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 (7:09), Brian Schaechter (7:43), Kim Mott, Sandra Stotler

Members Excused: Dan Nelsen, Frank Wilpert, Jr., Howie Weiss

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

Professionals Excused: Tiena Cofoni, Esq.

MR. FLEISCHNER: If anyone is here for the development matter PB 14-11 Vincent & Madonna Piacente, that is carried until December 11 and PB 14-03 Roadranger Holdings is also carried to December 18th.

APPROVAL OF MINUTES

October 9, 2014 Public Meeting

Motion: Judy Johnson
Second: Kim Mott

Roll Call:

Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
Kim Mott - yes

APPROVAL OF RESOLUTIONS

Resolution #PB 14-12 – Michael & Colleen Szarek – (Block 7704, Lot 42)

Motion: David Koptyra
Second: Kim Mott

Roll Call:

Joe Fleischner - yes
David Koptyra - yes
Kim Mott - yes

Resolution #PB 14-14 – Thomas & Cynthia Scerbo – (Block 5801, Lot 4)

Motion: John Mania
Second: Judy Johnson

Roll Call:

Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes

Resolution #PB 14-13 – Gold Mine Road LLC – (Block 4400, Lot 85.01)

Motion: John Mania
Second: David Koptyra

Roll Call:

Joe Fleischner - yes
Judy Johnson - yes
David Koptyra - yes
John Mania - yes

COMMITTEE REPORTS

MR. FLEISCHNER: Committee reports Judy do you have any reports from the Mayor?

MS. JOHNSON: The Mayor had no report tonight.

MR. FLEISCHNER: John from the Council?

MR. MANIA: Yeah just that we passed an ordinance last evening to open Gold Mine Road so the people in that development won't have to come down to Route 46 and try to make a left hand turn on Route 46.

MR. FLEISCHNER: Okay next is environmental commission Nelson is not here at this time. Then comes ordinance committee and Chuck do you want to comment on where we stand with . . .

MR. MCGROARTY: Has the ordinance been adopted?

MS. NATAFALUSY: The ordinance was adopted its effective November 20th.

MR. MCGROARTY: Okay and then the ordinance committee will be talking in the next week or so to schedule another meeting because we've got some proposed rezoning up in the Foreign Trade Zone and we want to meet on that.

MR. FLEISCHNER: All right Catherine you'll pick some days and let everybody know?

MS. NATAFALUSY: I'll check the schedule and yes.

MR. FLEISCHNER: Okay thank you. Let the minutes show that Nelson Russell has arrived. Street naming coming and open space?

MR. KOPTYRA: Open space we had a meeting Monday night and we talked about in the future trying to connect some trails. Sean got a GPS and they've been going around marking the trails with a GPS and we're also going to be marking some more trails I think in the spring. And the next meeting next month we're going to sit down and have a plan for next year of what we want to do. So we need some repair work done to some bridges and stuff.

MR. FLEISCHNER: Great thank you. Nelson do you want to comment from the last environmental commission meeting?

MR. RUSSELL: Yeah we discussed having environmental speakers at the library we're looking for someone to speak on the history of Budd Lake, we're looking at March 4 and we noted that Kirk Allen has withdrawn their application to the Planning Board and the town is removing trees around the historic Baptist Church.

MR. FLEISCHNER: Thank you.

EXTENSION REQUESTS

APPLICATION #PB 11-35 – ELEVENTH HOUR RESCUE – (Block 8301, Lots 11 & 12)

MR. FLEISCHNER: Okay extension requests the first one up is Eleventh Hour Rescue.

MS. NATAFALUSY: They didn't show up.

MR. BUZAK: Mr. Chairman I looked at the previous resolution that was adopted on September 11 is that correct? Unfortunately this has 9/11/14.

MS. NATAFALUSY: Well they came in last month when Tiena was here and I think they only got an extension on the use variance and I think we discussed that that night.

MR. BUZAK: Oh okay so this is on the site plan?

MS. NATAFALUSY: Right.

MR. BUZAK: Okay, all right. Well we can hold it were they planning to show up do you know?

MS. NATAFALUSY: You know I sent them a letter and said it was scheduled and haven't heard anything.

MR. BUZAK: Because they usually do show up.

MR. BUCZYNSKI: Yeah.

MR. BUZAK: All right why don't we carry it for now and see if at the end of the meeting hopefully we'll remember to see if they're here.

MR. FLEISCHNER: All right so we'll delay that.

APPLICATION #PB 02-07 – TOLL BROTHERS / MORRIS HUNT – (Block 4400, Lots 86 & 108)

MR. FLEISCHNER: And the next one is PB 02-07 Toll Brothers / Morris Hunt.

MR. SELVAGGI: Good evening Mr. Chairman Michael Selvaggi on behalf of Toll Brothers. The first one is Morris Hunt what we've done for the past several years come apprise you of what the status is on the project, where we are I have with me tonight David Fultz who is a representative of Toll Brothers who will provide that testimony and hopefully convince you that we should get another one year extension. So David if you can just be sworn?

(DAVID FULTZ SWORN IN FOR THE RECORD)

MR. BUZAK: Could you please state your name and spell your last name for the record?

MR. FULTZ: Yes my name is David Fultz (F-U-L-T-Z).

MR. BUZAK: And your business address sir?

MR. FULTZ: Is 2 Heaton Street, Budd Lake.

MR. BUZAK: Thank you very much Mr. Selvaggi.

MR. SELVAGGI: Okay. David your position with Toll Brothers and please mention specifically with the Morris Hunt development.

MR. FULTZ: I'm the senior project manager for Toll Brothers dating back to 2003. I've been involved mainly with the Morris Chase communities but also with the restart up of Morris Hunt back in 2010.

MR. SELVAGGI: And in 2010 you said start up, what was the status of that project?

MR. FULTZ: So the project was pretty well complete we had a bunch of homes being sold and closed in the early 2000's we were shut down until we had the water issue resolved and the shared improvement between Chase and Hunt. Once that water improvement was installed we were able to get the remaining houses on public water over at Morris Hunt there before we opened the single houses.

MR. SELVAGGI: Now the resolution, the most recent resolution is dated March 14, 2013 I believe is the date and at that time you had testified or the testimony was that there were 83 home site, 59 had been sold. Where are you today with regards to the sale of those home sites?

MR. FULTZ: So today we have sold a total of 79 leaving us only 4 left to sell.

MR. SELVAGGI: And the last resolution it was estimated that the site improvements were about 70 percent improved, where are you now?

MR. FULTZ: We're getting very near 100.

MR. SELVAGGI: And let's do it this way for the Board members who probably aren't familiar with the site. What remains in terms of site improvements?

MR. FULTZ: Toppings from roadways doing some landscaping improvements with very minimal (inaudible).

MR. SELVAGGI: When would you anticipate getting the last 4 home sites sold and finishing the required site improvements?

MR. FULTZ: We're looking to be 100 percent complete by spring, summer of next year.

MR. SELVAGGI: And obviously this took a little longer than you guys anticipated, what was the primary reason for your delay in coming to the Board on this.

MR. FULTZ: So a lot of it has . . . well some of it has to do with the market condition. We hit a hot market we sold a bunch of houses and then we slowed down. And that's really the driving factor. Now we're doing in the last 12 months we've sold 12 homes which is a good pace for us we're down, with a product line like that we're down to the last four and in any community you get down to those last two home sites they're a tough sells. So we're actively and aggressively trying to move those home sites as quickly as possible so we can finish out.

MR. SELVAGGI: And you would anticipate another one year extension which would probably finish it out?

MR. FULTZ: Yes.

MR. SELVAGGI: And as far as you know as long as the applicable zoning or anything else has changed all of your other outside agencies approval remain valid?

MR. FULTZ: Correct.

MR. SELVAGGI: One of the interesting things here is Mr. Buzak I defer to you entirely on this one; the extension ran until February of 2013 we applied (inaudible) I don't know if you want to give us until February 2015 or . . . .

MR. FLEISCHNER: The request is until February 2016.

MR. SELVAGGI: 2016 but I do want to just point out you know the time frame it's not one year from today.

MR. BUZAK: Right actually your protections had expired as of February 16, 2014, nine months ago. So it would run from that date forward so the question then would become if you don't finish by February 16, 2015 you may have an issue. Is that what you're suggesting?

MR. BUCZYNSKI: And they won't finish because even if they were lucky to sell homes right away they're not going to get them in and you can't pave until April anyhow, April, May so I would say go to February 2016 is reasonable.

MR. MANIA: Mr. Chairman would it behoove them to extend it 18 months?

MR. SELVAGGI: Yeah at this point I mean David you have no reason to not want to get out of there as quickly as you can and as Mr. Buczynski pointed out I mean you can't pave until the spring anyway. So I mean again we defer to you . . .

MR. BUZAK: Well I think one of the things is you know they've come in year after year and while the development has taken much longer than anyone anticipated we're right at the end of the line here and it would seem to me that from a practical standpoint we really while we've enjoyed seeing you we really don't need to see you again at all.

MR. SELVAGGI: I just like coming to the building at night.

MR. BUZAK: So I think that if we give them two years from when they had it so we bring to February 2016 maybe we won't have to see you again on this project. I'm sure we'll see you on others

but we won't have to see you on this one and this way then we'll . . . . and then you can reduce the price of the units because you don't have to spend the money to come here and you can get these units marked out.

MR. SELVAGGI: And by the way just so the Board knows we do have a corresponding developer's agreement with the municipality which has also been extended and is currently valid.

MR. FLEISCHNER: So we're looking at February 2016.

MR. BUZAK: Yes it would be February 16, 2016 which would be a two year extension from the one they had.

MR. MANIA: That makes sense.

MR. FLEISCHNER: Board members want to further comment on that? If not Gene and Chuck do you want to comment?

MR. BUZYNSKI: No what Mr. Fultz said is correct the only thing really remaining main item is the top course, the surface course of pavement, some sidewalks are still base as they build homes they put the sidewalks in. Then we got landscaping, clean up here and there so they're well on their way as far as the site improvements and the bonding items go. So I have no concerns.

MR. FLEISCHNER: I'd like to open it to the public if anyone from the public wishes to speak? Seeing none I'll close it to the public. May I hear a motion?

MR. MANIA: Mr. Chairman I move for the approval of the extension request of PB 02-07 Toll Brothers / Morris Hunt.

MR. RUSSELL: Second.

MR. FLEISCHNER: To February of 2016.

MR. MANIA: 2016.

MR. BUZAK: February 16, 2016.

MR. FLEISCHNER: Roll call please.

MS. NATAFALUSY:

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

APPLICATION #PB 01-14 – TOLL BROTHERS / MORRIS CHASE PHASE I – (Block 4400, Lot 79)

MR. FLEISCHNER: Okay the next item is PB 01-14 Toll Brothers/Morris Chase Phase I.

MR. SELVAGGI: Again Mike Selvaggi on behalf of Toll Brothers and David Fultz, Mr. Buzak I leave it up to you if he should be sworn it's a different application.

MR. BUZAK: Mr. Fultz will remain sworn from your previous testimony.

MR. SELVAGGI: And David for the record what's your position with respect to the Morris Chase project?

MR. FULTZ: So I'm also senior project manager I do have an office located at the Morris Chase community I am more hands on over there with the construction staff and sales staff so (inaudible).

MR. SELVAGGI: That job is certainly not as far along as Morris Hunt correct?

MR. FULTZ: Correct.

MR. SELVAGGI: Where are you currently with respect to the development?

MR. FULTZ: So we're splitting the two product lines, we have our state line which consists of 105 single-family homes and then we have our carriage home line or our townhouse line which is 171 attached dwelling units. Right now of the 105 single-family homes, 67 are sold to date leaving us 38 left to sell. Over there we've also had a pretty successful year albeit a little bit less than what we would have had projected at the beginning of last year given the market, but we've sold 15 in the last 12 months of that product line and currently have 15 under contract. So just to reiterate there are 38 left to sell at the Morris Chase Estates line. At the carriages line of 171 townhomes we've sold 127 to date leaving 44 left to sell. In the last 12 months there we have done 25 contracts and we currently have 14 under contract being built waiting to close.

MR. SELVAGGI: Now when we the Board had acted on the resolution in March of 2013 it was estimated that about 60 percent of the site improvements were installed. Where are you with regards to the site improvements?

MR. FULTZ: Right so there we do have some significant items left to achieve. We have installed all of the base course at least the base course for all of the roads in the community so that's 100 percent done. We've opened up the rear access which goes out to Madison Avenue and Mt. Olive Road whereas we were using primarily or exit only the top entrance when we were here last here last time. We do have a great deal of top course pavement to do, we have some public sidewalk left to do and as Mr. Buczynski said we installed that sidewalk on the frontages of homes as we build them. We do have some landscaping to do and public retaining walls that were approved as part of the subdivision (inaudible).

MR. SELVAGGI: So have you made more progress than the 60 percent?

MR. FULTZ: We've made significant progress on the improvements.

MR. BUCZYNSKI: I want to say 80 to 85 percent.

MR. SELVAGGI: Now obviously given your familiar with the site what would you think you would need to finish this project up in terms of time?

MR. FULTZ: Right so right now we're dealing with sales I can build townhomes ahead of sales it's not so easy to do that with single-family product. So given that and given what we've done historically what we feel would be the temperature of the market is today we're looking to be projected to sell and build out by the end of 2017. The single family project taking a couple of months longer but still ending you know the end of 2017. Again that is based on us selling the remaining 82 home sites combined (inaudible).

MR. SELVAGGI: Okay and again the developer's agreement with the municipality remains in effect?

MR. FULTZ: Yes.

MR. SELVAGGI: And all of your other outside agency approvals are all valid?

MR. FULTZ: Yes.

MR. SELVAGGI: That's all I have I mean one of the things that we bring up with timing is that when we started on this annual visit these projects I think normally would come back and the only reason why we bring up particularly on the Morris Chase project, we do have given the size and scope of this project you could grant a longer period of time if you'd like. I understand the municipalities or Board's sometimes don't like the annual update, here even if you wanted to tie it to the other one of 2016 (inaudible) significantly more progress that would eliminate us having to show up annually. I really, I think my client would say look if you give us to February . . . well to run it from when the original approval was running February 16, 2018 which would be 3-1/2 years because that's probably (inaudible).

MR. FULTZ: And just add one more thing with respect to the approval because we have completed the clubhouse which we didn't have done the last time we were here. It's been well received and we just recently installed the second final set of tot lots and (inaudible).

MR. SELVAGGI: Mr. Chairman obviously with advice from the attorney I leave it up to you because again under Section 52D you know the size of this project might warrant it but we'll certainly abide by it.

MR. FLEISCHNER: Gene my question to you would be what is the down side of a significantly longer extension?

MR. BUCZYNSKI: I mean if the improvements are so well on its way and all of the pavement is in you know my thoughts would be hopefully their sales need would increase and maybe instead of February 16, 2016 keep it the same February just give them an extra year. I think you're looking for a little bit more than that but give you the three years and we'll see them maybe one more time or we won't see them at all. That's my thought I don't know how the Board feels.

MR. MANIA: I would like to hear from our attorney.

MR. BUZAK: Legally you're able to extend it to that degree I'm not sure that I didn't want to see Mr. Selvaggi at all.

MR. SELVAGGI: I've talked myself out of you know more pullings here I mean I'm, you know magnanimous.

MR. FLEISCHNER: It just doesn't make any sense to have them come back sooner.

MR. BUCZYNSKI: They've got 67 single-families they're not going to get them sold in a year and a half to two years.

MR. FLEISCHNER: It doesn't make sense to me to just force it for another year.

MR. BUCZYNSKI: I agree.

MR. FLEISCHNER: Waste everybody's time. Any comments from the Board I see heads shaking up and down?

MR. BUZAK: So you're looking for the same February 16, 2017.

MR. SELVAGGI: Right.

MR. FLEISCHNER: Chuck do you want to weigh in on it at all?

MR. MCGROARTY: No I mean the zoning has changed but the development it wouldn't make sense to impose the new zoning really on a development.

MR. FLEISCHNER: Any other Board members want to comment? With that let me open it to the public any members of the public? Seeing no members of the public wanting to say anything I'll close it to the public. I'd like to see a motion to extend this to February 16, 2017.

MR. MANIA: Mr. Chairman I move again PB 01-14 the extension request Toll Brothers/Morris Chase Phase I to February 2017.

MR. RUSSELL: Second.

MR. FLEISCHNER: Roll call please?

MS. NATAFALUSY:

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

MR. FLEISCHNER: Thank you gentlemen we won't see you for a while.

MR. SELVAGGI: Thank you very much we appreciate it.

APPLICATION #PB 14-15 – BENJAMIN MOORE – (Block 6800, Lot 9)

MR. FLEISCHNER: The next application is PB 14-15 Benjamin Moore preliminary and final site plan. Gentlemen? Bear with me one second Mr. Gregory, if anyone is here PB 14-03 Roadranger Holdings is carried to December 18 so if anyone is here for that it will not be heard tonight. Mr. Gregory?

MR. GREGORY: Thank you Mr. Chairman, members my name is James Gregory I'm with Gregory & Levine I'm the attorney for Benjamin Moore and Company for this application. It is I hope a very simple conforming site plan application. Essentially there's a fenced in area on the . . . .

MR. FLEISCHNER: You've appeared before us?

MR. GREGORY: Yes I have.

MR. FLEISCHNER: Okay I just wanted to make sure; maybe I was napping at that time. Thank you.

MR. GREGORY: Essentially there's a fenced in storage area on the northwest back corner of the property that was gravel and they're putting up a prefab building to take the outdoor storage stuff and put it inside. It's 360 Route 206 you probably all know it as the Benjamin Moore facility. With me tonight is Chris Nusser from Engineering and Land Planning Associates. I was expecting someone from Benjamin Moore although I don't think we need that person. Could we please have Mr. Nusser sworn in please?

(CHRISTOPHER NUSSER SWORN IN FOR THE RECORD)

MR. NUSSER: Christopher Nusser (N-U-S-S-E-R) Engineering and Land Planning is located at 140 West Main Street High Bridge, New Jersey.

MR. BUZAK: Thank you sir you may be seated. Mr. Gregory? Mr. Gregory once Mr. Nusser sets up would you be able to just provide his qualifications for the Board?

MR. GREGORY: Sure they are the next set of questions Mr. Buzak.

MR. BUZAK: Thank you.

MR. GREGORY: Mr. Nusser you're a professional engineer is that right?

MR. NUSSER: That's correct.

MR. GREGORY: And when did you get your certification and in what states.

MR. NUSSER: I've been licensed for the past five years in New Jersey and I also hold a New York . . .

MR. GREGORY: And in your capacity of working for Engineering and Land Planning Associates have you had the opportunity to testify before any other Zoning Boards or Planning Boards in the State of New Jersey?

MR. NUSSER: Yes.

MR. GREGORY: Mr. Chairman I would like to offer Mr. Nusser as an expert professional engineer on this matter.

MR. FLEISCHNER: I think he more than qualifies.

MR. NUSSER: Thank you.

MR. GREGORY: Mr. Nusser have you prepared a site plan in this matter?

MR. NUSSER: I did.

MR. GREGORY: And is that the site plan up on the board and is that what was submitted as part of this application?

MR. NUSSER: Yes it is.

MR. GREGORY: Mr. Buzak do you want us to mark that?

MR. BUZAK: Yes.

MR. GREGORY: Okay and do you want us to mark each page separately or just A-1 or how would you like them marked?

MR. BUZAK: We'll mark each page separately; we use the same numbers though. Are those the same plans that have been submitted to the Board?

MR. NUSSER: Yes.

MR. BUZAK: We'll use the same numbers so the first page will be A-1 and then continue sequentially through the rest of the plans. Unless you're not going to use all of them and then we can just mark the . . .

MR. GREGORY: I will mark them.

MR. BUZAK: That's fine it may be easier to do it that way.

MR. GREGORY: So in addition to the site plan these were submitted to the Board there are two architectural drawings marked A100 and A101 we can testify about this they are not signed and sealed they are part of the (inaudible). We will be submitting signed and sealed plans exactly like this (inaudible).

MR. BUZAK: Well why don't we mark those Mr. Gregory in case there's reference made to them A-7 and A-8 and those are unsigned architectural renderings is that what you said?

MR. GREGORY: That's correct. And then we have one more exhibit which is a lighting detail which is in response to Mr. Buczynski.

MR. BUZAK: Okay we'll mark that A-9, is it a drawing?

MR. GREGORY: Yes it is.

MS. NATAFALUSY: Mr. Buzak I put a copy of that in your folder.

MR. BUZAK: Thank you.

MR. GREGORY: Okay so they're going to be marked A-1 through A-9. So using A-1 through 9 (inaudible) site plan you gave me the cover page would you walk the Board through it and see if you have any questions that we need to explain or answer. First of all your cover page would you just confirm to the Board that they know this is a conforming application to the zoning requirements?

MR. NUSSER: Yes (inaudible), etc. the site is located in the G-I zone this site meets all of the required bulk requirements for the lot itself as well as the coverage requirements and building height requirements for the zone for the existing and the proposed (inaudible).

MR. GREGORY: In regards to the next page on A-2 just make reference to the (inaudible).

MR. NUSSER: So looking at A-2 you can see the existing conditions plan, you can see the existing site that's located on Route 206 and there's an existing approximately 80,000 square foot industrial building used by Benjamin Moore. To the east of that and toward Route 206 there's the existing parking lot that services the building with loading docks servicing the building on the north side of the building. And the subject area of this application there's an existing gravel area that's fenced in that's used for storage already in the northwest corner of the building and that's where again we're proposing the storage building.

MR. GREGORY: Just roughly Mr. Nusser how far is that from Route 206?

MR. NUSSER: It's located over 1,000 feet from Route 206. And the area to the east of the parking lot other than where the driveway accesses the site is a wooded area making visibility to the site as I'm sure you're aware rather limited.

MR. GREGORY: Now the other end is that where the train tracks are?

MR. NUSSER: Yes. And then to the west of this property are the train tracks and further west is the solar facility that services the Benjamin Moore building.

MR. BUCZYNSKI: Just one second on that too just so the record is clear, you mentioned the solar panels to the west but there's also solar panels over the driveway that are not shown on the drawings but should just make note of it, the canopies.

MR. NUSSER: Yes there's canopies . . .

MR. GREGORY: That's in the parking area Gene?

MR. BUCZYNSKI: Right.

MR. GREGORY: Yes sir correct.

MR. NUSSER: Moving to A-3 which is the site plan you can see the proposed storage building, it's not only 3,500 square feet it is proposed to be over three phases. The first phase being a 60 by 40 building with a 10 by approximately 22 foot canopy on the north side, and this is located entirely, almost entirely on top of this existing area that is gravel and fenced in and used for storage. Visibility of this from the street is . . . there is none it's located on the north side while the driveway is on the south side of the property so unless you are by the loading docks or on the northern access drive it will not be visible to you. The second phase is a 20 foot addition to the west side the rear of the first phase of the storage building. Looking at sheet A4 again this is a (inaudible) there's currently for the first phase of the building any anticipated link to the second phase so instead of making multiple trips to you as it were they're proceeding with it in a phased approach. So the sheet A4 is entitled Phase 1 Grading, Utility and Soil Erosion Sediment Control Plan. But as you can see the improvements on here are rather (inaudible). As I said the building is 60 by 40 with a canopy on the north side of the entrance ramp off of the existing (inaudible) drive that goes around the rear of the existing Benjamin Moore building. There will be electric service running from the existing building into this structure to provide electricity to it. But other than that it's fairly straight forward there's no bathrooms in it no sewer that's really the extent of the improvements of building.

MR. GREGORY: Mr. Nusser you said the size of the building is 3,500 roughly square feet, does that include both phase 1 and 2 together?

MR. NUSSER: That's both phases and the . . . . the total overall ultimate footprint of the building. A-5 is Phase 2 Grading, Utility & Soil Erosion & Sediment Control Plan again this consists of the 800 square foot addition to the rear of the storage building 20 feet to the west of the existing building. As we continue the prior phase 1 the existing drainage patterns will be maintained the water will be directed around the building in existing stormwater controls. A-6 is our detail sheet showing the (inaudible) details that we entrusted by the engineer along with the other required (inaudible).

MR. GREGORY: And then is A-7 the additional lighting detail (inaudible) A-9.

MR. FLEISCHNER: Let me just interrupt for a second, could the record show that Mr. Schaechter has arrived at 7:43. I apologize please continue.

MR. GREGORY: So we're up to A-7 and A-8 and those are the two architectural that are part of the engineers set of plans.

MR. NUSSER: So A-7 is the floor plan of the building showing how the storage tracks will be laid out inside and it is a prefabricated building a very central layout it's 60 by 40 and (inaudible) site plans. A-8 shows elevations of the building, the building has a proposed height just under 25 feet you can see the appearance of it it's a pretty standard typical prefab structure.

MR. GREGORY: And A-9 is the additional lighting detail which is fairly simple but would you take the Board through that.

MR. NUSSER: Certainly so A-9 was I tried to accommodate your comments regarding the site plan of the building. There are three security lights on the building they are relatively low intensity lights, they are located on the east, north, and west sides of the building and as you can see from the drawing the lighting really at a quarter of a footcandle doesn't extend too far beyond the building and certainly is nowhere near any existing property which will have any effect on any other properties. They're all mounted between 16 and 18 feet and they're directed in a downward fashion.

MR. BUZAK: What was the height I'm sorry?

MR. NUSSER: 16 to 18 feet.

MR. GREGORY: In fact it was Mr. Nusser's testimony just a note for the Board this falls well within Highlands Exemption #4 the increased impervious surface is only 1.02 percent increase and it's well less than ¼ of an acre (inaudible). I think we addressed Mr. Buczynski's comments in his letter but the Board (inaudible) questions.

MR. FLEISCHNER: Gene?

MR. BUCZYNSKI: Just quickly the letter was dated October 21st under technical items the first item Mr. Gregory just mentioned regarding the Highlands Exemption but just so the Board knows the township per July 2012 we're allowed, we're certified Highlands Council municipality. So we can grant certain exemptions on a local level and they do not have to go to Highlands. So based on the testimony tonight and I also note in my report this definitely satisfies Exemption #4 and that can be granted through the township it does not have to go directly to Highlands for approval. The other items on page 2 there's some issues, minor issues regarding paving repair details but all of those items have been addressed by the applicant's engineer. The project does not require Soil Conservation approval because it's less than 5,000 square feet of improvements, at least the way I see it. Item number 5 with regard to the lighting they gave us testimony pertaining to the lighting. I think you also said that the outside storage right now is all going to be going inside correct?

MR. GREGORY: That's correct.

MR. BUCZYNSKI: So I really have no other items.

MR. GREGORY: I should note there are some things that are outside because they're tested (inaudible).

MR. MCGROARTY: Mr. Chairman just one question?

MR. FLEISCHNER: Yes.

MR. MCGROARTY: And just to make sure for the record the light detail on the plans which actually I only saw this evening, it doesn't look like it actually focuses downward. And under the ordinance Section 54 that is required however it's an isolated site blocked by the building and everything else but strictly speaking this design was . . . . and I think they're going to have to either ask for a waiver or clarify that this really, the light focuses downward. On the one sheet I got proposed light "A" detail I mean . .

MR. BUCZYNSKI: It's in the back of the building.

MR. NUSSER: Right yes it's a standard wall pack it's not . . .

MR. MCGROARTY: Right but the ordinance doesn't permit standard wall packs so you can either ask for that waiver now . . .

MR. GREGORY: We will be requesting a design waiver on that if it was determined that the Board . . . I think for security reasons that's why they have it designed that way. It's so far from any of the residences.

MR. BUCZYNSKI: That's behind the building close towards the wooded area doesn't it?

MR. NUSSER: Yeah one is in the rear . . . the light A's are on the front and the back of the building so one actually points back into the parking lot itself and the other points to the rear which is a rising slope that's wooded. So (inaudible).

MR. GREGORY: I mean if it makes some sense and there's a good reason to do it we'll change it and we'll put them on.

MR. MCGROARTY: No I wasn't saying . . . it's just that when you do put them on as they are then there won't be any problems later down the road when someone says well that's not consistent with the ordinance. So given the isolated nature of location it would seem like it's not going to have any impact on anyone else.

MR. GREGORY: So technically that would require a design waiver.

MR. FLEISCHNER: So are you asking for the design waiver?

MR. GREGORY: Yes.

MR. FLEISCHNER: Okay officially on the record.

MR. GREGORY: Other than that if you don't have any questions or if you want to (inaudible).

MR. FLEISCHNER: Nelson?

MR. RUSSELL: One question, personal curiosity why are you doing this in two phases?

MR. NUSSER: Well again it's based upon (inaudible) down to the one building in phase 1 principal building and an anticipated future need for that second phase. So there's not a need to build it or a desire to build that second phase right now but they're anticipating wanting to do that as an addition in the company's (inaudible).

MR. RUSSELL: So you build an exterior wall and then tear it down and add another 20 feet?

MR. NUSSER: We have to . . . when the addition gets put on it would be put on and that wall would actually remain, that interior wall will remain because they will just put a door, an actual . . . there is a door through there already and it would just be (inaudible).

MR. RUSSELL: Okay thank you.

MR. BUZAK: That would then become a common wall is that what you're saying?

MR. NUSSER: Right it would be just you know a wall within . . . between the two phases that wall will remain and there will be a door that accesses to the rear right now which is to become the access into that area.

MR. BUZAK: What will trigger that construction?

MR. GREGORY: Why don't we swear Mr. Recca in.

MR. BUZAK: Okay.

(DENNIS RECCA SWORN IN FOR THE RECORD)

MR. BUZAK: Can you tell us your name and business address for the record.

MR. RECCA: My name is Dennis Recca.

MR. BUZAK: Sir can you spell your last name for the record?

MR. RECCA: (R-E-C-C-A).

MR. BUZAK: Thank you. And your business address sir just for the record?

MR. RECCA: 360 Route 206, Flanders, New Jersey.

MR. GREGORY: Mr. Recca just for the record you are a professional engineer yourself?

MR. RECCA: I am.

MR. GREGORY: And you work up at the Benjamin Moore Route 206 site?

MR. RECCA: Flanders is my location.

MR. GREGORY: And how long have you worked for Benjamin Moore?

MR. RECCA: I've been with Benjamin Moore 22 years.

MR. GREGORY: And there was some questions about the phasing and why you were doing the phased project. Would you explain that (inaudible).

MR. RECCA: Part of it is financial reasons as far as about when to spend the money all up front. Right now our immediate needs are for storage. There was some plans down the road to use it for an applications room but we took our time budget wise they only going to go for the first two phases which is primarily for storage.

MR. BUZAK: And sir in response to my question which was what will trigger the need for the second phase to be constructed.

MR. RECCA: Again it's mostly for apparent need at this point. So right now we are looking at it as a good option that we would like to but right now financially it's not something that they want to spend right now. So as far as what's going to trigger it, more need for storage.

MR. GREGORY: Do you anticipate that need, and I know you can't be sure with budgets and need, but in 2015 do you think it's reasonable to assume that you'll have a budget for and it's likely you'll have the need for it. So that's why you're asking this Board for approval at this time.

MR. RECCA: Yeah they were very anxious to do it but they said budget wise they could not justify it this year, it could happen next year.

MR. BUZAK: So sir I'm asking these questions because we have another application that's coming after us in which they got an approval that was there for 25 years and they didn't build the second phase. And it's not an issue necessarily but it triggered this one because this seems to be the same thing with no end date to when you're going to do phase 2. So I'm trying to get some handle on that because zoning changes, things change and you know the Board would like to be more comfortable with a plan that you needed as opposed to well we just don't really want to come back so we'll sort of do everything now and we'll worry about it later.

MR. RECCA: All I can tell you is they were very serious about it they were actually at the point where they wanted to put the foundations in up front but because of the impact it would have had on the existing structure with drainage and everything else we chose not to. So all I can tell you is that there's an active interest for it, I don't imagine that it would be something that would be 20 years from now but a year at the most, maybe five years.

MR. BUZAK: And is it tied to budget I mean at first I thought it was tied to the need for storage so you know you get more stuff and you need more storage so then we build it. But it seems that it's not necessarily triggered by that it's triggered by a budgetary issue.

MR. RECCA: Budgetary and an immediate need that we have. Like I said it's for an applications area we do currently have applications space in the existing building but we are growing both with our operations as well as constantly expanding our interior floor with our primary work space the laboratory work and research and development. We just want to be (inaudible) that is an option and after that if the need arose we (inaudible). It's less targeted as far as an area that would be next.

MR. FLEISCHNER: Is the work that you do at this site done anywhere else?

MR. RECCA: No.

MR. MCGROARTY: Mr. Chairman just one question?

MR. FLEISCHNER: Chuck?

MR. MCGROARTY: Mr. Recca will you have flammables stored in this building?

MR. RECCA: Yes.

MR. MCGROARTY: Paints or other . . .

MR. RECCA: Most of the overall materials all of the flammable liquids will be stored in independent flammable cabinets all provided by the Codes so all of the flammables are (inaudible).

MR. MCGROARTY: Okay so the Code people will decide what you have to do.

MR. RECCA: Yes.

MR. FLEISCHNER: Any Board members have any other questions? Anybody have any questions for Mr. Nusser from the Board? Okay what I'd like to do then is open it to the public if there are any questions for Mr. Nusser first. Is there anyone that would like to question Mr. Nusser? Seeing none how about Mr. Recca who is not Benjamin Moore? Okay seeing nobody from the public has any questions. Any other questions from the Board or our experts? And comments for the public, from the public on the entire application? Seeing none I'll close it to the public. Is there a resolution on the floor?

MR. MANIA: Mr. Chairman I move for approval of PB 14-15 Benjamin Moore preliminary and final site plan.

MR. RUSSELL: Second.

MR. BUZAK: If I might Mr. Chairman I think it would also be to grant a waiver that was requested regarding the outdoor security lighting being directed downward a finding that the applicant qualifies for Highlands Exemption #4 and finally that the applicant will comply with all Codes regarding storage of flammable materials or other Code requirements related to the use of that structure.

MR. FLEISCHNER: Do you agree with that Mr. Mania?

MR. MANIA: With the approval with the statements that our Counselor has said.

MR. RUSSELL: Second.

MR. BUZAK: Now I don't know if the Board wants to deal at all with the second phase or just leave it as it is based upon the testimony that we have that's their find.

MR. FLEISCHNER: My personal opinion is we should leave it the way it is.

MR. BUZAK: That's fine Mr. Chairman.

MR. FLEISCHNER: With that being said roll call please.

MS. NATAFALUSY:

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

MR. FLEISCHNER: Thank you. Thank you gentlemen.

MR. GREGORY: Thank you very much.

APPLICATION #PB 14-18 – UNITED PARCEL SERVICE – (Block 102, Lot 18)

MR. FLEISCHNER: Okay the next item on the agenda is PB 14-18 United Parcel Service preliminary and final site plan with variances and waivers.

MR. MCGROARTY: Mr. Chairman could I just . . . just for the people Roadranger is the proposed gas station just in case . . . When is Roadranger?

MS. NATAFALUSY: It's carried to December 18th.

MR. FLEISCHNER: December 18th. I'm sorry you had to . . . I should have been clearer I'm sorry.

MR. BLOUNT: Good evening Mr. Chairman, members of the Board Mark Blount of the law firm of Blount & Lavin here to represent UPS. What you have before you is an application for site plan approval with variances and waivers for addition to parking area. Here with me to testify this evening is John Hansen, professional engineer with Ferriero Engineering and I also have a representative from UPS here to answer any questions (inaudible).

(JOHN HANSEN SWORN IN FOR THE RECORD)

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

MR. HANSEN: John Hanson (H-A-N-S-E-N) 180 Main Street, Chester, New Jersey.

MR. BUZAK: Thank you sir.

MR. BLOUNT: Mr. Chairman let me know if (inaudible) on having him qualify before this Board in the past (inaudible) satisfied.

MR. BUZAK: You are a professional engineer sir?

MR. HANSEN: I am.

MR. BUZAK: Licensed in the State of New Jersey?

MR. HANSEN: Yes sir.

MR. BUZAK: Just for the record the rest of it I think we all are familiar with Mr. Hansen.

MR. BLOUNT: Mr. Hansen if you would if you could describe the existing site as it exists today.

MR. BUZAK: Mr. Hansen if you are going to refer to exhibits can we mark them?

MR. HANSEN: That's exactly what I was going to say. Why don't we mark this A-1.

MR. BUZAK: Can you tell us what that is?

MR. HANSEN: This is a copy of the final utility plan sheet 3 of 20 that was approved back in 1989 and I've colored it up which I'll explain a little bit more in detail later to show where our proposed improvements are with this application and what was approved as what we called phase 2 back in 1989. So anyway just to give you a quick little background of the site here on the exhibit we've got Waterloo-Valley Road to the right, we've got the site that was developed here shown back in 1989 as phase 1 and phase 2. Phase 1 was constructed that's the "L" shaped building it has access around the outside of it and there was an employee parking to the top of the sheet that was also approved and constructed. That was all done in what was called phase 1. When they designed this they also designed the stormwater management system to accommodate both phase 1 and phase 2. So that was designed and constructed at the phase 1 time. What you see here in yellow was to be phase 2 and that consisted of another building "L" shaped addition on the south side of the phase 1 building some additional employee parking and then a connection down to the adjacent site for access.

MR. FLEISCHNER: Excuse me could I ask you just to tilt it a little bit?

MS. NATAFALUSY: Or just push it back more.

MR. HANSEN: So that just again if everybody didn't see it before, the yellow area was phase 2 which was designed and approved back in 1989 but never constructed. The stormwater system was all designed for phase 1 and phase 2 and totally constructed during phase 1. So what we're here for tonight is fairly straight forward, what we're asking for is to build an auxiliary parking lot and I've shown that in red, that's over what was previously going to be built at phase 2. It's 350 feet long, 170 feet wide it would be a gravel parking area we would install curb around the perimeter of the parking area, it would house about another 60 tractor trailers basically in the peak season and it would not be used by employees for parking or any public in any way. It would be only for tractor trailer parking purposes it will be lit and we propose to buy three sight lights it would be typical box type fixtures with illuminations towards the ground, very similar to what's out there now. It will be 30 feet in height so it will conform with the ordinance. Very little earthwork really needs to be moved into this site, basically when they built the phase 1 they kind of leveled this area off for phase 2 so really what's really going amount is stripping the top soil that's there, installing the curb, installing the gravel, putting some inlets in there so we can get the stormwater runoff to where it needs to go, put a chain link fence around it for security purposes and that's really it.

MR. FLEISCHNER: I do have a question.

MR. HANSEN: Yes.

MR. FLEISCHNER: You said it would hold approximately 60 tractor trailers.

MR. HANSEN: Correct.

MR. FLEISCHNER: Where do those tractor trailers go now? I'm sure they still show up at the building.

MR. HANSEN: Yeah I have to defer to the operations person.

MR. FLEISCHNER: All right.

MR. BLOUNT: Mr. Buzak I also have Dean Britt who is a representative of UPS here.

(DEAN BRITT SWORN IN FOR THE RECORD)

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

MR. BRITT: Dean Britt (B-R-I-T-T).

MR. BUZAK: And I'm going to ask you to spell your first name is it just D-E-A-N?

MR. BRITT: Yes it is.

MR. BUZAK: Thank you sir. And your business address?

MR. BRITT: 493 County Avenue, Secaucus, New Jersey.

MR. BUZAK: Thank you. Sir you may be seated, can you just tell us your position?

MR. BLOUT: Sure Mr. Britt would you please explain for the Board your position with UPS?

MR. BRITT: I'm a District Plan Engineering Manager for the north Atlantic district.

MR. BLOUT: And you're familiar with this facility?

MR. BRITT: Very much so.

MR. BLOUT: Could you please explain the process of your trailers and what's been happening at the site to date and what's been proposed with the trailers?

MR. BRITT: The what we've term as the Mt. Olive facility right now the delivery center so we load, package cars the brown vehicles out for delivery each morning and then when we recover those vehicles we would actually . . . they would do pickups during the day, those packages would come back would be loaded on trailers which would go to other facilities to be (inaudible) out and distributed either throughout the region or throughout the country. With the increase in volume and the size of the facility and the equipment in there we want to turn it more into a hub process. Our whole system is really built on a hub and spoke network so we have the availability of putting daytime operation in there as well as night time operation. Mr. Fleischner the question about where those trailers are now, they're not here yet but we are anticipating they are going to come and they're going to come very soon.

MR. FLEISCHNER: Okay, all right that was a concern I had was just like you know where are they sitting now?

MR. BRITT: One thing I would add and it's not for tractor and trailers it's only for trailer position.

MR. FLEISCHNER: All right thank you.

MR. SCHAECHTER: Is this going to be a similar facility that you have like in Parsipanny?

MR. BRITT: Very much so.

MR. SCHAECHTER: So that's also the same traffic, same similar traffic?

MR. BRITT: Parsippany is what we would call a network hub it's 30,000 an hour capability we have added some equipment in Mt. Olive making it about 12,000 an hour. So as our networkers really built based on east, west flow in New Jersey and we distribute in New Jersey really the northeast and then also the DC area coming from the west or Chicago and this would be like an overflow type scenario that we would only use until about January.

MR. FLEISCHNER: Okay thank you I appreciate it. Shall we continue.

MR. HANSEN: Sure I mean that's generally my direct testimony on the site improvements that we're proposing. We do require a couple of variances and a couple of design waivers, why don't I touch on those. Back in 1989 there was a variance that was granted I believe, Mr. McGroarty correct me if I'm wrong, it was called a temporary variance at the time and the idea was that it requires no more than a third of the employee parking stalls to be located within 300 feet of the entrance of the facility. And so at that time it was temporary taking down when phase 2 came along they'd be able to have a minimum of (inaudible) comply. And so now since the phase 2 building is not envisioned then that variance really would I guess be a permanent variance we'd be requesting that tonight. Really the site has been operating under those circumstances for 25 years and there's been no problems people can get where they need to go and do so safely. If we were to try to comply with that and move parking around it would be very difficult to do so, challenging the slope that exists here the topographic slope would create a difficult construction situation to move parking around in order to comply with that. So you know in my opinion it works now there's no detriment, no safety detriment I think it will certainly work in the future. We also have a variance for the as I read in the zone the maximum light intensity. It looks like the ordinance says that outside of a 50 foot ring from the building you got to have a maximum light intensity of one footcandle. And we have an area of about 20 percent of our proposed parking area that will be between 2.1 footcandles and 1 foot. It's still not a lot of light, not excessive it won't provide any glare or distract to adjacent properties but just enough light to create a safe situation for people with parking tractor trailers. And we have some design waivers, 400-57H requires that parking areas such as this be landscaped, this area is not for the public it won't be seen by the public and it certainly won't even be seen by Waterloo-Valley Road so we're asking for relief from that because we don't think it's necessary it would be an unnecessary expense. 400-57G parking areas are required to be paved, what we're proposing here is to curb it and put DGA or gravel surface in that it will be a permanent surface but we're asking not to pave it we just don't think it will come to that much use that it really requires paving.

MR. BUCZYNSKI: The only use is really going to be during the holiday season?

MR. BRITT: Correct.

MR. HANSEN: And so lastly 400-54 requires a minimum light intensity of .3 footcandles and we have a minimum light intensity of .1 footcandle. So again we're a little on the lighter side with a light in

one area a little on the heavier in the other but we think that we've got just got enough light than really what's needed. So that's really the variances and the waivers I guess there's one last thing to note is that if the Board does approve the application tonight what we ask you to do in your findings is to allow us to begin construction prior to the memorialization of the resolution. The reason being that time is of the essence trying to get this in before the big holiday rush. I'd be happy to answer any questions.

MR. FLEISCHNER: That's my first question why did you wait so long to come to this Board now that it's Thanksgiving in another week?

MR. BRITT: I could give you a time frame, we put this facility up in July, Amazon has I guess reestablished our projections at a 30 percent increase and we have no place to put that. So in August, September is when we really started and determined that we need release and this is the closest proximity to Parsippany and really Secaucus as an outlet.

MR. FLEISCHNER: Okay I'll buy that.

MR. BUCZYNSKI: Joe if you could just add regarding this to I mean there's certain items that are beyond the purview of the Planning Board but there's site improvements, there's curbing, drainage, lighting the town has a developer's agreement requirement and John you are well aware of that and they have to go in front of the Council for approval. So I'm not sure how we can get them going faster I mean I got the email from Mr. Hansen yesterday explaining this and asking if I could do a preconstruction meeting on Friday which is tomorrow and it's impossible. So I'm not sure how we're going to get these people in for this holiday season. I mean I don't think the Board can address the developer's agreement and all of those items they'd have to at least go in front of the Council I would think to address, to ask waivers for that.

MR. BLOUT: Gene is a developer's agreement required for any site even though no public improvements are proposed?

MR. BUCZYNSKI: Yes. That has been the position of the town for years.

MR. FLEISCHNER: That's the position, my personal feeling is I've had some concerns where this Board, and John correct me if I'm wrong, approve certain things and then they get changed in the developer's agreement. And then this Board never knows what gets changed, am I correct John you've been on this Board a lot longer than me?

MR. MANIA: Yes you're correct.

MS. NATAFALUSY: The developer's agreement usually contains the conditions of our resolution.

MR. BUCZYNSKI: Yeah.

MS. NATAFALUSY: And other than that it's just kind of boiler plate stuff that you know the . . . .

MR. BLOUT: If all of the conditions of this approval are outlined in detail and the reports incorporated into the resolution and they all are on-site improvements the drainage is there, the capacity built for phase 2 improvements this is a much smaller less impactful development I think it would be appropriate for the Board to allow this to go forward under those conditions.

MR. BUZAK: I think if I might and this is something for deliberation by the Board but we don't really control that I guess the most that we can do I would suggest is to indicate if we were favorably inclined to the request to indicate that the Planning Board does not have any objection to that but leave it to others to deal with it. We don't approve it, we don't say that they can do that but we don't have any objection to that. And others that have to deal with it can make the determination is does that work?

MR. BUCZYNSKI: The only thing because I know what they always do they bond even on-site improvements they've been bonding them in the past. So you'd have to request a waiver for that because they do bond private improvements and they also have an engineer's estimate that's submitted for inspection fees. You just had a Council meeting right John?

MR. MANIA: Last night.

MR. BUCZYNSKI: When is the next Council meeting?

MR. MANIA: The next one is the 25th because you've got the League of Municipalities next week.

MR. BLOUT: We can certainly post the inspection fees off of the construction estimate that we put together. Inspection fees certainly wouldn't be a problem the bonding (inaudible) another thing is the same (inaudible) as the developer's agreement that we would ask because it's not public improvements that they waive the bonding?

MR. BUCZYNSKI: I mean I can't waive it you have to go to the governing body.

MR. FLEISCHNER: No right, no I understand that. I think the question, and unless . . . Board members please jump in I mean I personally don't see a problem in what you want to do. I mean it's your business; the question is how can this Board do what it needs to do legally in passing a resolution to allow this to occur with all of the other steps that still need to take place. And I mean I certainly I mean you do have to go before the town Council which can't happen until the 25th.

MR. BUCZYNSKI: My suggestion maybe Joe excuse me.

MR. FLEISCHNER: Yeah please.

MR. BUCZYNSKI: Maybe Mr. Blout maybe you can call the township attorney tomorrow and explain to him and see what could be done.

MR. BLOUT: Certainly if I have this Board's endorsement and recommendation that we proceed in this path than I can communicate with the township attorney . . .

MR. MANIA: That's a good suggestion Gene.

MR. SCHAECHTER: We have to pass a resolution in a public forum which means we have to post for a meeting we can't waiver on that. I mean that would be bad form for us. So we would have to have under some sort of emergency meeting . . .

MS. NATAFALUSY: That's not going to happen next week.

MR. SCHAECHTER: Right.

MR. BUZAK: Well again I think that we may have some overlapping jurisdiction here. The question that was asked or the request that was made was that the applicant be permitted to go forward to construction before our memorializing resolution is adopted. Now our memorializing resolution will not be adopted until our next meeting which is . . .

MS. NATAFALUSY: December 11th.

MR. BUZAK: December 11th. A memorializing resolution just to refresh everyone's recollection memorializes in writing that which we do tonight. So essentially it reverts to tonight's date even though we're adopting it on December 11th. And from the township's perspective they generally look to receive the actual written document that memorializing resolution before they allow other things to go forward. That's not our decision that's someone else's decision. How that can be modified at the township's end is up to the township and we can leave that up to the applicant. I think that as I said earlier perhaps the only thing we can do is to indicate tonight, and it will be contained in the resolution that will be adopted hopefully in December assume the Board approves the application that the Board has no objection to the applicant moving forward before the memorializing resolution is adopted. That's all we can do.

MR. FLEISCHNER: But we have done that in the past.

MR. BUZAK: And we have done that in the past in certain situations so that we don't have an objection to that. The requirement that the memorializing resolution actually be adopted before the township does something is not our decision that's a township decision and whatever efforts they want to make to relieve the applicant from that requirement that's up to them and how that done is up to them. It's really nothing that we have any control of.

MR. MANIA: I think Mr. Buczynski is saying that you should contact Dorsey's office would be the right way to start.

MR. BUCZYNSKI: John if I could, Jim another thing too what's the status of your Soil Conservation permit?

MR. HANSEN: We're hoping to have it tomorrow. I've got an email and a call in to Sheila Hall over there so we sent them revised plans and documents back on October 29.

MR. FLEISCHNER: Well I think the only thing I mean the only thing we can do is I mean we can put forth a resolution and if you proceed to do anything you in essence because we did not memorialize it until next month. It's at your risk, it's at your risk it's as simple as that. In the meantime you would need to go to like Mr. Mania said and to the township attorney and to the town Council at their next meeting which is the 25th.

MR. MANIA: The 25th is our next meeting.

MR. MCGROARTY: Could I ask a question?

MR. FLEISCHNER: Yes please.

MR. MCGROARTY: To Mr. Britt. Do you anticipate all 60 trailers coming in at once?

MR. BRITT: No it would be over a 24 hour cycle.

MR. MCGROARTY: Okay so they cycle in and out at that time. Could I ask a follow up question Mr. Chairman?

MR. FLEISCHNER: Sure please.

MR. MCGROARTY: That rear parking lot area is that used typically?

MR. BRITT: No not typically only the upper . . . the only places really the client's park are really these two sections here up front here and then there's a little bit back here. This here and most of this is not used, only during the seasonal time. During the remainder of the year we do bring employees along here and some of them (inaudible).

MR. MCGROARTY: You know this is very unorthodox and it's not really under the Board's jurisdiction I'm just thinking if there's a way to work something out if you don't get everything in place and it sounds like it's not going to move as quickly as it sounds would there be ability to use some of that parking, I don't know if you can accommodate the trailers it may raise other questions about safety and so on.

MR. BUCZYNSKI: Safety and circulation.

MR. BRITT: The turning radius' are too tight. They're really set up for cars.

MR. BUCZYNSKI: Also regarding the installation to you've got lighting so you're going to have to get approval from the Building Department on lighting and that's going to take a few days right Catherine?

MS. NATAFALUSY: They have 20 days to issue permits.

MR. BUCZYNSKI: And you usually don't get them before the 20 days normally. So there's a lot of issues that they're going to have to address trying to get this done in time.

MR. FLEISCHNER: But that can be conditions.

MR. BUCZYNSKI: I'm just bringing it up.

MR. FLEISCHNER: But that's just the beginning of the discussed negotiation. That's what I was taught.

MR. BUZAK: That's not a good thing to talk about an applicant you know . . .

MR. FLEISCHNER: But you know I'm being up front I think we can you know I think you've been a good citizen in Mt. Olive at least I think so. All right and we can only go so far in what we can do and the rest is going to be . . . would be up to you. I mean . . .

MR. BUCZYNSKI: The best is to plead their case with Fred Semrau tomorrow and get it going.

MR. FLEISCHNER: Right.

MR. MANIA: Yeah I would call tomorrow.

MR. BUCZYNSKI: I mean I think the Board is going to . . . it seems like the Board is in favor of moving this as far as they possibly can.

MR. FLEISCHNER: But then it's out of our hands.

MR. BUCZYNSKI: I don't know about the resolution, how do we address the resolution? We're not going to have a resolution until next month.

MR. BUZAK: Well again you know as I think the Chairman has said or Vice Chairman has said we have in the past done similar things whereby we, providing that we don't have any objection to they're going forward, as I said the memorializing resolution merely puts into writing that which we've already approved. And it includes all of the items were done, you know we'll go through that in a moment when we get to that part of the meeting if the Board is so inclined. But it doesn't really change anything and you know the standard kinds of conditions that would be in there that we will not articulate tonight are ones that the applicant would be familiar with and the township would be familiar with so it's not anything that's going to (inaudible). Again I think that's all we can do in order to move them along and then it's up to them to deal with the other people who normally make the decisions to start or not start the construction.

MR. FLEISCHNER: Brian do you want to comment on anything? And let me, make it . . my understanding and please correct me Mr. Buzak. We can put forth a resolution approving with the appropriate (inaudible) but then we can't do anything until December memorialized and then it's up to the applicant to do everything else to get this done. Because we can't approve we can just say the resolution but that's it. You guys understand that?

MR. SCHAECHTER: So I guess we're going to move forward with the resolution. I have some questions regarding the variances. They are looking for a variance on the lighting why are you looking to downgrade the lighting?

MR. BRITT: We exceed the maximum lighting capacity so we were a little bit (inaudible) which required a variance. Now on the waiver side of it we also (inaudible) and that is a design waiver.

MR. FLEISCHNER: Well if that's a concern then . . .

MR. SCHAECHTER: It is a concern you have the whole section . . . I'm not looking at your lighting plan so 4 of 5?

MR. HANSEN: The lighting ordinance unless I'm reading it wrong that ordinance allows a maximum of 1 footcandle average.

MR. BUZAK: Mr. Hansen can we mark that A-2? We've marked A-1 the 1989 plan and mark it A-2 the lighting portion of your plan.

MR. HANSEN: The lighting plan is part of the plan do you still want that marked?

MR. BUZAK: Yes what sheet is that?

MR. BUCZYNSKI: Is it 4 of 5?

MR. HANSEN: Sheet 4 of 5.

MR. BUZAK: Okay and we'll mark sheet 4 of 5, A-2 for the record and Mr. Hansen is referring to A-2 sheet 4 of 5 on the plans.

MR. HANSEN: Right. Now it's a little unclear when you read the ordinance to me if it's an average of 1 footcandle that's the maximum or it's a maximum of the 1 footcandle. So if it's an average maximum of 1 footcandle then I would say that we don't need a variance because we're under that average of 1 footcandle. But our maximum is about 2.1 footcandles, our minimum is .1 footcandles and to sum it up I still believe that we have adequate lighting for a facility like this for parking area lights. You don't want to put too much light there you know and have the sky glow and have everything glowing from the adjacent properties. You always want to have enough so that you can get in there and get out, your also are going to have these tractors that have headlights which are also going to have light.

MR. BUCZYNSKI: Will they be coming in all night?

MR. BRITT: Yes.

MR. BUCZYNSKI: They will.

MR. MCGROARTY: There's no customers.

MR. BRITT: There will be no employees there; there will be no general public it's only for the people who drive the trucks.

MR. BUZAK: But the variance that you're requesting is because the intensity is too great in a certain area is that correct? Argue ably.

MR. BUCZYNSKI: It's a smaller area too it's just . . .

MR. HANSEN: If you read it that way yeah it's about 20 percent of the area is over a footcandle, it's between 1 footcandle and 2.1. But the average over the entire parking area is less than 1.

MR. BUZAK: Well I understand and I guess since you're seeking the variance rather than get into an interpretation of what the ordinance means or doesn't mean you're seeking the variance and it's probably cleaner to simply proceed with that. I don't think the Board is necessarily concerned about the over lighting, Mr. Schaechter is worried about the under lighting so to speak which is a waiver not a variance and perhaps you can address your comments to that issue why are we not providing more lighting there to at least meet the standard that's in the ordinance.

MR. HANSEN: Well you could put another light here I just quite honestly don't think you need it. I mean the fact of the matter is you could have zero footcandles on the surface but there's still ambient light. You can still see where you're going I mean if you went out into the part of the parking lot today at the end of the parking lot you'd be able to see where you're going but if you had a light meter and you could put it out you'd have zero footcandles. So you know the light meter is something that reads you know on the surface of the ground it doesn't mean that you can't see.

MR. SCHAECHTER: Right and I would also say in an empty parking lot that might be true but if you're going to throw 60 trailers in there you're going to have shadows, you're going to have a lot of things that are going to block people. It might be a safety issue. I don't know in UPS so operationally I would probably throw another light on it.

MR. HANSEN: If the Board has another concern about it we can add another light on it.

MR. SCHAECHTER: Are the lights going to be operational even if the parking lot is not operational like for the other nine months out of the year?

MR. BRITT: If the lot is not used we would probably turn them off. We're pretty cost conscience so (inaudible).

MR. FLEISCHNER: So I would think Mr. Schaechter would be a lot happier if there was at least one more light up there.

MR. SCHAECHTER: He would be very happy.

MR. FLEISCHNER: It would make him happy.

MR. BUZAK: And Mr. Hansen in your view then would that eliminate the need for the waiver?

MR. HANSEN: Yes.

MR. BUZAK: Okay.

MR. BUCZYNSKI: But you still need the variance.

MR. FLEISCHNER: Yes need the variance but you don't need the waiver.

MR. BUZAK: The way with regard to lighting there were two other waivers that they requested but with regard to the lighting you would not need that so the applicant based upon I guess we have both someone from UPS and we have the engineer. Engineers can say they're going to do anything but they don't have to pay for them so we'll withdraw then that section or that portion of the application that seeks the waiver from the lighting standards.

MR. BLOUT: Mr. Buzak just if I may clarify I think with the addition of the light that may increase the amount of area that exceeds the maximum . . . .

MR. BUZAK: On the other end. And that's fine and I appreciate that and I think the Board is comfortable with that under these circumstances.

MR. BLOUT: I just want to make sure the resolution is clear so that it covers that and looking back at the same percentage on this plan.

MR. BUZAK: Now in terms of our professionals do we need to designate where that light is going to be located?

MR. BUCZYNSKI: I think they'd have to submit the plan for approval so we can see the footcandle distribution. But also regarding the variance that's regarding the footcandles within 50 feet of the building that's what the ordinance requirement is.

MR. HANSEN: I think while you read it . . . the way it seems to read to me it's anything greater than 50 you have a maximum of 1 footcandle. But I'll have to differ to you on the (inaudible) of the Board I mean you guys deal with this all of the time.

MR. BUCZYNSKI: We would just say a variance is required.

MR. SCHAECHTER: Are you okay?

MR. BUCZYNSKI: With that one yeah. Should we go over the rest of it?

MR. FLEISCHNER: Yes please.

MR. BUCZYNSKI: I'll just go over the report the report is dated October 21 and we just kind of covered the first couple of items pertaining to lighting. The third item was regarding Belgian block curbing, this was before we received the revised plan. The revised plans were dated 11/3/14 and they agree to put curbing around the parking lot, that issue goes away. I have a question for you the reinforced curbing that's because of the trailers?

MR. HANSEN: It's a heavy duty curbing.

MR. BUCZYNSKI: Really heavy duty curbing.

MR. HANSEN: Yeah I mean you know if you would allow and I mean come up with something a little bit less than that that's a little bit more cost effective but still works if you're agreeable to that we would . . .

MR. BUCZYNSKI: How did that detail come about?

MR. HANSEN: That was one of the standard details that they provided.

MR. BUCZYNSKI: That's a standard detail? Okay I'm not going to argue about the standard detail, if you can find something that's cost effective and works that's fine. The standard 9 by 18 curb doesn't work they'll just knock them right down with the trailers.

MR. MANIA: Gene quick question, what constitutes heavy duty curbing?

MR. BUCZYNSKI: I think what the use is on their site and what they've used in the past. I think in their particular instance they probably have other sites before where they had standard 9 by 18 curbing and it probably got destroyed right away, correct?

MR. BRITT: Yes.

MR. HANSEN: This is about 2 feet deep and 2 feet wide.

MR. BUCZYNSKI: And its reinforced rods in the curbing too it's massive.

MR. MANIA: What is that 4500 psi?

MR. HANSEN: Yes.

MR. BUCZYNSKI: Regarding that same item, number 3 had a concern regarding drainage and they've addressed the drainage with the revised plans so that item pretty much goes away. Regarding the paving of the parking lot, there's no intention in the future to pave it at this point correct? It will always be gravel?

MR. BRITT: Unless it becomes permanent then we would come back to the Board with revised plans.

MR. BUCZYNSKI: Very good okay. And I agree with the design waiver for landscaping, if you've gone to the site there's really no need to have landscaping in that location. And certification to Morris County so once they get that so . . .

MR. FLEISCHNER: Yes Chuck.

MR. MCGROARTY: Just one thing on a comment a moment ago I mean from the Board's point of view this is permanent is it not?

MR. BUCZYNSKI: The gravel is permanent but . . .

MR. MCGROARTY: Yeah I mean the parking area is permanent.

MR. BUCZYNSKI: Right.

MR. FLEISCHNER: Yes.

MR. BUCZYNSKI: I think he was just talking about surface if they pave it.

MR. FLEISCHNER: Whether they pave it or not.

MR. BUCZYNSKI: Right.

MR. FLEISCHNER: It's going to be gravel.

MR. BRITT: Do you want me to clarify that?

MR. FLEISCHNER: Could you please.

MR. BRITT: In what was discussed I believe was this is only a seasonal usage. We understand it's permanent but we would only use it during the seasonal times. We would not want our drivers in the back where the gravel would be during the rest of the year. We would have enough so to speak staging . . .

MR. MCGROARTY: Okay I understand thank you. When you say permanent you meant its seasonal use, got it.

MR. BRITT: It's seasonal use but it's down from . . . .

MR. BUCZYNSKI: And they're not going to take it out?

MR. BRITT: No.

MR. BUZAK: It's not one of those holiday stores in the mall.

MR. FLEISCHNER: No it's not the Halloween store.

MR. MCGROARTY: The reason why I asked the question was because this is the one that had a phase 2 which was anticipated some years ago. So right now if phase 2 ever does come back or if they wish to build phase 2 they will come back for an amended site plan.

MR. BUZAK: Yes one of the things that I want to discuss with the Board and to some extent with the applicant is just that. That this approval will essentially displace or vacate the phase 2 approval so there will be no building there's no approval for any building this has now been substituted for and it will supersede that approval and if the applicant then wants to as Mr. Britt has said pave that or if some time in the future they want to construct a building that's substantially similar to what was done before they'd have to come back and get an approval for that and comply at that point with whatever the requirements may be. So we just want to make that clear that you will not, you don't have this in your back pocket so to speak to then come back and decide okay we're going to put a building there. You can do that but you have to come back to the Board and receive your approvals.

MR. SCHAECHTER: One more question for me at least. Are you taking any trees down? There's a space totally . . .

MR. BRITT: No it's all grass.

MR. FLEISCHNER: Chuck, Gene anything else?

MR. BUCZYNSKI: No I think that's it.

MR. MCGROARTY: Nothing else thank you Mr. Chairman.

MR. FLEISCHNER: Ed?

MR. BUZAK: No thank you.

MR. FLEISCHNER: Any of the Board members have any questions? I'm going to open it to the public to ask any questions of Mr. Hansen or Mr. Britt. Seeing no questions to be asked for these gentlemen I'll close it to the public. And now I have for comments on the entire application from the public. Okay seeing no takers I'll close it to the public. Do we have a motion?

MR. SCHAECHTER: I will make a motion to approve PB 14-18 with any comments that our esteemed attorney might have to go along with this.

MR. BUZAK: We will be granting a variance or the resolution would include a variance from the lighting requirements, that is that the . . . there is an exceedance of lighting in certain areas as set forth in the letter from Mr. Buczynski. There will be a design waiver with regard to the landscaping requirement around the parking lot and a waiver from the requirement that the parking lot be paved. As I said earlier this approval will vacate the previous . . . vacate and displace the previous approval for phase 2 of the project as approved in 1989. We will include a provision that the Board has no objection to the applicant proceeding before the memorializing resolution is adopted so at least that's on the record. Obviously by the time we adopt and memorialize the resolution that will be a mute issue but we will mention that and it will be included in the resolution. There will also be a variance granted with regard, and I won't be able to phrase this exactly correctly verbally tonight, but it's effectively converting their temporary variance that existed in 1989 into a "permanent" variance which relates to the parking, one third of the parking being within 300 feet of the entrance, is that the way it's worded?

MR. MCGROARTY: Yes.

MR. BUZAK: And we'll clarify that in the resolution itself. I'm sorry there's also Morris County Soil Conservation Certification required and we'll note that there will be an additional lighting fixture installed with the details to be approved by the Planning Board engineer. And that will eliminate the waiver requirement with regard to the lower amount of footcandles in certain parts of the parking area. I think that's all if there are any other things we'll put in the standard items in the resolution.

MR. FLEISCHNER: Sandra you second that?

MR. STOTLER: I second that.

MR.FLEISCHNER: Thank you. Okay any further discussion by the Board members? 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
Sandra Stotler	- yes

MR. FLEISCHNER: Okay gentlemen you've got a lot of work to do before you do anything you need to make calls tomorrow and get approvals where you need it. Good luck. Okay any other items any Board members wish to raise? If not may I have a motion to adjourn?

MR. MANIA: So moved.

FLEISCHNER: All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 8:45 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department