variance?

MR. BYRNE: Yes.

MR. SELVAGGI: Okay. And we'll just stick on that before you can get into some of the other stuff. Do you see any detriment to having the canopy there?

MR. BYRNE: I don't see that it's going to be detrimental it's not extending the front yard any closer to the street than we currently area with the main principal structure. There currently is a canvas awning out there we're basically just replacing it with a more substantial structure that matches the aesthetics of the building. The buildings along that stretch of the area are not setback to the setback requirement; most of them are in violation of the front yard setback so we're generally consistent with what is happening along that stretch of the road. And again from the standpoint of it being for a safety aspect of protecting the access point in as well as the stairs I think any potential detriment is far outweighed by the benefit of the safety aspect.

MR. SELVAGGI: Also too I think when we were talking, the Master Plan for Mt. Olive talked about trying to avoid in this corridor you know a strip mall kind of look. I mean do you think the redevelopment proposed by Dr. Maher you know avoids that kind of appearance?

MR. BYRNE: Well I think it not only avoids the appearance of a strip mall because it's not it's an individual isolated building for one primary tenant, and the fact that it's also an adaptive reuse of an existing building that's in a bit of dilapidated state currently. So it serves good planning from the standpoint that we are revitalizing the existing structures that are out there.

MR. SELVAGGI: Which is also another one of the goals and objectives of the Master Plan?

MR. BYRNE: Correct.

MR. SELVAGGI: Okay. Continue on about the rest of the building improvements.

MR. BYRNE: If you'd like I plan to go to the outside of the building now and . . . This is actually a slightly revised version of the drawing that was originally submitted to the Planning Board. What I've done here is actually added a copy of a photograph of the rear portion of the building or the north side of the building to address some of the concerns that were brought up by the planners.

MR. SELVAGGI: Yeah what we could . . . you guys can share them they're kind of big. Only because it was a change from what you guys saw so we figured . . .

MR. WEISS: We'll call this A-4.

MR. SELVAGGI: A-4?

MR. WEISS: And the title of this we'll find out in a second.

MR. SELVAGGI: And while we're doing that A-4 is . . .

MR. BYRNE: Is my original sheet A1 with the addition of a photo of the existing left side of the building added to it.

MR. WEISS: Basically these are renderings of the external . . .

MR. SELVAGGI: Yes the architectural plans that were submitted with the application identified this as you know sheet 1 of the architectural plans. But this is revised and . .

MR. BYRNE: Revised as of today's date.

MR. SELVAGGI: Today's date and what did we do again just for the record so it's clear?

MR. BYRNE: Yeah the revision to this was I added a sight photo of the existing structure in the upper right hand corner which is called photo of the existing left side of the building. That's the area Jim was describing between our existing structure and the existing motel side to the north of our property. The question had come up with respect to that is we were showing in the other renderings the look of the building with respect to the addition of the mansard roof which is wrapping around and currently there is a mansard roof there the only thing we're doing is removing the asphalt shingles from the existing mansard roof and placing a standing seam material on there in lieu of the asphalt. In addition to that we are extending that same mansard look out over the canopy as opposed to the canvas awning that's . . . oh I'm sorry the mansard roof out over the staircase to replace the canvas awning that's there now, and we're also extending that same roof line across the back of the building since the back of the building is also now becoming a front entrance to the building access from the handicap parking. The question was whether we're going to carry that same roof line around the north side of the building into that aisle area and honestly we're not going to for two reasons, one you're not going to see that from anywhere other than one or two parking spaces and more critically is that this structure has what we call a mono-pitch to the roof. The entire roof pitches from the south toward the north side so the low portion of that roof is along the north façade of the building. So all of the gutters are collecting the water along that face of the building. So by adding a mansard roof there we'd be damming up that water and have to create another internal drainage system and it really didn't make sense since no one is really going to see this side of the building anyway it made more sense to leave it as a natural drainage system. I'm always reluctant to use a mansard roof and put internal drains because when you have ice and snow they build up and you potentially create a swimming pool up on your roof which is a very dangerous situation. This is a much safer situation then just have the mono-pitch, if snow does build up it will eventually go over that and won't create as much of a build up on the roof.

MR. SELVAGGI: Now despite that though there was some . . . because I know Mr. McGroarty called out you know or raised the issue is are we doing anything in the back façade.

MR. BYRNE: Yeah the back façade we're doing two basic things, in fact on that picture if you look in the very distant portion of the picture you can see the quasi dilapidated lean-to structure that Mr. Glasson was referring to that is being removed from that portion of the building. The other thing we're going to do is we're going to be painting that side of the building obviously to match the rest of the structure that we're doing on the east side of the building as well. So we will be painting the façade we're just not going to be doing the mansard roof structure to that portion of the building. The building currently consists of brick on the west and south side of the building and that's going to be retained, the east and north side of the building are block buildings and we're basically going to be painting those to match the brick that currently exists out there.

MR. SELVAGGI: And the color scheme that's shown on A-4 is representative of you know the colors that you would use?

MR. BYRNE: As close as my printer can get yes. But it's generally a beige a soft beige color and we're looking at either a slate or some variation of the kind of color slate gray color for the metal roof.

MR. WEISS: So your slight deviation won't result in fuchsia and orange.

MR. BYRNE: No.

MR. WEISS: You know I say that but boy we've been around long around we've seen some red stuff pop up. So I just want to make sure that your testimony is . . . that your rendering is fairly close.

MR. BYRNE: We've done a few red buildings but they were shown red in our renderings when we did them so . . .

MR. WEISS: Well that's a different story this is . . . I understand that you have a color we're not going to say exactly but it's in this color.

MR. BYRNE: It's the flavor of what we're talking about.

MR. WEISS: This is flavor of what we're going to see which is very pretty it's nicely designed.

MR. MANIA: I must say it's quite an improvement as to what's existing. I mean it's an eyesore on Route 46 it really and truly is.

MR. WEISS: That was actually one of my questions to Mr. Byrne was that as your making your proofs for your variances it's a really obvious question, would you say that this proposed building is better than what's existing now and I think that answer is . . .

MR. BYRNE: I would venture to say yes.

MR. WEISS: That into itself would certainly help me with the proof of your variance.

MR. BYRNE: Yeah as I said the building currently is in a quasi-dilapidated state as Mr. Glasson had testified the site is also in a very great state of disrepair so in general we're going to be improving the overall aesthetics of the outside of the building both from a site standpoint as well as a building standpoint. I think it becomes an asset as opposed to a detriment to the town.

MR. SELVAGGI: That's all we have from Mr. Byrne.

MR. WEISS: Just real quick before we go to Chuck, if you look at the photograph at the bottom at the right and rear of the rendering there seems to be an aggressive drop-off on that last parking space. You see it at the bottom left photograph not the handicap yet the handicap is on this side . . .

MR. BYRNE: Between the convertibles?

MR. WEISS: Right between the convertible and the mini-van. Are we concerned about that at all?

MR. BYRNE: It's not as exaggerated unfortunately that's inherent within the software that I use.

MR. WEISS: I thought it would be a software issue that it looks like if you step out of your car not expecting it your going down. I just wanted to make sure because I assumed it was exaggerated.

MR. BYRNE: Unfortunately my software does a pretty good job but there's certain areas that it doesn't and that happened to be one of the spots where it doesn't.

MR. SELVAGGI: Actually it was probably Michael . . . is the photo above that probably more representative of . . .

MR. BYRNE: It's actually . . . they're all the same situation it's just that angle just accentuates the look of where it was a little off.

MR. WEISS: I guess just for the record your not concerned about any kind of safety issue that your creating by having a parking space close to the drop off.

MR. BYRNE: I would defer that back to Mr. Glasson but I do not believe so.

MR. WEISS: Okay. I just wanted to make sure Jim that we're just taking into account that possible drop off.

MR. GLASSON: Yeah, no.

MR. BYRNE: It's not as severe as it's represented in the rendering.

MR. WEISS: That's fine. Okay Michael.

MR. SELVAGGI: That's all I have I mean I think we had the variance condition that we were creating and I think Mike did an adequate job in explaining it I mean as the Chairman pointed out you know a coat of paint and cleaning this place up is probably entitles to use variance relief. Other than that I mean the use itself is permitted we have satisfied all of your site plan requirements, we're decreasing the amount of impervious coverage, we're addressing your landscaping requirements. You know look this is one of those ones that . . . and not just because he's my client but he should get a metal for coming in here and taking what is clearly a really lousy looking building and making it look better. And hopefully this could be kind of an impetuous for the motel behind it to get cleaned up and that you know proceed down the

MR. MANIA: Move right along Route 46.

MR. GLASSON: Quite frankly the guy in the post office has done a nice job right next door fixing his building up so he's done a nice job so this will start a nice little trend right here.

MR. MANIA: Yeah he fixed that up.

MR. GLASSON: He did.

MR. WEISS: I think before we conclude though I wanted to go back to Chuck and make sure that any concern that he had on his report was addressed.

MR. MCGROARTY: Yeah I think it was Mr. Chairman I just want to clarify I wasn't suggesting putting the mansard on the north side my comment on the north side was, and I think you've address it, which is will it be cleaned up to reflect the rest of the building. Because the motel may not, and it probably would be a good thing if it's not there in the future and so it may at some point be visible so you are going to paint it and some of those tanks and appurtenances will be removed?

MR. BYRNE: Yes.

MR. MCGROARTY: Okay. The mansard roof my comment about that was frankly I don't recall, Mr. Byrne you're saying the existing building has such a roof so you're not extending . . .

MR. BYRNE: We are extending the mansard along the rear portion of the building. It currently goes across the Route 46 side

MR. MCGROARTY: Yeah let me just if I may just in the interest of time. I'm only concerned about the portion in the front yard setback and the side yard setback not so much the back. So if what you're replacing is already there it's not a problem, if you're expanding beyond it . . .

MR. BYRNE: Within the front yard setback or the side yard setback the only area that we're changing the mansard roof is the canopy over the entry and we're refacing what is currently there the structure. It's currently got an asphalt shingle on it.

MR. MCGROARTY: I didn't realize it was existing and I thought you were expanding.

MR. BYRNE: No, no we're not.

MR. MCGROARTY: There's no variance then.

MS. COFONI: So there will just be the variance for the what we're calling canopy area.

MR. SELVAGGI: Canopy.

MR. MCGROARTY: Thank you Mr. Chairman that's it.

MR. WEISS: Okay so that's good Chuck?

MR. MCGROARTY: Yes.

MR. WEISS: Michael go ahead if . . .

MR. SELVAGGI: No, no I mean look you know this one is I would hope would be an easy one I mean it's not very often we can say that but I mean again I think this hopefully could be a show piece for the development that's gone on in that area.

MR. WEISS: Anybody from the Planning Board have any comments?

MR. SCHAECHTER: We're not going to change the sign to I heart chiropractor are we? To keep with the theme of the neighborhood?

MR. SELVAGGI: You know and also too it just shows you how modest because very often when you come in you know (inaudible) bigger side I mean his sign complies and is actually a little less than what he could have out there.

MR. WEISS: Let's discuss we have a couple of conditions that we discussed and before I ask for a motion perhaps Tiena and I can review some of the notes that we talked about as far as conditions that would apply if we in fact approve this application.

MS. COFONI: I have exterior lights including the building mounted lights except one security light off between 7:00 p.m. and 7:00 a.m., where needed the retaining wall will be repaired, I have the repaving the milling and paving of the parking lot, I have . . . I made this a condition I'll see where I fit it in but the exemption #4 from Highlands and I have the signage to be installed to direct patients to the handicap spaces in the rear and approval from Mt. Olive Health Department verifying that on-site well is acceptable for the proposed use. I think that's it.

MR. WEISS: How did we end up with the discussion on the fence, existing fence?

MR. SELVAGGI: We weren't doing anything with it except painting it.

MR. GLASSON: We're removing one portion of it that's a gated access.

MR. WEISS: Right that's how I recall it was that going to be a condition?

MS. COFONI: No that's something they're proposing.

MR. GLASSON: That's on the plans, that's on the plans.

MR. WEISS: Okay.

MR. MANIA: The paving will be 2 inches of top course right?

MR. SELVAGGI: Yeah as per Mr. Buczynski's report.

MR. MANIA: Okay.

MR. SELVAGGI: Yeah he's doing milling of 1-1/2 and then installing a 2 inch overlay.

MS. COFONI: I do have notation with regard to the removal of the tree doesn't require any tree replacement as well.

MR. WEISS: Does anybody else have any other notes that would add to this conversation? Does anybody from the public have any comments based on anything that was testified to this evening? Seeing none I'll close it to the public. At this point I'll certainly entertain a motion.

MR. RUSSELL: I move that PB 14-16 be approved.

MR. KOPTYRA: Second.

MR. WEISS: Nelson and David that's with the conditions as read by Tiena?

MR. RUSSELL: With the conditions.

MR. WEISS: Are there any comments? I see no comments, anything else?

MS. COFONI: No.

MR. WEISS: Catherine roll call please.

MS. NATAFALUSY: Joe Fleischner - yes
 Judy Johnson - yes
 David Koptyra - yes
 John Mania - yes
 Nelson Russell - yes
 Brian Schaechter - yes
 Kim Mott - yes
 Howie Weiss - yes

MR. WEISS: I applaud you Dr. because we spend countless hours and various Master Plan meetings and the improvement of this corridor is something that causes us great aggravation. It's kind of we've inherited this problem we don't know what to do with it and like we said earlier if your energy can get it going we're real excited that you've decided to stay in Mt. Olive. And I only hope that your neighbors would say look how nice, we've had some great improvements in the area but not a lot and this might accelerate that so I thank you for bringing it to us.

MR. SELVAGGI: Thank you.

APPLICATION #PB 14-11 – VINCENT & MADONNA PIACENTE – (Block 2802, Lot 17)

MR. WEISS: We have one more.

MS. NATAFALUSY: We have one more matter just to dismiss it without prejudice they still have not settled the issue with the Health Department and the wetlands and the capacity of the septic.

MS. COFONI: And they have not been in contact with you as well.

MS. NATAFALUSY: Haven't been in contact . . .

MR. WEISS: Let me explain what's going on with this final application. I guess I'll introduce it as PB 14-11 Vincent and Madonna Piacente requesting a variance from the front yard setback located at 72 Waterloo Road, Block 2802, Lot 17. The applicant has not really responded to the Planning office Catherine is waiting for various information that has just not been delivered. Michael?

MR. SELVAGGI: Yeah I overheard your conversation the only reason I interrupt and I apologize we are dealing with a contract purchase when do you think because I know the seller is going to ask, the resolution?

MS. NATAFALUSY: January 8th?

MS. COFONI: January 8th.

MR. SELVAGGI: It will be January 8th okay good thank you very much.

MR. WEISS: We'll break from our reorganization and we'll go into a public session.

MR. SELVAGGI: Okay that's fine thank you.

MR. WEISS: Thank you again. Anyway the applicant Mr. & Mrs. Piacente have not responded to the request of our Planning Administrator and we're at a point where this application expires tonight?

MS. NATAFALUSY: On the 19th but you might as well take action tonight.

MR. WEISS: So we have to take action this evening and the recommendation from our attorney is that we vote to dismiss without prejudice. So if this family decides to come back and

conform to the request of the Planning office we will certainly hear it as a brand new application without prejudice. So that is the recommendation and that being said if you have anything else I will ask for a motion.

MR. SCHAECHTER: I will make the motion to dismiss without prejudice.

MR. FLEISCHNER: I'll second.

MR. WEISS: Thank you Brian and thank you Nelson. Any conversation? Seeing none roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes
Nelson Russell - yes
Brian Schaechter - yes
Kim Mott - yes
Howie Weiss - yes

MR. WEISS: The only bit of new business is I sent everyone an email perhaps if you have time after next week's meeting we'll all go out and toast to the completion of 2014 and to a very good happy and healthy 2015. Motion to adjourn.

MR. MANIA: So moved.

MR. WEISS: All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 9:05 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department