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

ROLL CALL:
Members Present: Joe Fleischner, Dan Nelsen (7:03), Nelson Russell, Brian Schaechter, Kim Mott, Sandra Stotler, Howie Weiss

Members Excused: Judy Johnson, David Koptyra, John Mania

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

Professionals Excused: Edward Buzak, Esq.

MR. WEISS: Before we move on I just want to maybe say for the record Catherine and I both had a communication this week I had a further communication with Scott. Scott Van Ness is going to step down from the Planning Board effective immediately. I will turn to the Mayor to have a replacement. As you know Scott he's a Class II so we need to replace Scott with a municipal employee and I know the search has already begun. I can assure everyone Scott's health is good I know people were concerned that he was unhealthy but he had some personal issues that he wanted to take care of, a couple of things that's going to take him out of town and his goal is to one day be back involved on the Planning Board. So for his absence now I'm going to look at it as a temporary thing and I told Scott that the day he comes back will be a better Planning Board because of him. We all know that we kind of relied on Scott to do . . to just give us that confidence that we needed on so many issues and it's a tremendous loss to the Planning Board but we wish Scott well and I'm very happy to report that it's nothing of urgency we need not worry he's taking care of some personal matters. So that being said we'll wish Scott a farewell and perhaps we'll bring him back Catherine with a resolution of appreciation of some kind. Should I request that the Mayor draft such a thing or will you have that taken care of?

MS. NATAFALUSY: We'll have to do it.

MR. WEISS: The Board, the Planning Board?

MS. NATAFALUSY: No I'll have to do it.

MR. WEISS: You'll do it. Okay well if you can do that and we'll see if Scott can come in one evening.

MS. NATAFALUSY: Okay.

APPROVAL OF MINUTES

July 17, 2014 Public Meeting
Motion: Joe Fleischner
Second: Brian Schaechter

Roll Call:
Joe Fleischner - yes
Dan Nelsen - yes
Nelson Russell - yes
Brian Schaechter - yes
Kim Mott - yes
Howie Weiss - yes

APPROVAL OF RESOLUTIONS

Resolution #PB 14-07 – Gary & Barbara Bear – (Block 1700, Lot 4)
Motion: Brian Schaechter
Second: Kim Mott

Roll Call:

Dan Nelsen	- yes
Nelson Russell	- yes
Brian Schaechter	- yes
Kim Mott	- yes
Sandra Stotler	- yes
Howie Weiss	- yes

Resolution #PB 11-35 – Eleventh Hour Rescue (Extension) – Block 8301, Lots 11 & 12

Motion: Brian Schaechter
Second: Dan Nelsen

Roll Call:

Dan Nelsen	- yes
Nelson Russell	- yes
Brian Schaechter	- yes
Kim Mott	- yes
Sandra Stotler	- yes
Howie Weiss	- yes

COMMITTEE REPORTS

MR. WEISS: Committee reports the Mayor rep is not here and Council rep is not here. Nelson anything?

MR. RUSSELL: We didn't have a meeting we didn't have a quorum.

MR. WEISS: Okay thank you. Joe ordinance committee?

MR. FLEISCHNER: I've been away and I'm waiting for Chuck to schedule a meeting to go over ordinances that we would like to clear up before the end of the year.

MR. MCGROARTY: We're going to have . . . actually the plan was Catherine was just finishing the administrative part of it and I was finishing the other part of it and we're hoping to have a first reading next month and then bring it back to the Board. But it's all up to changes unless you want to do the ordinance committee first before it goes to first before it goes to first reading we could do that to.

MR. FLEISCHNER: We probably should.

MR. MCGROARTY: Okay.

MR. FLEISCHNER: Follow protocol we'll schedule a date.

MR. MCGROARTY: Okay.

MR. WEISS: Okay I have nothing from the street naming committee except Catherine I don't know if you have it in front of you, I know Scott was on that committee was he on any other committees?

MS. NATAFALUSY: No I think it was the ordinance committee but I will check.

MR. WEISS: He was on street naming wasn't he? Maybe he stepped down.

MS. NATAFALUSY: I don't think we're going to have a whole lot of streets.

MR. WEISS: While Catherine is looking there's no report from the street naming committee. David is not here . . .

MS. NATAFALUSY: No he was just on the ordinance committee.

MR. WEISS: Okay so we have room to add another person if we wanted to?

MS. NATAFALUSY: Yeah.

MR. WEISS: So with Scott's departure if anybody wanted to sit on the ordinance committee we have room. You can think about it I know Kim you look very interested.

MS. MOTT: I'll sit on it.

MR. WEISS: Oh okay.

MS. NATAFALUSY: We usually meet during the day.

MS. MOTT: If it's a Wednesday or Friday I'm good.

MS. NATAFALUSY: Wednesday or Friday?

MS. MOTT: Yeah.

MS. NATAFALUSY: All right.

MR. WEISS: Thank you.

MR. FLEISCHNER: That will improve the committee tremendously thank you.

MS. MOTT: Thank you.

MR. WEISS: Okay and David is not here for the open space committee.

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

MR. WEISS: Before we get into any further business I just need to announce to the public that if anybody is here for application 14-11 which is Vincent & Madonna Piacente the meeting is adjourned until October 16 there's no further notice the meeting will be on for the 16th. So if anybody is here for that it won't be heard tonight.

(THIS MATTER IS ADJOURNED UNTIL OCTOBER 16, 2014 MEETING)

EXTENSION REQUEST

APPLICATION #PB 10-23 – RICHARD & LYDIA BRUNO – (Block 1201, Lot 2.02)

MR. WEISS: The next order of business is an extension request for PB 10-23 Richard & Lydia Bruno. The extension request is at 89 Crease Road Block 1201, Lot 2.02. Sir if you would Mr. Bruno you can come up to the podium, what we'll do the attorney will swear you in and we'll review it.

(RICHARD MICHAEL BRUNO, SR. SWORN IN FOR THE RECORD)

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

MR. BRUNO: Richard Michael Bruno, Sr. (B-R-U-N-O) 119 Kenmar Road, Boonton, New Jersey 07005.

MR. WEISS: Perfect.

MR. BRUNO: I want to thank all of you guys for taking a moment of silence for today I had family that was down there and they survived.

MR. WEISS: Yeah it's certainly the right thing to do this evening. You can have a seat and relax and the microphone is in front of you. Mr. Bruno you're here because you have been granted an approval by this Planning Board approximately two years ago.

MR. BRUNO: Yes.

MR. WEISS: And that approval is going to expire soon.

MR. BRUNO: Yes.

MR. WEISS: And so you certainly have the right to request an extension. So the process is you're going to essentially tell us perhaps what's happened since we last saw you and why . . .

MR. BRUNO: Since I last saw you I've collected some money and there was an old abandoned house on the property which was probably an eyesore to sell the property. Last year I had it knocked down to the cost of about $10,000, $12,000 thousand dollars and with all of the other permits and everything, so it was about $15,000. So I took a little time to collect the money but I had it done and now I have my realtor I've lowered the prices again and again and again and we're trying very vigorously here to work some kind of deal with a builder while I hold the financing here. I'm trying all ways to try and get this property sold before it gives my wife a heart attack. And my savings is just going you know . . .

MR. WEISS: Frustrations of getting projects financed are miserable in this economic climate I understand . . .

MR. BRUNO: I'm trying to help everybody who comes across that wants to buy the property you know whatever I can do I'm going to try and get this sold.

MR. WEISS: Right, any luck is there anything in the horizon for you?

MR. BRUNO: Just people that are coming to look at it and right now my realtor told me he says right now it's still up in the air with the builders and . . .

MR. WEISS: You have been it sounds like between you raising the money you've been aggressively marketing the property?

MR. BRUNO: Yes, yes. Mr. (inaudible) is here . . . . it's been in Homes and Land and whatever magazines that I need to have it it's been in and the price has got another reduction again another $15,000, $20,000 from $200,000 I'm down to $130,000. And I just keep every couple of months I just reduce the price again.

MR. WEISS: Sure it's a frustrating process. Tiena do you have a question?

MS. COFONI: Yeah I just wanted to mention that the approval was originally given October 20, 2011 and then in January 2013 the Board gave a two year extension which is through October 20, 2014 so this will be a second extension which is fine.

MR. WEISS: And it won't kick in until January of . . .

MS. COFONI: No it won't kick in until October.

MR. WEISS: October okay so although we grant it tonight it will still go with the time.

MS. COFONI: It will start when your last extension expires.

MR. WEISS: Now will this be the final extension that's allowed?

MS. COFONI: No because this is a variance so there's no limit.

MR. WEISS: Oh okay.

MS. COFONI: This is an extension of a variance it's not like what the Board's used to protection period for site plan or subdivision.

MR. BRUNO: Hopefully within the next two years we'll know.

MR. WEISS: Okay so are you requesting a two year extension?

MR. BRUNO: Yes I am, yes please.

MR. WEISS: Does anybody on the Planning Board have any questions for Mr. Bruno?

MR. NELSEN: I have one question. Mr. Bruno is it two houses on the property and you knocked down one?

MR. BRUNO: No there's only one old cabin on the property.

MR. NELSEN: Okay.

MR. BRUNO: So in order for me to build a new one the other one had to go. So I knocked it all down and had it removed and that's how it stands nice and level now.

MR. NELSEN: Okay is that right, is that on Crease?

MR. BRUNO: Crease Road yes.

MR. WEISS: Anybody else? Tiena?

MS. COFONI: You didn't build the house yet.

MR. BRUNO: No.

MR. WEISS: If he built the house he wouldn't be here.

MS. COFONI: That's why I was asking because I was confused.

MR. BRUNO: Maybe it's wishful thinking.

MR. WEISS: Demolishing the old from the standpoint of the township has always appreciated it.

MR. BRUNO: Yes.

MR. WEISS: So let me open it to the public if anybody from the public has anything they'd like to say or ask Mr. Bruno, if you do just simply come up to the microphone and state your name.

MR. HUBLER: I'm here for moral support for Mr. Bruno my name is Howard Hubler I'm a real estate broker who originally sold him the lot. I you know was attracted to Mount Olive I had handled Bonnet Woods years ago when the first recession hit. And you know as far as what he's been trying to do . . . .

MR. WEISS: Actually what I'm going to do I'm going to make an assumption that you're giving an opinion rather than testifying. Only because if you're going to testify which is fine we'll just swear you in.

MR. HUBLER: Well I had an archive here if it's interesting to the Board of exactly the history of the marketing that's taken place since he bought the property showing the reductions and the amount of time it's been on both with to be built and the lot for sale.

MR. WEISS: I would say with all due respect and anybody can correct me, I don't know if we need that.

MR. HUBLER: Okay I'm here if you needed it but if you don't need it I'm just saying . . .

MR. WEISS: I think he's clearly stated he's obviously done with the demolition decreasing the money . . .

MR. HUBLER: The construction financing today at the banks is not easy and he's willing to support (inaudible) construction and I don't know what else the guy can do.

MR. WEISS: So as a member of the public you're here to say he's doing a fine job.

MR. HUBLER: I'm here to say he deserves the extension.

MR. WEISS: That's a perfect opinion we can accept that.

MR. HUBLER: Thank you.

MR. WEISS: Anybody else from the public? Seeing none let's close it to the public. I don't have any further questions for Mr. Bruno. Joe?

MR. FLEISCHNER: I was just going to make a motion.

MR. WEISS: Please if you would.

MR. FLEISCHNER: I move that we approve a two year extension for PB 10-23 Richard & Lydia Bruno.

MR. NELSEN: Second.

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

MS. NATAFALUSY:

Joe Fleischner	- yes
Dan Nelsen	- yes
Nelson Russell	- yes
Brian Schaechter	- yes
Kim Mott	- yes
Sandra Stotler	- yes
Howie Weiss	- yes

MR. WEISS: All right that wasn't too difficult Mr. Bruno.

MR. BRUNO: Before I sat down yes it was. Thank you very much guys.

MR. WEISS: Good luck to you.

APPLICATION #PB 14-08 – JOHN ALBERT DAVIS, SR. – (Block 5401, Lots 4 & 27)

MR. WEISS: Okay we move on to developmental matters I mentioned that the first on the agenda 14-11 is adjourned until October 16. So that brings us to the lone application this evening which is PB 14-08 for John Davis, Sr. minor subdivision requesting a use variance for 195 Route 206 the corner of 12 Main Road, Block 5401, Lots 4 & 27. I see Mr. Davis you're here I guess Mr. Glasson you're with Mr. Davis?

MR. GLASSON: Yes.

MR. WEISS: Are you being represented by an attorney?

MR. GLASSON: Yes we are but he is (inaudible).

MR. WEISS: That's why I was leading to those questions. We're running very early I certainly understand that. Who is the attorney?

MR. DAVIS: Mike Selvaggi he said he'd be here.

MR. WEISS: Oh he's never on time. Let's just close the meeting until . . . he'll be here in a few minutes we'll just take a little break.

(BREAK TAKEN)

MR. WEISS: The meeting is back on the record Catherine just let me know when we're ready.

MS. NATAFALUSY: We're ready we're back on.

MR. WEISS: We're ready for you.

MR. SELVAGGI: Good evening sorry for the . . . I was looking at your agenda I thought we would start a little later but I'm glad we're early. Michael Selvaggi of Courter, Kobert and Cohen on behalf of John Davis, this is a minor subdivision application for Lot s 4 & 27 in Block 5401. Lot 27 many of you

know it's probably one of the more established landmarks in Mt. Olive Township it's The After Restaurant I tell people all of the time it's probably the best milkshakes in the area. And then it's a unique piece because Lot 4 abuts it to the rear but Lot 4 really has frontage on Main Road in the village of Flanders. The proposal that the applicant is trying to do is subdivide Lot 4 and add the additional property to Lot 27 which is as you will see when Mr. Glasson testifies, is a uniquely shaped triangular piece of property exceedingly narrow it's been that way forever. And by doing this minor subdivision and adding the property to Lot 27 we get rid of a number of bulk variances. In exchange though we'll need one new bulk variance but also technically a use variance because the property that will be added to Lot 27 since the predominant use is commercial, even though there's really going to be no affirmative use of this land since it's being added. The Lot 4 property is being added to Lot 27 it's zoned residential it's in a residential district it will be devoted towards the furtherance of commercial use we'll need a use variance. It's kind of more of a technicality than perhaps some of the more traditional use variances that you encounter on a regular basis. What I'd like to do is have Jim Glasson our engineer orient you as to the two existing lots and depict and illustrate what's really being proposed here and most importantly what are the variances that are there now, what are going to be eliminated and what's the one remaining bulk variance that will be there. And also to we're going to be doing some road dedication along Main Road to the municipality which helps you know Main Road going into the future. So Mr. Glasson if you could stand and . . .

MR. WEISS: Before we do that, so this is actually kind of a unique application. Are we going to treat Tiena this application s a use variance?

MS. COFONI: Yes.

MR. WEISS: The whole application is a use variance.

MR. SELVAGGI: Yeah.

MS. COFONI: Well there's a use variance, there's a minor subdivision and then there's two "c" variances as well.

MR. WEISS: But is the whole application considered a use variance?

MR. MCGROARTY: Yes it is.

MR. WEISS: And obviously the Mayor's rep and John's not here either.

MS. NATAFALUSY: That's why John is not here.

MS. COFONI: Oh I'm sorry I didn't follow what you were talking about.

MR. WEISS: The whole umbrella is going to be considered a use variance application.

MS. COFONI: Yes I'm sorry yes.

MR. SELVAGGI: So the Mayor's rep would . . .

MR. WEISS: We'll have some other variance requests but ultimately the use variance procedure will apply as a use variance rules procedure will apply as a use variance.

MS. COFONI: Yes I'm sorry I wasn't following.

MR. SELVAGGI: What's interesting is the subdivision which I think is the primary motivation for the application. It generates the use variance but again because in the hierarchy of relief we're looking for the use variance dictates you only have seven members the Mayor's representative would step down and obviously we would need an affirmative vote of five.

MR. WEISS: That's why I just wanted to make sure we need a super majority on this application not a simple majority.

MR. SELVAGGI: Yes.

MR. WEISS: Okay as long as we just cleared the air let's hear from Mr. Glasson.

(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) Civil Engineering Inc. 1 Cove Street, Budd Lake, NJ.

MR. SELVAGGI: Mr. Glasson for the record could you just briefly run through your credentials as a civil engineer?

MR. WEISS: He doesn't need to do that I think everybody on the Planning Board has seen Mr. Glasson, if not you'll figure him out soon enough. I have no problem accepting Mr. Glasson as an expert engineer I see no opposition from the Planning Board, welcome again Jim thank you for the offer Mike.

MR. SELVAGGI: All right you're welcome. All right Jim let's start with what we're looking at I guess we'll mark it as exhibit A-1 and what is . . .

MR. GLASSON: This is my sheet 3 of 4 just a marked up version of my sheet 3 of 4 that's in your plans entitled existing conditions.

MR. SELVAGGI: Okay and the date?

MR. GLASSON: A-1?

MR. SELVAGGI: A-1 and it's dated?

MR. GLASSON: 6/17/14 no revisions.

MR. SELVAGGI: Okay. And what are we looking at on A-1?

MR. GLASSON: You're looking at the existing conditions plan and basically I just want to kind of orient you where we are and what we're talking about. As Mike said there's two lots that are part of the application, the first lot is Lot 27 Block 5401. It's this triangular piece that's highlighted up in the upper corner here that property is the site of The After Restaurant the street address is 195 Route 206, Route 206 being this shaded area to the I'll call it the north portion of the drawing. The property has 671 feet of frontage on Route 206 you can see by looking at it it's a really odd shape parcel. The After Restaurant is depicted as this white area of the property and that is a footprint of 2,783 square feet it's a single story restaurant it faces Route 206 it's setback from Route 206 by 16.9 feet it's in your C-2 zone so that's a nonconformity right away because your C-2 requires a front setback of 90 feet and that has 16.9. The right side setback is 133 and that is conforming your C-2 requires 60. It does not have a right side setback because of the orientation of the lot but the rear setback is 15.6 while your C-2 requires 50. The C-2 zone the size requirement is 2 acres this lot as I stated only has 39,086 square feet and that's only .897 so it's deficient in lot area. It's also deficient in lot depth where your C-2 requires 250 feet of lot depth this lot only has 15. So there's a number of existing nonconformities with the property as it presently exists. The area that's shaded on the property is a paved parking area that encompasses 26,915 square feet. The total coverage on the property is about 77 percent presently where 60 percent is allowed in the C-2 zone. So all of those items that I've mentioned are present nonconformity on that lot. The property is served by public water from Route 206 it's also served by an on lot septic system, the septic system if you can see it on your drawing is depicted with a tank and two pits that are located at the rear of the property and I'll get further into that because that's some of the reason why we're asking for a subdivision. The other lot that's part of the application is Lot 4 Block 5401 and that property is in your R-3 zone. That property is number 12 Main Street, Main Street intersects with Route 206 up in this corner of what would be the corner of my plan. The R-3 zone are residential homes that are located along Main Street, the C-2 zone is from where Main Street intersects Route 206, comes along the rear of 29 abuts this Lot 4 and then jogs up to The After Restaurant. When it gets past The After Restaurant the C-2 zone then turns into the L-I zone the Light Industrial zone which is access from Route 206 off of Laurel Drive if you know what was previously Hi-Grade Beverage I believe now it's Warren Distributing and that's this large structure that's pictured here. Those are all L-I light industrial zoned properties on a cul-de-sac off of Route 206. Lot 4 has a single-family residential dwelling, as you can see it's the open white area depicted towards the front of the property it's very close to Main Road, there's a large rear yard and a dog leg that extends and abuts the Lot 27 which is the site of The After. The house that's on 12 Main Road is a single-family two-story residential dwelling it has a footprint of 1,500 square feet

there also is a 2400 square foot driveway a graveled area, this lot also has public water and it also has an on lot septic system. The setbacks of this lot the front setback that currently exists is 52 feet, it's 52 feet to the centerline of the road because this lot presently has a deed that's measured to the centerline of the road. Part of what we're doing is doing a dedication a formal dedication of 25 feet so that setback will be reduced to 27. Presently it is considered to be conforming because 40 is required in the R-3 and it's 52 but we're going to do that 25 foot dedication we're not making any changes to the house but by doing that dedication that knocks it down to 27 so it does create a variance.

MR. WEISS: Okay Jim you're going to explain the reason for the dedication I take it.

MR. GLASSON: The reason for the dedication is you inherently have a 50 foot right-of-way on this road already the town does but there was never a formal dedication. Our deed is actually measured to the centerline of that road so as a condition we would be required to give that dedication, any time anybody came in with anything on this property just to fix that deed and show that technically it exists that way anyway at this time but our deed would have to be fixed to formally show that to formally dedicate that 25 feet to the town.

MR. SELVAGGI: And by the way the road actually is already extended out to that point anyway.

MR. GLASSON: Right. So once we do that we would have a technical variance that would be created because the R-3 requires 40 and now we'd be 27. Other than that the lot conforms, the side setback in the R-3 is 20 we have 79.8 on the right we have 83 on the left and the rear setback is very large 590 feet where the R-3 requires 40. It conforms with all the other requirements in the R-3 zone and the reason that I kind of ran you around with the zoning earlier is what we want to do is take this rear portion of Lot 4 and I'm going to draw this or I'm going to extend this line here, this line is the line that separates the C-2 and the R-3, what we wanted to do is to take this line across in the second drawing I'm going to show you is my sheet 4 of 4 which is my minor subdivision plan.

MR. SELVAGGI: And we'll mark that because you've highlighted and marked that up A-2?

MR. GLASSON: And that also has a date of 6/17/14.

MR. WEISS: And it's entitled proposed minor subdivision.

MR. GLASSON: Proposed minor subdivision lot line adjustment plan. And what I've done on this plan is I've dashed on the old lot line and what we're proposing as the new lot line is to take this line that's here and run it symmetrically in this direction and add this parcel to our Lot 27 which contains The After Restaurant. This parcel is about 1.2 acres, what it does is it reconfigures our lot size that was .897 which as I mentioned was below the C-2 requirement of 2 acres and brings it up to 2.153. So now what this addition of land does for us is it eliminates four inherent variances that we have right now at The After Restaurant. Number one being the lot size we add this to that property the lot size now conforms to C-2 zone requirements. The lot depth now conforms, whereas I said before we only had 58 feet of lot depth where 250 is required we're now over 250. The rear setback where before we had a 15.8 foot setback now we have a 245, we're conforming in that rear setback, and now the most important one I think is your impervious coverage, where your allowed 60 percent in this zone and we had 77 we now run down to 34.74 just by adding that property to this parcel. The biggest reason we're doing this is to possibly have an area for potential septic system if one is needed in the future. Right now there's a very small septic system on the property, right now it's just a tank and two pits. It is not up to Code right now for what would be required for a restaurant, it's not to Code of what would be required for this restaurant it doesn't have to be changed unless there's a problem with it but if there is a problem with it this would enable us to have a location to put a septic system as well as we do have some encroachment from pavement to gravel and we also have an encroachment right now of a patio area or a picnic table area outside and that would bring those onto what is considered Lot 27. Remainder Lot 4 does not change with respect to anything other than the lot size all of the setbacks remain the same with the addition of that front yard variance that I mentioned earlier going from a 52 to 27. The rear yard setback is no change because that rear yard setback was measured to that rear line and stays the same, the side yard setbacks stays the same that lot now becomes 2.66 which is still conforming in your R-3 because the R-3 requires one acre. So it doesn't create any additional variances for that lot. I would say in my opinion and the reason I thought this was a supportive application is possibly in your zoning in the future you could look to put this in the C-2 zone. Only because when you look at your zoning your C-2 line starts here at the intersection of Main and Route 206 and it runs down along this property line and then it jogs up just to accommodate this dog leg that's on this Lot 4 and then it goes to L-I. If you were to continue the C-2 zone line in the future across in this location it would make your C-2 line symmetrical with the existing line and then it would abut the L-I it would kind of make sense to do that

or possibly look at that in the future. But we're not here to ask you for that we're here to ask for the use variance. We don't have any intention for any specific use for this, we're not looking to put a parking lot in, we're not looking to extend something, extend The After Mr. Davis has owned this for a long time he just wants to make sure that everything is set up so that if he needs a septic system he can do it.

MR. SELVAGGI: Jim what's that dog leg section of Lot 4? What's going on there now is it used for a residential . . .

MR. GLASSON: Right now it's completely wooded right now the only thing that's there is a portion of the parking area or the gravel from the existing After actually encroaches upon it. The rest of it is wooded there's a small pathway that extends from the house through here and I call it a dirt and gravel path it's really you could drive a car down it I drove my truck down it when I was driving between the two but other than that it's wooded the property is completely wooded.

MR. FLEISCHNER: The home that's on there is that rented? Is that owned?

MR. GLASSON: The home is rented.

MR. SELVAGGI: Yeah it's a rental property.

MR. GLASSON: The home is rented, when we were out there doing the surveying the renter was there I believe it was a family with two or three kids.

MR. WEISS: Okay so let's state the obvious both parcels are owned by Mr. Davis.

MR. GLASSON: Both parcels are owned by Mr. Davis.

MR. SELVAGGI: Yes.

MR. DAVIS: One is owned by my wife and the other one is owned by me.

MR. SELVAGGI: The section that is going to be subdivided off and given to Lot 27 so losing that doesn't interfere with the residential use or character of Lot 4 in any way.

MR. GLASSON: No it doesn't do anything to any of the properties around it you abut a C-2 on the side and you abut an L-I on the other side. It abuts a vacant portion of our own property the remainder Lot 4.

MR. SELVAGGI: Okay. And the addition of that property I guess will enhance from an engineering standpoint going forth the functionality of Lot 27. I mean forgetting the zoning part of it just how it would be . . .

MR. GLASSON: Well it takes, it eliminates a lot of nonconformings on the lot to start with but it also the functionality of it it enables some of the encroachments to be on the correct property number one, but I think the most important thing is it gives it a potential area for a septic system. As I said earlier the 77 percent coverage that's out there really doesn't leave to much room left on the property for any future septic system or anything to . . .

MR. SELVAGGI: Now by the way just so we're . . . the facts are correct, there is . . . and there is one bulk variance that's created.

MR. GLASSON: We do not presently have a right side if you look at it from Route 206 we do not presently have on this drawing because it's a triangular shape. There is a left side but there is no right side if you're looking at it from Route 206. When I make the subdivision we now do have a left side, the left side is 48.3 where that requirement is 60 so it is deficient for the right.

MR. WEISS: Jim where do you measure the right side from? Now just with the expansion that . . . oh I see it, I see it.

MR. SELVAGGI: Yeah it's just that little corner.

MR. GLASSON: It's just that little corner. But we technically do need a variance for that. Presently there is no side setback on that side because there is no side on that side.

MR. SELVAGGI: And Jim if anything formal was going to go on into that new area like expansion of the driveway, expansion of the building that would require a site plan.

MR. GLASSON: That's correct.

MR. SELVAGGI: So just because we do this doesn't give you know Mr. Davis an unfettered right to just willy-nilly build in there or do anything correct?

MR. GLASSON: Right. And right now it's an R-3.

MR. NELSEN: Jim that was a question I had, Lot 4 is residential and Lot 27 is the C-2 do you combine those two lots.

MR. GLASSON: Yes it would be a mixed zone.

MR. NELSEN: A mixed zone?

MR. SELVAGGI: A split zone.

MR. GLASSON: It will be a split zone lot, right now the way your zoning is right now this will continue to be the zone line the C-2/R-3, I mean you don't really like to do that I mean when your designing your zoning map but this is kind of an odd piece in the fact that once you subdivide this I think in the future it would be wise to even look to zone that C-2. Because the C-2 line follows this property line down and then it actually jogs around this dog leg that's residential right now and comes back. So I mean in my opinion it would be smart in the future to look at that to rezone it.

MR. NELSEN: If it were two separate zones and you wanted to expand the septic system into Lot 4 . . .

MR. GLASSON: That would have no effect, zone wise it would have no effect.

MR. MCGROARTY: I'm not sure that that's true.

MS. COFONI: But if you're requesting a use variance then that could . . .

MR. GLASSON: It's a septic alteration if he was going to do something new there may be impacts. If he's going to fix his septic there's no impact I've done it there's no impact. You have the right under the Septic Alteration Code to do whatever you can on the property it may disregard the zone but if you were to add to the building and have to upgrade the septic that's a different story.

MS. COFONI: Well with the use variance that you're getting you could add to the building because you're getting a use variance to permit that use over the residential zone.

MR. MCGROARTY: Well you know that raises the question, are in fact they getting that type of variance tonight. I guess we'll know with the testimony on that.

MR. SELVAGGI: Well you see that's why I said if we did anything more you'd have to come back for a site plan and it may even be if it remains a use variance and you expand into that Lot 4 it may be an expansion of a pre . . . . Right now there's nothing going on it's being devoted or dedicated to some commercial use but if we were to actually build into there I would probably argue it's an expansion of a preexisting nonconforming use of that section of Lot 4.

MR. GLASSON: Because once you give us the approval we're not going for the approval to do something there now, if we went to expand later we would need another use variance.

MR. SELVAGGI: Yeah.

MR. MCGROARTY: Okay.

MR. SELVAGGI: And I would assume, excuse me Chuck, whenever the zone district was created I assume to avoid a split lot zone that's the reason why they accommodated this piece of property.

MR. MCGROARTY: Probably I said the same thing you did in the report that I suggest to you that we will at some point suggest that it be rezoned. But I think for the moment I guess the question is are you giving your testimony tonight to the positive and negative criteria for the use variance. Because as you said a moment ago, that you laid a foundation for potentially expanding onto this portion of the property.

MR. GLASSON: But I would think we'd have to come back for a use variance for an expansion of the . . . You would be giving us the use . . . .

MR. MCGROARTY: No I don't mean to interrupt you but I think that that's a good point though is the Board giving you a use variance tonight so that in the future you can come back for a site plan but don't need the use variance or do you . . . I thought you just you would need a use variance if you came back a second time. I think that that needs to be clarified because that's a little fuzzy.

MR. SELVAGGI: This would be my opinion, I think as I said earlier it's a technical use variance granted because this vacant piece of property that we're getting is now going to be used and the predominant use of this larger lot is going to be commercial. Even though this new area we're adding is not going to be really be used in furtherance of that it as a technicality it needs a use variance because ultimately how is it being used? So now if we were going to put a building, if The After was going to extend to the rear and go into that and let's assume the lot doesn't change and it goes into that section of the property that's zoned residential we would need another use variance because an expansion.

MR. MCGROARTY: I don't think so. I think it's, and I guess Tiena will have to guide us I mean you and Tiena have to work this out, if you're getting a use variance tonight as I said in the report you're creating what we normally don't want to do but I think this makes sense, I do think it makes sense. But you're creating a lot which is split by zoning as Jim said generally we don't like to do that. If you get that variance tonight why would you need any further use variance?

MS. COFONI: I don't think you would.

MR. SELVAGGI: Yeah maybe probably not yeah. You'd need a site plan.

MR. MCGROARTY: Oh yeah you need a site plan.

MS. COFONI: Likewise if you're not going to do anything with that property, nothing then you wouldn't get a use variance.

MR. MCGROARTY: No I think they do. Because they're counting that land now and you know at least that was our thought that you would still need a use variance for the minor, if you don't then they don't need to . . .

MR. SELVAGGI: Yeah however you get there.

MR. GLASSON: You're saying we could be approved without a use variance if we're just taking the (inaudible) property.

MR. SELVAGGI: Yeah and if you go to use it later on depending on . . .

MR. BUCZYNSKI: Then you would need it later.

MR. MCGROARTY: Well I suppose if you took all of the accessory uses picnic tables, dumpsters, gravel, etc. off the portion that you're intending for this to the edge of property then maybe not.

MR. GLASSON: But if we leave those on there we do.

MR. MCGROARTY: I think you do.

MS. COFONI: But likewise I would agree with Chuck you wouldn't then if you were going to expand the building you wouldn't need a use variance to expand the building because you already have a use variance for that use on the whole lot.

MR. MCGROARTY: Right because if the Board if you're going to grant the use variance tonight I think the presumption is at some point at least theoretically they have the chance to expand. And so you want to be comfortable I think that by expanding Lot 27, whether or not it actually gets rezoned at

some point in the future from the point you know if you made that decision from that point forward Lot 27 which will be a much larger parcel will be treated like a commercial property.

MS. COFONI: Yes.

MR. SELVAGGI: Okay and you know look the picnic area and what's that other graveled area in the back?

MR. GLASSON: Parking.

MR. SELVAGGI: Parking that would be I guess the trigger for the use variance because those two . . .

MS. COFONI: Yes if they're not going to be removed and you're using . . . and it's part of The After and it's on that property then yeah. But by the same token I agree with Chuck that then that opens the door for the use of the entire lot as commercial if the use variance is granted.

MR. SELVAGGI: Yeah.

MS. COFONI: Now of course you know you'd be subject to site plan approval or whatever else if you wanted to expand.

MR. SELVAGGI: Yeah and there's no intention of doing that I mean it's . . .

MS. COFONI: Right but just so the Board is aware.

MR. WEISS: Joe?

MR. FLEISCHNER: I have a question for Chuck. What obstacles would we face if we chose to rezone that so as not to create as though it's spot zoning since we do have it as commercial in the one, what would the process be for the record for us to do this and does it pay for us to actually to clean this up to actually go forward and do this. To change that portion to commercial as well.

MR. MCGROARTY: I would say yes to the second part of the question and to the first part of your question as I said in here I think they're just fortunate in their timing here we're at the moment we're ready to move ahead with the new Land Use Plan I know it's long been promised but every time that we add stuff every month too. But I think if this were added to that it's not spot zoning at that point if there's a good rational for it and this is one of those I think unusual circumstances that there's I think perfectly logical reasons to do it. And so I think that would be the process, I'm just saying I think though tonight I just want to be clear if they get approval for the use variance tonight they may get the rezoning in a couple of months who knows that's up to you and the township. But I mean the proofs do have to be on the record though if you're going to grant the use variance. That means The After property is enlarged and you know the positive and certainly the negative criteria of making sure that it works that if there's commercial activity back onto this secondary part of the lot it's going to meet the two prong criteria other than the negative criteria we'll get into all of that but I think that has to be addressed if we're going to grant the use variance.

MR. FLEISCHNER: I agree with you 100 percent the only thing from my point of view is I believe that we do need to . . . If we indeed grant approval for this I think it's mandatory that in this Land Use we look at changing that piece of property to commercial. I think it really needs to be . . .

MR. WEISS: I think we agree to that. I mean here is the concern that I have is that I've been around a long time I don't think we've ever addressed an application in a split zone use as far as I can remember.

MR. MCGROARTY: We have actually. The CVS the back portion of the CVS is the R-4 zone.

MR. WEISS: Okay.

MR. MCGROARTY: But you're right Mr. Chairman it's not common.

MR. WEISS: And this is something that we're creating so if we're going to create it we want to make sure that we understand where we go. So I agree with Tiena if we're going to grant the use variance and Lot 27 is now this new configuration I we grant them a use variance, and they certainly

have the right to develop, if Mr. Davis wants to come in next month and say I'm going to expand The After I wouldn't think they have the right to do it.

MR. MCGROARTY: I agree that's why I think the use variance tonight sets the stage and there's no need for a further use variance assuming that they comply with the C-2 zone.

MR. WEISS: And I'm not saying that's a bad thing I mean obviously an expansion of The After you have the extra property I don't think it's not encroaching the houses . . .

MR. SELVAGGI: But what's interesting is if we comply with the C-2 but on the bulk standards if you don't change the zone is it the C-2 standards you'd have to comply with or the R-4 standards?

MR. MCGROARTY: I don't know but I think at that point it would be a bulk variance no?

MR. SELVAGGI: Either way it would be a bulk variance but yeah in terms of going . . . .

MR. MCGROARTY: That's a good question to as well.

MS. COFONI: That is a good question.

MR. SELVAGGI: And all of these reasons are why you try to avoid split zoning however, when you look at how substandard Lot 27 is I mean you know that little triangular piece you know ultimately what you try to always do is bring a property in to make it more conforming which is clearly what we've done. And even that subsequent side yard variance that's created it's not really changing a condition it's just by virtue of rearranging the lot lines which gives rise to that. So then we talked about Jim just the functionality is enhanced on Lot 27, Lot 4 . . .

MR. WEISS: Before you go on though because we're getting a little complicated, does anyone else on the Planning Board have any comments or concerns about the concept that we're talking about with a use variance? I think we understand that if we do grant a use variance a use variance will stick until we make a change to the zone.

MS. COFONI: In which case the use variance just is moot yeah.

MR. WEISS: So we understand that, let's just slow it down for one second there's some folks from the audience, if anybody has any questions for Mr. Glasson based on what he's told us so far. That's what we're going to do we'll stop it then we'll try to keep it in an understanding way. If you have any questions for Mr. Glasson based on what he's told us feel free to come to the microphone you'll state your name and address and you can ask the question. So if you would you can just . . . Jim would you maybe slide the podium forward or . . . So if you can state your name for the record.

MR. BEIL: Scott Beil from 4 Main Street in Flanders, NJ.

MR. WEISS: Would you spell your last name?

MR. BEIL: B-E-I-L.

MR. WEISS: Okay.

MR. BEIL: I had just gotten a letter I guess from you I'm assuming?

MR. SELVAGGI: Yes.

MR. BEIL: Stating that there would be some possible encroachment it's a little bit lawyer speak so excuse me I just you know I'm trying to get a . . . I'm an artist so I'm a visual person. I'm at 4 Main Street so I'm just trying to see like in here I don't see how it would affect my property.

MR. WEISS: Mr. Beil while they're looking what happens is the applicant is asked to notify all residents within 200 feet from the property.

MR. GLASSON: What we're doing is back here there's a property that separates you.

MR. BEIL: Okay understood.

MR. SELVAGGI: He's Lot 2 right?

MR. GLASSON: He's Lot 2 he's almost up at the intersection the second lot in from Route 206.

MR. BEIL: Yeah right against the professional building.

MR. GLASSON: He's the start of the R-3 zone if you look at the key map.

MR. WEISS: And so Mr. Beil's property is actually close to Lot 4.

MR. SELVAGGI: Yes.

MR. WEISS: It's closer to Lot 4 than it is to Lot 27.

MR. GLASSON: Right the piece that we're subdividing is separated by Lot 29 from his property.

MR. BEIL: Okay.

MR. WEISS: It's very possible that it's got no impact at all on your property but you are notified because they have to by law.

MR. BEIL: Understood yeah like I said I need that visual to see. And then I just had another further question, when you guys had opened your statement you said that it may improve some of the functionality of Main Street?

MR. SELVAGGI: Well the road dedication.

MR. GLASSON: Our deed line is actually measured to the centerline of the road and we're not doing any improvements to the road there's a technicality that we must now fix our deed so that it's measured 25 feet from the centerline of the road. The road has an inherent 50 foot right-of-way we are actually pulling our property line back . . . technically it is that way anyway, technically we don't have the rights to that because it is . . . the town . . .

MR. SELVAGGI: Legally it makes it easier that's what it is.

MR. GLASSON: Right.

MR. SELVAGGI: But that's not what you're going to see day in and day out.

MR. BEIL: Right yeah okay thank you.

MR. WEISS: Anybody else from the public? Sir.

MR. CARLSON: Mike Carlson I live at 2 North Road in Flanders. A couple of my other neighbors are here to but the only thing I want to be clear on is that this remains R-3 that this Lot 27 doesn't come back to Lot 5 property line. And also this being a rather dangerous intersection, Main and North Road cars are screeching all of the time I mean its right in our front yard so this road here is what concerns us coming back here . . .

MR. WEISS: Wait, wait hold on when you say, you're talking about the gravel road that they built?

MR. CARLSON: The gravel road.

MR. WEISS: Okay.

MR. CARLSON: That that will never possibly become a road is really our concern.

MR. WEISS: Yeah to me Mr. Carlson it seems to me or to someone from the public that they're just simply repositioning the line. We don't hear a new housing development, there's no development. We're doing a technical change, that change is resulting in some technical issues. I hear your concerns and obviously they just can't tomorrow move the lot line back and now have a potential commercial property come all the way down close to the road they can't do that. They're not going to be able to, obviously you can see on the map that's in front of you the lot line will be there and will end

there and if the municipality does one day rezone this property that will be the official . . . that will be the end of the commercial development.

MR. CARLSON: As long as there's nothing that can come in.

MR. WEISS: Well I can't say ever because any property owner has a right to come and file an application under a use variance and Mr. Davis if he's the owner of that property could come in and request a commercial development. It doesn't mean he'd ever get it but he certainly has the right. We don't see that happening but . . .

MS. COFONI: Not as part of this application.

MR. SELVAGGI: Yeah and you'd get a similar . . . . if anything further was going to happen you'd get a similar notice. And as for the concern, if it's something that the Board is equally concerned about we would agree that that internal gravel path never be used as a road or driveway into Lot 27.

MR. CARLSON: Otherwise there's no objection to what he wants to do.

MR. WEISS: Yeah and that traffic there's certainly nothing here that tells us that there will be any increase in traffic on North Road and Main and we can't assume that there will be. So it is what it is and we are fully aware of that intersection.

MR. CARLSON: Okay.

MR. WEISS: So thank you. Anybody else on anything that Mr. Glasson has spoken about? We'll also have more time at the end of the meeting if anybody from the public has anything that they want to add, comments or questions.

MR. HUMMERS: My name is John Hummers I live at 11 Main which is right next door to that gentleman over there. My concerns are basically the same as his, my concern was for traffic coming up here to the light backing up at business travel hours trying to get down Main Street to go over to Route 10 to get out to wherever they've got to go. Now they come into this parking lot and see that this is a nice big open spot now with a road that goes through and those fool are going to be coming down here because they already cut through the 200 block office building section. So that's my concern I mean the . . . .

MR. WEISS: You know that's a very interesting point you know you're right you now have a bigger . . . I guess you'll explain your parking lot Mr. Davis? I can't assume that. I think the road, is it clearly there?

MR. GLASSON: It's a dirt and . . . .

MR. WEISS: And we know that that would bring you to somebody's house.

MR. GLASSON: Right you come into their driveway you literally pull into the driveway that comes in you have to "T" into their driveway.

MR. WEISS: So perhaps a total vacation of that on your property just to eliminate the gravel road. Is that possible?

MR. SELVAGGI: You're going to have to stand up and be sworn.

MR. WEISS: Mr. Davis the attorney will swear you in.

(JOHN A. DAVIS SWORN IN FOR THE RECORD)

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

MR. DAVIS: My home address now?

MS. COFONI: Whichever address you can give us sure.

MR. DAVIS: Where I live now right?

MS. COFONI: Sure.

MR. DAVIS: Okay John A. Davis (D-A-V-I-S) 4 River Drive, Hackettstown, Mount Olive Township.

MR. SELVAGGI: And Mr. Davis you're familiar with this gravel dirt road which is marked on the plan?

MR. DAVIS: It's not really a road it's just a . . . . . I own this house here and I own the property at The After and I own the house out in front here and it just . . . I started coming down through there so I could get back and forth to the house from my restaurant because I spend a lot of time at the restaurant. So I kept going back and forth when I bought the property to fix it up and it just became a driveway and a couple of guys dumped some gravel in it and that's about all it is. Nobody goes up through there except my family, the kids or somebody go back and forth to the house but it's not a road, it's not a road. There's no road there I don't think anybody knows the road is there if you go down and then when it gets snowing you're going to get stuck.

MR. SELVAGGI: Let me ask you this. The road actually, because I've been out there, the road actually looks more defined on this plan then it does . . .

MR. DAVIS: Yeah it looks like a major highway, I said oh well that's great I'll take that. Because if they ever put a divider down Route 206 that would probably be a good way to get into The After. I hope they never put a divider down Route 206.

MR. BUCZYNSKI: Mr. Davis what is it like 10 to 12 feet wide or a little wider maybe?

MR. DAVIS: That driveway?

MR. BUCZYNSKI: Yeah.

MR. DAVIS: How wide is a car?

MR. SELVAGGI: Yeah it's not much wider it's maybe 8 . . .

MR. BUCZYNSKI: Maybe 10 feet?

MR. DAVIS: I mean there's holes in there that if you go down in there you might not come back out.

MR. WEISS: And I guess I can ask just a follow up question but by making this lot line adjustment there's no other improvement on the property so a person driving by is not going to see that we've done anything.

MR. DAVIS: No you won't know, you won't know nothing.

MR. BUCZYNSKI: Right.

MR. WEISS: I guess if we could count (inaudible) how many people have ever done this (inaudible) that your concerned about.

MR. DAVIS: No nobody has ever come down except me I go down through there all of the time.

MR. GLASSON: I did it in my truck you better have a truck to do it.

MR. WEISS: Okay so although it sounds like it's a concern that we probably don't need to worry about.

MR. DAVIS: No you don't have to worry about it. There's nothing going to happen.

MR. HUMMERS: But I think one of you mentioned that once you give the variance tonight that he could possibly extend his restaurant back and then put a paved parking lot back there and an exit to the parking lot could go out on Main Road?

MR. DAVIS: No, no I can't have it.

MR. WEISS: At that point I can tell you speaking from the position of the Planning Board if they came in with a new application I will almost assure you that we would make a condition that that road be blocked, there would be a fence there would be some kind of obstacle to separate the residential from the commercial. As far as what they're doing tonight that's not necessary but again good point if they were to expand it, come in with an application . . .

MR. HUMMERS: Did I hear them say that what you vote on today would allow him to expand it?

MR. SELVAGGI: But we would have to come back for further approvals if there was any expansion of the parking lot of the restaurant itself, anything like that so it wouldn't happen in the dead of night, it couldn't.

MR. WEISS: The best way to look at it is if Mr. Davis at any time wanted to expand the property he would come back and would require a use variance at that point I suppose?

MR. BUCZYNSKI: No.

MS. COFONI: No that's the difference . . no it's technical stuff. Right now they need two applications to do what they want to do just by moving the lot line. Because of one of the applications that if the Board grants it the use variance, if they wanted to expand the building they would have to come back for just one application not two. So they'd need to come back for site plan approval but they wouldn't need another use variance. So that's what you heard us saying that they wouldn't need another use variance but they would still need to come back for site plan approval. So they would be back before the Board for that type of application they just wouldn't need another use variance if the Board grants a use variance tonight.

MR. HUMMERS: Because dumping any more traffic on that intersection of Main Road in Flanders and North Road . . .

MR. WEISS: Well you've got to remember access to The After is from Route 206.

MS. COFONI: Yeah and not even if they came in for an expansion I can't imagine a Board letting them go through a residential property from a restaurant so I just don't see that.

MR. GLASSON: I think I can end this quickly. This is in the Highlands Preservation Area so we're not coming back for an expansion.

MR. WEISS: So maybe Jim why don't you explain that to Mr. Hummers.

MR. GLASSON: This property, all of these properties are here in the Highlands Preservation Area so any further development of the properties requires 1 of 16 exemptions. The only exemption that a property like this could apply for is the exemption for coverage within 125 percent of the existing coverage. And for a property that we're talking about right now adding a piece to another property it would be viewed as this property as it exists now. So any further expansion of this property would be so limited we probably wouldn't even be able to get a driveway in there. Because you would get 125 percent of the coverage that exists on that piece that we're putting together onto that other lot right now which is only that area of encroachment in gravel. So you're going to get really nothing.

MR. MCGROARTY: Mr. Chairman can I? Jim not to digress into Highlands and this gentleman still has the floor but I did want to ask just as long as you bring that up, I was going to ask you earlier is that how Highlands would treat it? Because you are in Preservation and they are not going to look at this as part of The After property.

MR. GLASSON: They treat it as the date of the Act 2004 that's what the Code reads. So they would look at this, doesn't matter if a subdivision happened after the fact they treat it as the date of the Act what you're covering. And that's 2004 so this would date back all the way to 2004.

MR. WEISS: Okay.

MR. HUMMERS: Thank you.

MR. WEISS: Anybody else from the public? Seeing none I'll close it I know Mike you wanted to move onto your next . . .

MR. SELVAGGI: Well no I just had . . .

MR. WEISS: Your next point I'm sorry.

MR. SELVAGGI: Yeah, no I was going to ask Jim obviously it enhances the utility of 27 without necessarily diminishing the utility of Lot 4 as a residential lot. Correct?

MR. GLASSON: Correct.

MR. SELVAGGI: And in so doing does this create a more I guess an appropriate . . . . forgetting the split zoning for a minute, a more appropriate configuration for Lot 27?

MR. GLASSON: Well it does in the fact that it creates a more appropriate configuration for Lot 4 to.

MR. SELVAGGI: Well it's certainly more traditional.

MR. GLASSON: Lot 4 is a "dog leg" right now but it's a much better configuration for Lot 27 just because it gives it that bulk area and gives the ability really . . . . I look at this as the ability to put a septic system in. It really gives Lot 27 if they were to have a problem with their septic system they would have literally no where to put it we would be coming in and taking up a portion of the parking lot for a septic system.

MR. SELVAGGI: And understanding that we try to avoid the split lot zone arrangement and that I guess could be looked at as perhaps detrimental creating that circumstance. But again runoff, transportation routes I mean does this impact the community in any way?

MR. GLASSON: No change.

MR. SELVAGGI: These neighbors quite frankly if we didn't have to . . . if they didn't show up tonight and learn about this and this happened what would change?

MR. GLASSON: Pretty much exact same they won't even know that it's different unless we have to put a septic system in. If we had to put a septic system in there will be an area in there that we would have to clear. We wouldn't have to come back to the Board to do it, it would be under a septic alteration because it would be because the septic system is failing. But it's not going to be a huge area but it's an area that we don't have right now with The After as I said The After right is predominantly coverage.

MR. SELVAGGI: And would it have, because we focused on the residential, Lot 8 which is the old liquor . . .

MR. GLASSON: It's the beverage place.

MR. SELVAGGI: Is this impacted in any appreciable way by virtue of this?

MR. GLASSON: No the same tree lines, the same everything is maintained there's no difference.

MR. SELVAGGI: Okay now you had an opportunity to look at the reports that Mr. Buczynski and Mr. McGroarty issued?

MR. GLASSON: Yes I did.

MR. SELVAGGI: Did you take any exception, we'll start with Gene's report I mean anything in there that . . .

MR. GLASSON: No I just have to supply him with subdivision deeds he had requested but I was waiting to see what would happen tonight.

MR. BUCZYNSKI: The only thing is maybe for the record regarding the second page just for the record regarding the waivers that were requested?

MR. SELVAGGI: Oh yes.

MR. BUCZYNSKI: Relative to providing topo contours and location of structures with 200 feet and slope analysis.

MR. SELVAGGI: Thank you.

MR. BUCZYNSKI: The Board would probably have to grant those waivers.

MR. GLASSON: Right we basically are doing nothing in that area so we've requested not to have to show those contours, not to have to show that area. We show some of the structures around it but . . .

MR. WEISS: What is the topography of this?

MR. GLASSON: I'm going to say if there's some steepness to it as you go off the back of this existing gravel area but most of this is pretty much a downward slope but it's not, it's probably 5 to 6 percent.

MR. BUCZYNSKI: Yeah if they ever have to come in for an expansion if they're going to expand the site which you said they're not going to, they then at that point they'd have to show topo.

MR. WEISS: Okay. The only other item is regarding the deeds to be submitted for approval.

MR. SELVAGGI: Yes. And then Mr. McGroarty's . . .

MR. WEISS: Well one second before you get onto that.

MR. SELVAGGI: Yes go ahead.

MR. WEISS: So Gene you're good your report has been satisfied?

MR. BUCZYNSKI: Yes.

MR. WEISS: Okay.

MR. BUCZYNSKI: They'll have to just submit the deeds.

MR. WEISS: Look before we go to Chuck's report real quickly I just had a question about the map sheet 4 of 4. There's a small corner of gravel that extends into Lot 8, what is that?

MR. GLASSON: That's the picnic table area.

MR. DAVIS: There's a tree right here in this corner, you can't see it there's a tree right there and the lot line (inaudible) this fence comes up here from the beer factory, the beer guy is back here and when I put this picnic area in back here it's up on this corner here but there's some gravel that sort of overflowed off onto the property. That's all I can rake it off in probably a half an hour.

MR. WEISS: I think we're going to make that a condition that we keep it clean that . .

MR. DAVIS: I keep it mowed and cleaned I keep this whole property here back to this fence line here that's the other property because we're friends these guys down here are great with us.

MR. WEISS: I don't mean literally clean.

MR. DAVIS: No we do keep it clean because I told him it's right up along the lawn here.

MR. GLASSON: I shot that he probably had overflowing gravel so he'll pull the gravel.

MR. WEISS: Okay perfect that would be fine that way we can keep a real clean record of what we have here. Okay so I think we've addressed the engineering issues unless you have any other recommendations.

MR. SELVAGGI: No we're done.

MR. WEISS: Gene is good I'm just a little concerned but I take it you don't have a planner.

MR. SELVAGGI: No but I'm willing to rely on Mr. McGroarty's report.

MR. MCGROARTY: I'm flattered but . . . .

MR. SELVAGGI: No and Mr. McGroarty notes that makes sense from . . . I'm reading from his review comments you know there's nothing proposed. To be candid while I know there's in a more traditional sense you know and I've been here where we've had Mr. Snyder talk about you know Eleventh Hour Rescue which was introducing a new use that wasn't permitted in the zone or some others. Here it's as I said earlier it's a technicality by virtue of the lot line adjustment and there's nothing new that's going to be proposed on either Lot 27 or that area of Lot 4 that will be added. And you know a Board while I understand the burden of proof is on me quite frankly a planner would come in here and probably say a lot of the things that Jim said and a lot of the things that you can take judicial note of. So that's why we have . . .

MR. WEISS: And I trust you 100 percent what you just said but I think when you're looking at technically we're listening to a use variance and we're not hearing the professional planner's testimony. I need to turn to my experts to find out how do we handle that? Because you're right, you're right Eric Snyder was here for those because they were use variances. So I agree with what you're telling us but if we're going to be technical I think we need to just make sure we address it.

MR. SELVAGGI: That's fine.

MR. MCGROARTY: I had a thought on that. Just before I do that just maybe a smaller item out of the way. You do have the variance for that house on Lot 4 with the road dedication correct?

MR. SELVAGGI: Yes.

MR. MCGROARTY: Did you address that I don't think you did.

MR. GLASSON: Yes I talked about it being . . . that we were reducing it.

MR. MCGROARTY: Oh the frontage.

MR. GLASSON: Yes.

MR. SELVAGGI: The frontage yes.

MR. MCGROARTY: I missed that I'm sorry okay. I wonder, and this is very unorthodox, but I wonder if this is a different set of circumstances than we would normally see and I really, really, really don't want to be in a position to testify for an applicant and obviously I can't. I wonder if for you know as the Board knows they have to provide what's called positive and special reasons which is the positive arguments in favor and then address any negative impacts which will be negative criteria. Would you allow me to sort of ask questions Mr. Chairman of them to sort of establish something for the record or would you rather we (inaudible)?

MR. WEISS: I don't have a problem with that I'm fairly satisfied with what I've heard I guess I'm thinking from a technical position, who are you asking those questions to?

MR. MCGROARTY: Well I'll tell you it's not even what we've heard I don't think they put it in the context it needs to be placed and so I would say that under the . . . first of all in the positive criteria that we know that Mr. Selvaggi knows this is, you know as well as all of us, you have to address first of all the purposes of the Act the Land Use Law under the Medici case so that you can establish that the general welfare is met unless there's a particular hardship. I mean believe when Mr. Glasson testified that you may need this area in the event they have to enlarge their septic. And I'm saying that and nobody is saying no so I guess I'm right. And we also have heard that because it's in the Highlands Preservation Area and Mr. Glasson just explained to us the other part of that process they will not be expanding back into this area under the Exemption 4. So I wonder then if the Board can be satisfied that they do in fact meet under 40:55D2 Subsection A which is the General Welfare. Because without this land area if the septic fails it's a public health and safety question.

MR. WEISS: And they're addressing it looking to put themselves in a better position.

MR. MCGROARTY: By acquiring the additional land and it has the added advantage of, as was already described to you, of taking a nonconforming lot which is The After and making it conforming and as I said in the report and in Gene's report as well both lots wind up being conforming lots. The residential lot is well oversized now and it would remain that. So I think on the positive criteria side the Board I would suggest could I think implicit perhaps, and Mr. Glasson's testimony was probably intended to refer to that Subsection A if he were giving that planning testimony.

MR. SELVAGGI: Yeah and also to and I was going to kind of sum up I knew this would probably be an issue, but also Subpart G because we have to provide, or the purpose there is to provide sufficient space in appropriate location for a variety of among other things commercial uses according to their respective environmental requirements in order to meet the needs of citizens of New Jersey. And by being proactive here we're providing additional space that will accommodate a septic which is obviously regulated by the DEP in terms of it's construction and installation. So that was one of the other items that we saw which was beneficial because that's what's really driving this.

MR. WEISS: Well we certainly have beaten the positive criteria up.

MR. SELVAGGI: Yes.

MR. MCGROARTY: I was going to say then on the negative criteria of course the impact to the zone plan and the zoning ordinance and it' generally considered a two prong approach. The analysis first looks at the adjacent properties and to see if there's any substantial negative or adverse impact upon them. And we've had various gentlemen from the public who live all down in that area get up and ask questions and such, testimony has been that, and we know to the west is the Light Industrial zone that is to the left.

MR. WEISS: That's more the south right?

MR. MCGROARTY: To the southwest yes. So the fact that the additional land area that is the subject of this use variance to the left or west is Light Industrial and is contiguous to the east is the C-2 zone. Jim correct me if I'm wrong I believe that that's correct.

MR. GLASSON: You're right.

MR. MCGROARTY: So and to the questions that the public raised there will be no traffic coming out onto Main Road, there was never any intention that that be the case and that they'll take whatever measures necessary to stop that. So there's not going to be any impact to the residents on Main and in fact the township gains the right-of-way at least in the frontage on that one property.

MR. WEISS: Can Mr. Davis be the one that attests to what you've just said?

MR. MCGROARTY: Not unless he's a professional planner unless you want to listen to that.

MR. WEISS: No I just wondered your points are well taken.

MR. MCGROARTY: I just think if you wanted technical I'm saying to address . . . you know it's jargon that perhaps Mr. Davis can tell you in his own common sense analysis and language. But for the record so the negative criteria then with respect to the adjacent properties it appears that there will be no adverse impact. And to the zone plan which is perhaps more important, I mean again if someone is looking to deviate from the Township Zoning Regulations they have to establish that it's not going to have a substantial detriment to the town zone plan and zoning ordinance. I think here we've already said, Mr. Fleischner has asked earlier and I think I said it in my report we actually think it's a good idea and Mr. Glasson testified earlier that we draw at some point that the zone boundary go terminus with this new lot line. So this is probably one of the only ones I've ever seen that I can think of where it actually advances the purposes of the zone plan because we think it will correct . . . not correct but it will perhaps better the zoning configuration down along Route 206.

MR. WEISS: I think that's extremely well said and as long as we're comfortable from a legal standpoint that how you just put it on the record satisfies what we need I'm satisfied with it.

MS. COFONI: Yes because I think instead of testifying what Chuck did was he took the testimony that was provided and put it in the outline of the planning proofs that needed to be provided.

MR. SELVAGGI: I mean and to be practical we do . . . we agree we talked about maybe coming here and petitioning for the zone lines to be changed and do all of that. You know that process though can get away from you and we figured this was a way to at least making sure we can lock that in because the septic is old it's been there a while the feeling is at some point you know it may very well need to be done. And again Mr. Davis and you can certainly jump in, you've operated The After in that configuration for how many years?

MR. DAVIS: Since 1970.

MR. SELVAGGI: Okay any plans on blowing it out and making it bigger or doing any of that?

MR. DAVIS: No I'm too old. My daughter is going to be hopefully she want to run it for a while, we'll see. I just want to make some more room like he says for the septic I was hoping that the town was going to put sewers up through here some place but I don't think that's going to happen.

MR. BUCZYNSKI: No a discussion for today.

MR. DAVIS: But I'm not going to do anything I just wanted to make more room so that down the road they can have some room to move around a little bit. Because I already encroach on part of the other property with the parking lot a little bit and the picnic tables. Because I bought the property with the house and everything so I can protect my backyard.

MR. WEISS: I think we might want to stop right there. Will anybody on the Planning Board have any concerns about the process that we followed that Chuck made those excellent points about the positive and negative criteria? If we're comfortable with the record that was said then we can move forward. Chuck I thank you for that that was well said. We had a couple of quick questions, lets open it to the public real quick and I think Mike you'll pretty much sum . . .

MR. SELVAGGI: Yeah we're done we'll sum up after.

MR. WEISS: Sir if you want . . . and what I'll do at this point is let's open it to the public if you had a question you'll come to the microphone and then if anybody has any comments or thoughts about anything that you heard tonight we'll talk about it and then we'll have Mr. Selvaggi sum up.

MR. TOWNSLEY: My name is David Townsley I have Lot 5.

MR. WEISS: What is the address of Lot 5?

MR. TOWNSLEY: 14 Main Street.

MR. GLASSON: Just for you guys looking at the map Lot 5 is directly abutting Lot 4 to the left or to the south side.

MR. WEISS: Okay perfect.

MR. TOWNSLEY: If this expands what about drainage that kind of thing?

MR. WEISS: We have never even discussed this expansion and I can assure that if there is a plan and Mr. Glasson said it's unlikely they will have to address drainage and everything else that would come. But right now it's simple it's a lot line adjustment, a lot line adjustment will have no effect on drainage.

MR. TOWNSLEY: Or anything else, expansion?

MR. WEISS: It's simply a technical for the tax office I suppose.

MR. TOWNSLEY: What about expanding the building size?

MR. WEISS: I haven't heard them say that and in fact anything I've heard them say this is, it's extremely unlikely. Understand that if there is such a thing they would have to come back in front of this Board and they would have to address those concerns.

MR. TOWNSLEY: So they have to come back again.

MR. WEISS: Absolutely.

MR. TOWNSLEY: Okay.

MR. MCGROARTY: And you would be noticed again.

MR. TOWNLEY: Okay.

MR. NELSEN: Perhaps the one different thing that might occur is that Mr. Davis would have to notify more people to the southeast because the lot line has changed.

MR. MCGROARTY: Yes good point.

MR. TOWNLEY: Well yeah it's 200 feet so . . .

MR. WEISS: 200 feet from the most . . .

MR. NELSEN: Right but the lot line will now be changed.

MR. MCGROARTY: I think under the Highlands because of the Preservation as Jim said earlier I don't think they're coming . .

MR. WEISS: No, no but we agree but Dan makes a good point from the southern most . . . from the southwestern most point will start 200 feet.

MR. MCGROARTY: That's a good point.

MR. NELSEN: More people will be noticed.

MR. TOWNSLEY: Okay thank you.

MR. WEISS: Okay thanks is there anybody from the public have anything? Anybody else from the Planning Board? Mike we're back at you.

MR. SELVAGGI: Yeah just very quickly to sum up because I mean the overall the issues aren't all that complicated. We're really moving some lot lines around, what you see now is what you'll see afterwards. I take no issue with Mr. McGroarty's assessment we do believe that purposes A and G justify this. You know there's no issues out there right now regarding the use of either one of these lots. Since none of that is changing certainly I don't think you're going to . . . you can say it's a substantial detriment to the public good. If there's a substantial detriment to the zone plan or zoning ordinances in many respects we are by doing this getting greater comformity. We're satisfying more of your bulk requirements in both zones, we're taking Lot 27 which is woefully nonconforming and we're doing this to make it a far more conforming lot. And Mr. Davis you know I give him credit for having the foresight to look ahead and he's done that partly because he's hoping that you know it makes it easier for his family, his daughter in particular when she . . . because this problem with the septic may be hers that's she'll inherit. And you know so on balance I think you have to, or at least we think you have to say look the positives outweigh any negatives. The subdivision part of it itself they're just readjusting the lot, we certainly meet whatever your ordinance criteria is with that. So you know but all of that being said we would hope going forward that the zoning map would change to conform to what the use variance relief we hope you would give. Because in the scheme of things that's actually a better approach but in the event that process gets derailed or this gets overlooked at least Mr. Davis and his family know going forward they won't have to clear this hurdle later on. And again the Preservation Area limits growth and all we would look at probably would be an expansion of the septic system. But he's been there for almost 45 years and it will certainly look that way as long as your still alive and running it. Thank you.

MR. WEISS: Does anybody on the Planning Board have any concerns, questions, comments?

MR. FLEISCHNER: I'd just like to comment. Having been to your restaurant over the last 40 years the hot dogs are pretty darn good too let me tell you. I'm amazed that there hasn't been septic problems before this to be honest with you. And I think that this really just prevents a problem down the road and I would also encourage Chuck and our ordinance committee which is Kim, me, and Howie that we also pursue to make this change and get it done. Because I think it just naturally fits there so I would . . . I'd like to just see this get done and we resolve a problem before it happens.

MR. SELVAGGI: Thank you.

MR. WEISS: All right with that being said if there are no other comments from the Planning Board and just one more anything else from the public after Mr. Selvaggi's summation. Seeing none let me entertain a motion. Before we do that though I don't believe there were many conditions I know there was one, Tiena would you go over any conditions that would apply?

MS. COFONI: I will. I have one the encroachment onto Lot 8 the gravel must be eliminated and I have on Gene's report the submission of the minor subdivision deeds to be reviewed and approved by the town engineer and Planning Board attorney.

MR. WEISS: Michael your okay with those?

MR. SELVAGGI: Absolutely.

MR. BUCZYNSKI: Including the road dedication.

MR. SELVAGGI: Yes.

MS. COFONI: I will add that yes.

MR. SELVAGGI: There will be the minor subdivision deed will be one instrument and then a road dedication will be second.

MS. COFONI: Yeah because the road dedication will be reviewed by the attorney not our office.

MR. SELVAGGI: Yes. But you will look at the subdivision deed.

MS. COFONI: Yes.

MR. SELVAGGI: Okay.

MR. WEISS: Okay with those few conditions as noted by Tiena I will look for someone on the Planning Board to make a motion.

MR. FLEISCHNER: I move that we approve PB 14-08 John Albert Davis, Sr. minor subdivision/use variance, am I correct?

MR. WEISS: Yes that's perfect.

MR. FLEISCHNER: With the appropriate items which Tiena just covered.

MR. MCGROARTY: And the two bulk variances correct?

MR. FLEISCHNER: And the two bulk variances.

MR. MCGROARTY: One is on Lot 27 and one is on Lot 4.

MR. SCHAECHTER: I'll second that.

MR. WEISS: Roll call.

MS. NATAFALUSY:

Joe Fleischner	- yes
Dan Nelsen	- yes
Nelson Russell	- yes
Brian Schaechter	- yes
Sandra Stotler	- yes
Howie Weiss	-

MR. WEISS: All right at this point you're looking for a quick answer but you're not going to get one. Obviously it's (inaudible) Mr. Davis I would not vote in the negative that affected your application but I'm going to tell you Mr. Selvaggi we're doing a use variance. I'm going to vote no to

make a point. We have a use variance we need planning testimony, I understand your logic I agree with you 100 percent we're doing a very technical application I think we didn't technically close those issues. I think the way Chuck described it is perfectly sensible your explanation is you don't have to convince Mr. Davis your team is wonderful when they come before us it makes our jobs very easier. I'm just disappointed with no planner. And for that reason, and it has no effect on the outcome I am going to vote no. So congratulations.

MR. DAVIS: Thank you.

MR. WEISS: And thank you for helping us with a (inaudible) and we're not going to adjourn so quickly. Thank you again gentlemen and thank you for the public for coming out.

MR. DAVIS: Thank you ladies and gentlemen I appreciate it.

MR. WEISS: All right we're almost done real quickly we have no meeting next Thursday the 18th. Hey gentlemen could you . . . we're still in session so if you could talk outside. So there's no meeting on the 18th and we move our next meeting until October . . .

MS. NATAFALUSY: October 9 we've got a couple of matters scheduled already. We've got something on the 16th and I've actually got one, two, three, four, five, six matters now that are like either pending or deemed incomplete or you know so . . . and then we've got Toll is coming in they want to get extensions for Morris Hunt and Morris Chase and ARD. So we have to schedule all of that.

MR. WEISS: Okay Mr. Townsley I see you're here we have one issue if you'd like . . .

MR. TOWNSLEY: No I would want to speak to the engineer.

MR. WEISS: Okay we'll be about two minutes and he is all yours.

MR. TOWNSLEY: Okay.

MR. WEISS: Just before we adjourn I know Brian had asked he wanted to have a comment for us. So Brian it's all yours.

MR. SCHAECHTER: Thank you Mr. Chairman. I want to be clear tonight that I'm speaking as an individual of the Planning Board not as a representative of the School Board. One of the most difficult things that a Board can do is go against the advisement of their power professionals. And during the last Planning Board meeting that's exactly what happened with the School Board. If you do not recall I recused myself with my role as a Planning Board member I participated in the later part of the meeting as my role in the Board of Education. I was joined by legal counsel for this matter Mr. Kim Halpert another member of the Board of Education. As we were all aware the Board of Education was made aware that they must notice the adjoining property owners in the discussion of the lighting at the middle school field project that was fast tracked over the summer by the Board of Education. Electric permits were held up and the concession was made by the Planning Board to schedule a hearing on the matter as soon as possible. The Board of Education complied and a request for the notice to the public was given and then the public was given the right to be heard. Please keep in mind whether right or wrong the Board of Education went against their legal counsel's advice and followed the Planning Board's request for public notice. Subsequently the Board of Education decided to be represented by a different counsel then. During the wrap up of that meeting the Board of Education Mr. Halpert and myself were made to feel less than adequate and quite honestly disrespected by several members of this Board. My issue quite honestly is that several of these individuals including members of the governing body, employees of Mount Olive and yes even our esteemed Chairman took the opportunity to speak about the disrespect and general lack of transparency and cooperation among the two Board entities. Fellow members one things was absolutely clear in messaging, we are here to serve the public and the public has a right to be heard. It is with that message that I find myself extremely disappointed that the members of this Board who were so outspoken regarding the disrespect fail to look at cleaning up their own house and not two weeks later after the Board of Education was in for their hearing the town placed lights on field four of Turkey Brook Park. Yes two wrongs don't make a right but if you want to be fair and talk about disrespect regarding this Board you must look internally at the administration and governing body first as this is not the first time the township has moved without public opinion or without the knowledge and advisement of this Board. Catherine we discussed this prior but most likely the file for the lighting plan at Turkey Brook is missing but is the file most likely never existed. As originally the fields at Turkey Brook were never going to be lit whether right or wrong the public was not given their right to be heard and that is a rather big disappointment or lack or due diligence in process

for our governing body and administration. There's a tremendous amount of momentum in Mt. Olive both with the municipality and end with the education of our children. The two entities have worked together for many years and provide a symbiotic relationship. Deep down I do believe that the sum of the two independent parts is more than the individual pieces alone. The ultimate winner or loser in the relationship between the two entities will be the public and we must keep that in mind when throwing unnecessary rocks and jabs. I look forward to continuing my work with the members of this Board and the members of the Board of Education making sure Mt. Olive continues on the right path.

MR. MCGROARTY: Anybody have any comments, questions?

MR. FLEISCHNER: Well I have a comment even though I wasn't here. I think that Brian makes a very good point, two wrongs don't make a right but I could also think of three wrongs because the sign in front of town hall went up that blinks lights and lit up the whole neighborhood and it never came before this Board. So I think Brian's right in that we have to be careful in the statement of do what we say but don't worry about what we do. And I think our township currently is actually going down a road, for whatever reason, that there are those people that do whatever they want and that's okay and kind of dam be the public. And that's a concern that I have having lived in this town for over 40 years and obviously Mt. Olive, we've made a lot of mistakes over the years but we've done a lot of good things. And I don't think we should go down the road of whether it be the Board of Education or the municipality saying well we do what we want and we'll make it look good in the newspapers and that's a concern that I have. Because I have seen that quite lately especially in the last few years. So I think Brian is very valid in his statement about all of the Boards needs to be very diligent to make sure that the public truly is heard.

MR. NELSEN: Brian would that little statement you just made will that be passed to the Council also?

MR. SCHAECHTER: Absolutely I don't see why it wouldn't in fact I was hoping Mr. Mania would be here tonight as the representative to the Council.

MR. NELSEN: Because I think it would be better directed towards the Council.

MR. SCHAECHTER: Absolutely and administration, I mean we're all here working to make it better and making sure the public is heard and doing the right thing and we failed at that. And I know for a fact the School Board is actually looking forward to presenting the plans for the new football field that construction is looking like it's going to start in November so I would express that we move that one forward. And that's going to be a longer term project.

MR. WEISS: I did have some conversation with Brian and I can only assure you that from the Planning Board perspective we're going to follow the rules as they're explained to us. The Board of Education has a legal obligation and I know Brian and I got away from the legal concept into moral and perhaps he's 100 percent correct which is where the author of the Two Wrongs Don't Make a Right" is extremely bright person. At the end of the day we asked that the Board of Education be in front of us because the law says they have to. I agreed with Brian that I think the township the municipality should have had a public hearing and I'll go as far as you know I'll get out of the debate of whether there was a lighting plan or not because it was too far back, but even if there was it was so long we should have had another one. There should have been some kind of presentation by the administration and the governing body to at least explain and give the people from the public an opportunity. That's not up to the Planning Board it's not our job to make them do the right thing. I agree with your sentiments that it's not right for the public but I also stand firm on the criticism given to the Board of Education and you and I spoke about that and I'll stand behind my comments. I understand your frustration given by those that are not here.

MR. SCHAECHTER: And we are all in this to make it better.

MR. WEISS: There is no doubt.

MS. MOTT: But I just want to make a comment. Just being new and it's embarrassing that they're presenting something to us that's already erected over there. Like the lights were up, I mean it makes us look foolish, it puts us in a really awkward spot I just felt that it just was an uneasy position to be in. It was already done and the engineer he did all his work and the poles were up, I mean we all drove by it we saw the turf done, we saw the lights up and the neighbors were coming from Aldersgate complaining about it and we could do nothing about it because they were up.

MR. SCHAECHTER: With all due respect they were at least noticed, the town didn't have the decency to notice. But the poles at Turkey Brook did the exact same thing.

MS. MOTT: It was just a train wreck situation, I'm not looking to blame anybody I'm just coming from the Planning Board I have nothing to do with the Board of Education except my child attends school there, I have nothing to do with it. Just from a Planning Board aspect it was embarrassing it just put us in a really awkward spot because the job is already done and they're coming for approvals.

MR. SCHAECHTER: Well like I said it's embarrassing all the way around to be . . .

MS. MOTT: But this is the Planning Board I'm not talking about . . . I'm talking just being a Planning Board member and it was embarrassing.

MR. SCHAECHTER: What I'm saying is what's embarrassing is that the governing body, the people that appointed us didn't have the decency to do the exact same thing that we accused the Board of Education of doing. And that's the bottom line.

MR. WEISS: I agree kind of what Dan said I think perhaps there should be some kind of official notification to the Council Brian that this is what happened and it's a shame. Because really obviously we know this is not something the Planning Board is going to fix. You know I suppose in the bigger picture we can get the law itself to change because the law basically doesn't give us the right to do anything except have a courtesy review.

MS. COFONI: Right.

MR. WEISS: So that kind of rolls down hill by the time it gets to us you put your hands in your lap and listen. So it's a good issue Brian and I think we probably just be happy to either agree to disagree or agree to understand that it's a problem. Anything else? Will there be a motion adjourn?

MR. FLEISCHNER: I move to adjourn the meeting.

MR. WEISS: All those in favor?

EVERYONE: Aye.

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

Lauren Perkins, Secretary
Planning Department