

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, Brian Schaechter, Nelson Russell, Henry Fastert, John Mania, Dan Nelson, Kim Mott, John Batsch

**Members Excused:** David Koptyra, Scott Van Ness, Howie Weiss

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

**Professionals Excused:** Edward Buzak, Esq.

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**APPROVAL OF MINUTES**

**APRIL 21, 2016**

MR. FLEISCHNER: Approval of minutes, may I have a motion to approve the minutes of April 21, 2016?

MR. MANIA: So moved, Mr. President.

MR. FLEISCHNER: Moved by Mr. Mania.

MR. NELSON: Second.

MR. FLEISCHNER: Seconded by Mr. Nelson. Any comments, questions? Seeing none, roll call.

**ROLL CALL:**

Joe Fleischner	- yes
Brian Schaechter	- yes
Henry Fastert	- yes
John Mania	- yes
Dan Nelson	- yes
Kim Mott	- yes
John Batsch	- yes

**MAY 12, 2016**

MR. FLEISCHNER: Approval of the minutes of May 12, 2016.

MR. RUSSELL: I move they be approved.

MR. SCHAECHTER: I'll second them.

MR. FLEISCHNER: Approved by Nelson Russell, seconded by Brian Schaechter. Any comments? See none, roll call.

**ROLL CALL:**

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
Henry Fastert	- yes
Dan Nelson	- yes
Kim Mott	- yes

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**APPROVAL OF RESOLUTIONS**

**RESOLUTION PB 15-34 D'EDIGIO, 5800/15 & 16**

MR. FLEISCHNER: Resolutions, PB-15-34 Joseph D'Edigio.

MR. MANIA: D'Edigio

MR. FLEISCHNER: D'Edigio, thank you, John.

MR. MANIA: You're welcome.

MR. FLEISCHNER: Any comments on the resolution? Seeing none, may I have a motion to approve?

MR. MANIA: So moved.

MR. FLEISCHNER: Moved by Mr. Mania, seconded?

MR. RUSSELL: I'll second it.

MR. FLEISCHNER: Nelson Russell. Roll call.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
Henry Fastert	- yes
John Mania	- yes
Kim Mott	- yes
John Batsch	- yes

MR. FLEISCHNER: Thank you.

**RESOLUTION EXTENSION 08-22 STROUD AKA ROCKHAVEN 7000/82**

MR. FLEISCHNER: Resolution 08-22 ZBA Rockhaven, New Jersey Partnership. May I have a motion to approve?

MR. MANIA: So moved, Mr. President.

MR. FLEISCHNER: Mr. Mania moves the motion, second?

MR. RUSSELL: Second, I'll second.

MR. FLEISCHNER: Nelson seconded it. Any comments, seeing none, roll call, please.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
Henry Fastert	- yes
John Mania	- yes
Kim Mott	- yes
John Batsch	- yes

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**COMMITTEE REPORTS**

MR. FLEISCHNER: Community Reports. Do we have anything from the Mayor?

MR. RUSSELL: Nothing from the Mayor.

MR. FLEISCHNER: Mr. Mania, from the Counsel?

MR. MANIA: Just a...you know we had a slight discussion up here recently about the railroad cars that are parked with the butane in them and the Mayor and Counsel are trying to do everything they can in their power. Our attorney has hired an expert to go out and look at the safety aspects and unfortunately, our attorney doesn't seem to think we are going to be able to do anything. The railroad has a lot of clout.

MR. FLEISCHNER: Thank you.

MR. MANIA: And the contract doesn't expire until March of 2017.

MR. FLEISCHNER: Thank you, Mr. Mania, anything else?

MR. MANIA: That's it, enough bad news.

MR. FLEISCHNER: Thank you. Environmental Commission?

MR. FASTERT: There was no meeting this month, Joe. Do you have anything you want to add?

MR. FLEISCHNER: No, there was no meeting because there wasn't anything really on the agenda.

MR. MANIA: Ordinance Committee?

MR. FLEISCHNER: We did have a meeting. Chuck do you want to comment?

MR. MCGROARTY: Just that we met and went over the proposed zoning for FTZ-4 for the...for the area that covers the BASF and 57 acre track, and we got feedback from a prospective buyer of that site. And then Catherine, Gene, and myself met with them more recently to go over the comments from the Ordinance Committee. So there was some back and forth and we're...right now we're going to wait to see...Gene can fill you on this if you want tonight. But, there's going to be some analysis done and discussion about how much gallonage is available and that will sort of affect what the densities will be and some other things.

MR. BUCZYNSKI: There's a question on how much available sewer allocation we really have at MSA and we will be meeting with the Administrator and town attorney next Friday to go over the spreadsheet that has been prepared and we'll see what happens.

MR. MCGROARTY: Also, Catherine has been putting together on a separate issue, a lot of the housekeeping matters that were in the Re-Exam Report to modify the ordinance and I'm working on something that, Scott is not here this evening, but he had an idea to create like an overlay zone in certain parts of Budd Lake and Old Flanders so that people when they want to do a porch or a portico over their steps, they don't have to necessarily get a variance. So, we will be discussing that with the Ordinance Committee soon.

MR. FLEISCHNER: Thank you, Chuck. Thank you, Gene. Street Naming Committee, that's Howie, and obviously he's not here? Kim, Open Space?

MS. MOTT: Yes, we had a meeting on Monday night and we talked about...they did a couple of trail clean ups in June and they started to clear a trail...a new trail...down on 206 past The After if you are going south that little gap up the mountain there. We didn't get very far but we started it. And also we had a gentleman from Washington Township come to our meeting on Monday. They are just starting to create an Open Space Committee and he just wanted to introduce himself and perhaps do some work together in connecting Washington Township to Mount Olive Township at a later date. So we are off for August but we invited him back for September when he has a little bit more of a committee. That's it.

MR. FLEISCHNER: Thank you. Brian, Board of Education.

MR. SCHAECHTER: Well, this is the season of the projects...the summer projects in the school which means millions of dollars...our tax dollars are being spent even as we speak, you've got the two solar projects at Tinc Road and Sand Shore that came in front of the Planning Board. They are well underway. They should be complete...everything should be complete by school start if not the pit project in...in

the...on the mill...in the high school which is a fantastic project that will be complete but there is lots of rooms being put on, boilers being done, water systems being changed, so it's a lot of projects. About 75 projects right now.

MR. FLEISCHNER: And you're monitoring all of them.

MR. SCHAECHTER: No, we have good people to do that. I just have to make a report.

MR. FLEISCHNER: Thank you, Brian.

MR. SCHAECHTER: I'll go thru each and every one of them...

MR. FLEISCHNER: No, that's ok, thank you very much. Before we get into the first Development Matter, and I apologize, it shouldn't take long, Chuck, can you just give a broad overview of the recent decision by the courts with regards to COAH, please.

MR. MCGROARTY: Yes, there was a decision...this past Monday by the Appellate Division it has to do with affordable housing calculations that were done and you know I'll just try to put this really quickly and probably if you don't follow some of it you can ask or we can just move on another day perhaps. There are two sides right now. There is the municipalities for the most part two sides, municipalities including Mount Olive, have joined together and hired an expert throughout the state of New Jersey. Municipalities have done this over 250, I think at this point, and the firm is called Econsult Solutions and they have come up and this has been going on for more than a year it issued an number of reports essentially identifying what the affordable housing obligation is statewide and then for each municipality. We did the housing element here in Mount Olive and you adopted it back March, I think, because we submitted to the court back by April 4<sup>th</sup> of this year and of course we use the number from Econsult Solutions. The other side which is the Fair Share Housing Center, which is an organization of attorneys who have been litigating against municipalities and arguing that the COAH's numbers are too low and they have been doing this for many years and the builders association. They had a different expert and that expert the key issue here is that expert his analysis said towns are responsible not just for affordable housing from the present time that is 2015 through the next ten years. We are also responsible for prior rounds but that's really a separate issue. So Econsult said ok, towns responsible for an affordable housing from 2015 thru 2025, in the case of Mount Olive 232 units for the next ten years. They actually revised that down to zero but that's another story. Their expert, the other side, for Mount Olive they didn't look at just the next ten year period, they included going back to 1999 so they included what's come to be known as "the gap period", a 14 year period. And said, even though the rules COAH was active during that time, and also ligation going on etc., etc., and there were rules adopted...in fact, there were two sets of rules adopted and a third proposed and not adopted and we've done housing elements based on those as they've changed, they say well you're still responsible for that obligation. So a number of attorneys including Ed Buzak, representing the League of Municipalities, argued the case in front of the Appellate Division and won. And so that decision came out Monday of this past week and the court said basically, Trial Court that reached that decision was in error. And that municipalities are not responsible for that "gap period". And where things stand is we will see. No doubt people seem to feel that the Kushner Housing Center and those folks will appeal it to the New Jersey Supreme Court but if the Supreme Court upholds the Appellate Division decision, then Kinsey, the other expert, will...it would seem...have to re-do his analysis and we'll go from there. For Mount Olive and I won't go into the details, but for Mount Olive we are in very good shape, either way. We have a good inventory of affordable housing and we have a potential for more and we have a healthy housing trust fund so that's long and short of it.

MR. SCHAECHTER: So, potentially our...our obligation could be zero?

MR. MCGROARTY: It could be because that's the number Econsult Solutions has determined. But there will be a trial, I'm sure, at some point, somewhere, statewide somewhere, between Econsult Solutions and Kinsey Associates unless the Supreme Court says this is the method to use Econsult's, Kinsey's, or some variation on that. And if, you know, if within the next year or two the legislative and changes the law or a new governor appoints different people to COAH, so lots of things could change but even if the number for Mount Olive is zero we still have as I said a significant affordable housing inventory and potentially more to come. So...

MR. MANIA: Chuck, you indicated that the council meeting that Mount Olive is in pretty good shape.

MR. MCGROARTY: Right. I can't...as you know, John that was in Executive Session so I can't say more than what you just said.

MR. MANIA: Ok.

MR. MCGROARTY: But I would reiterate that Mount Olive is in very good shape.

MR. SCHAECHTER: Either way?

MR. MCGROARTY: Either way, yes. And that's accredit to doing...you know...affordable housing over the years and just doing what you're supposed to do and some...not everybody did but we did and so you're in good shape.

MR. FLEISCHNER: Anybody else have any questions for Chuck? Thank you, Chuck. I appreciate it.

MR. MCGROARTY: Ok.

MR. FLEISCHNER: Ok. Let's get into Development Matters.

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**DEVELOPMENT MATTER – PB 16-16, SCANNELL PROPERTIES, BLOCK 103 LOT 2.05**

MR. FLEISCHNER: PB 16-16 Scannell Properties. State your name and...

MR. QUINN: Good Evening, certainly. For the record, my name is Christopher Quinn, Esq. partner with the firm Pinilishalpern, here on behalf of the applicant which is Scannell Properties, Number 274, LLC. They are the contractor/purchaser of the subject property which is 350 International Drive, Lot 2.05, Block 103, it's in the Fair Trade Zone 1, District.

MR. FLEISCHNER: Have you appeared before this board...

MR. QUINN: Yes, I have, a number of times, in fact for similar types of applications in the FTZ Zones.

MR. FLEISCHNER: So, we recognize Mr. Quinn as...thank you...

MR. QUINN: We are here tonight seeking Preliminary & Final Major Site Plan Approval for a new mixed use building. It's a 48,300 square foot footprint; 2,205 square feet will be for office use for 46,095 will be for warehouse distribution. Currently we have a proposed tenant who we a finalizing a lease with that would be for tire distribution wholesaler use not for retail sales use. They would be occupying the entire building here. However, obviously as all these buildings in the Fair Trade Zone would like flexibility so we can sometimes in the future we can have multiple users as long as it meets the parking requirements, the breakdown. For this property in particular, there is a previous application back in 2007 by our seller, they applied over here for a mixed used building, that was a multi-tenant mixed use. The footprint was 46,276 and floor area a little more than 61,000. Our proposed building layout is comparable, I would say to that. The overall floor area has gone down...footprint has increased a little bit doesn't have the mezzanine as proposed previously. One thing that this property which is again is consistent with what's proposed 2007, when this whole area was designed and developed initially is that our access is across the adjacent property Lot 2.04. That's shows in the exhibits tonight. In addition to site plan approval, to be conservative we included a request for a waiver of variance for...encroaching into the 100 foot municipal stream corridor buffer. For the driveways to the northern part of our development as you'll see there is natural features here wetlands, stream encroachment area, flood hazard area, that drastically limits what we can develop in this property, the entire north side of the property is undeveloped because of that. This is the exact same relief that was approved in 2007 in fact they even installed the infrastructure for these type of improvements pursuant to all the regulatory approvals they had in 2007 but I submitted that it may not even necessary if the board finds out or the professionals deem it otherwise because again it was previously granted and because the infrastructure was actually installed. Again we will get to that. Our primary witness today is our Civil Engineer, Robert Ploussas, and we also have a representative from the applicant available as well if there is questions. I think it's a matter of housekeeping our application is deemed complete back in May, however, we did request a couple of waivers. If you like I can touch upon them briefly or we can just refer them to an EIS and a traffic study waiver and again we'd request the waivers because

effectively they are all covered previously with the initial general development plan for the Fair Trade Zone or again also covered as part of the 2007 application.

MR. FLEISCHNER: Are you ok with that, Gene?

MR. BUCZYNSKI: Yes, yes, we're fine with that. In fact I gave a description of it in my report but there's no concerns. Regarding EIS, the only concern there was the stream corridor and wetland application which they already completed. They did the drainage work several years ago so the projects not going to encroach into that area so I see no point...no reason for EIS. And traffic report, that was done way back when on the whole development for future traffic. So we're fine.

MR. FLEISCHNER: Thank you.

MR. QUINN: Thank you. So, no other questions, I'll bring up...

MR. FLEISCHNER: Please do.

MR. QUINN: Ok, Mr. Ploussas, should he be sworn in?

MS. COFONI: Yes, please.

(ROBERT PLOUSSAS SWORN IN FOR THE RECORD)

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

MR. PLOUSSAS: Robert Ploussas (P L O U S S A S) my company is Chester, Ploussas & Lisowsky Partnership and the address is 100 Matawan Road, Matawan, New Jersey 07747, Suite 300.

MS. COFONI: Thank you.

MR. QUINN: Mr. Ploussas, will you give the board the benefit of your education and special background?

MR. PLOUSSAS: Of course. I graduated NJIT with a Bachelor's of Science Degree in Construction Engineering/Technology. I then further pursued an Engineering Management Degree that with my Masters. I'm a Professional Engineer and I am also a Certified Municipal Engineer as well.

MR. QUINN: And you appeared before other boards, other Planning Boards like this in New Jersey?

MR. PLOUSSAS: Yes, I have.

MR. QUINN: And you helped prepared the plans as part of this application?

MR. PLOUSSAS: Correct.

MR. QUINN: You've been to the site; you're familiar with the whole project?

MR. PLOUSSAS: Yes, I am.

MR. QUINN: I would like to submit Mr. Ploussas as a Civil Engineer.

MR. FLEISCHNER: Is the board ok with that?

INAUDIABLE

MR. QUINN: In any event, why don't you describe for the board what you have tonight? Why don't you describe to them the property and then what's being proposed as part of this project.

MR. PLOUSSAS: Will do. Actually before I do that I would like to hand these out to everybody.

MR. QUINN: Is this just reduced size or...

MR. PLOUSSAS: Yes, it is.

MS. COFONI: Yes, we'll mark those and if you wouldn't mind, Mr. Quinn, if we could mark actually the big ones. Let's go ahead and mark the one on the left A1. And...

MR. PLOUSSAS: The one behind it is A2.

INDUDIABLE

MS. COFONI: Ok. And that can be A2. A1 is a colored Site Plan dated June 13, 2016. A2 is the Preliminary and Final Site Plan last revision date June 16, 2016...

INAUDIABLE

MR. QUINN: Flip it over, that's A4.

MR. PLOUSSAS: A4 is a copy of the Floor Plan.

MS. COFONI: And then that's A5 which is the aerial photograph

MR. QUINN: Correct.

MS. COFONI: And I'm sorry, if you didn't already, if you could put today's date on those.

MR. PLOUSSAS: Yes, ok, it will be taken care of.

MS. COFONI: Alright, thanks.

MS. PLOUSSAS: Ok, as stated before the site is within the FTZ-1 Zone. It is Lot 2.05 Block 103 and consists of 6.2 acres. This is 358 International Drive, the building next to it is 400 International Drive, formally known as Quest and Givaudan, and it's currently the Robertet Building. Currently...we'll turn this over, on the site currently is basically second growth brush...Wills Brook is to the north which includes the wetlands industry and stream buffer. The project is located in the southern portion where this site is and...and there is where the building is...it's all graded already. There's a sewer to the plant in 2007 where the ground floor was about 46,000 square feet and the mezzanine was about 15,000 square feet for a total of 61,000 square feet. This building is 46,095 square feet the office is 2,205 square feet for a total of 48,300 square feet. Access for the cars, trucks, and emergency access vehicles is as follows: they come in the parking lot over here; they go behind the Robertet Building, which is 400 International Drive. Then they go behind the Robertet, behind the proposed site, and the emergency vehicle access has a turning radius and it goes down the fire lanes if an emergency vehicles access is needed. For this building there are nine loading docks, there are two stairways to the building, there's a total of nine loading docks per ordinance. One is required for the office. Two is required for the warehouse so that's a total of three and we have nine loading docks. So along the northwest side is 12 parking spaces which is generally in here. There's also one ADA space, and again for the north side is another 10 parking spots over here. So 10 plus 12 is...actual 22 parking spots which exceed the ordinance by two spaces. It shall be noted that on the southern of the site there are 27 parking spaces for the Robertet Building which are on lot 2.05, they are dedicated to lot 2.04 per the easement.

MR. QUINN: And that was also a part of the 2007 approval?

MR. PLOUSSAS: Correct.

MR. QUINN: As was again the access that you are proposing...that we're showing right now.

MR. PLOUSSAS: Yes, correct. The storm water management features were originally approved in 2007. The wetlands stream encroachment area improvements have been completed in accordance with prior approvals and permits. As stated before, they...the Wills Brook there is a headwall, there's riff raff, there's an apron, a portion of the retaining wall and a portion of the 18 inch RCP pipe was previously done in 2007. So it was because of the stream encroachment and the wetlands permits it was issued by NJDEP and inspected by the township engineer. The sanitary sewer is down here. It's between Building 300 and Building 400 and Building 400 is down here...within the parking lot. The sanitary sewer service will be provided by the Musconetcong Sewer Authority. The proposed domestic water main which is this right here comes down and enters to the east side of the building which connects to the 16 inch main out at International Drive. The existing fire main which is on the southern

order portion there's a fire stub which will connect to the east side of the building again which is right here. Both the domestic and the fire service will be provided by New Jersey American Water. As far as the lighting is concerned, there are eight wall mounted lights, two on each side of the building. There are also four...four pole mounted lights throughout the parking lots. The lighting does meet the ordinance. As far as the landscaping is concerned there is a mixture of shade trees, ornamental trees, deciduous trees, and shrubbery which all meet the ordinance as well. Garbage removal will be a 10 yard roll away dumpster in which a private hauler. As far as signage is concerned there will be two signs. It will be identified on the sign that will direct cars into the building per the Foreign Trade Zone requirements.

MR. QUINN: So it's all similar to what's there now? Directing them so that they know where they are going?

MR. PLOUSSAS: That's correct as far as the last application, yes. We receive recent approval from the Morris County Soil Conservation District on May 25th, 2016 and the Morris County Planning Board on June 13th, 2016. I have a copy of the Engineering Report dated June 2nd, 2016 and a revised set of plans have been submitted to the township engineering addressing the report. If anybody like, I can go through the questions on the report that I have in hand.

MR. BUCZYNSKI: I can go through it...once Rob finishes his testimony; I can go thru it very quickly.

MR. PLOUSSAS: These are our architectural floor plans for the building, the north, the west, the east, and the south side. The main entrance is on the north side right about here. These are the loading docks. They are also on the north side. The visitors and main entrance are over here. That's where everybody goes. The building is 40 feet high and the colors for the building are Lord Galseo, March Wind, Pewter Cast, and Peppercorn.

MR. SCHAECHTER: Unless you're going to tell us what colors they are...March Wind?

INAUDIABLE

MR. PLOUSSAS: Grey...it tends to be grey in March, I guess. The fact that we are going to be consistent with the appearance with the building...consistent with the other buildings shown in the photograph and the building itself will be a precast concrete. This is the floor plan of the building. In the corner here is the office 2,205 square feet. And this is the layout of the rest of the building. It's a warehouse with 9 loading docks and is there any questions?

MR. RUSSELL: Where's the door on that? The front door.

MR. PLOUSSAS: The door for the office is right here. And the door for the warehouse is right there. And there are also two stairways that also have a door.

MR. FASTERT: You said the initial tenant is going to be a tire wholesaler.

MR. QUINN: Distribution use, distribution warehouse, yes.

MR. FASTERT: Are there going to be any additional fire or prevention or protection installed as part of that?

MR. PLOUSSAS: I don't have the answer to that.

MR. FASTERT: Because tire warehouse fires are notoriously difficult.

MR. PLOUSSAS: I know the fire official has reviewed the plans and he approved the fire lanes and the hydrant locations.

MR. SCHAECHTER: We're talking about fire suppression.

MR. QUINN: Obviously the work will be...

MR. SCHAECHTER: Inside the building.

MR. QUINN: ...we will work with the fire...in terms...to make sure everything is satisfactory.

MR. FLEISCHNER: And there are sprinklers in the building?

MR. PLOUSSAS: There will be sprinklers.

MR. FASTERT: Gene, are there any additional requirement other than the standard suppression stuff that you would put in a warehouse?

MR. BUCZYNSKI: No, that has to be reviewed and goes through the code official. That's when they get their review. The sub-code official...

MR. FASTERT: Anything you are aware of that requires...

MR. BUCZYNSKI: Not really, that I know of...

MR. FASTERT: That you are not aware of or...

MR. BUCZYNSKI: That I'm not aware of.

MR. QUINN: It is a USR5 Fire Protection System.

MR. QUINN: Ok. I think that's the gist of our initial presentation. We can answer questions from you or do you...

MR. BUCZYNSKI: Really quickly go through what does Mr. Ploussas said they submitted a revised plans...the second report because there was three, four, five items which I think he addressed them all, but I'll quickly go through it. It's the report dated June 2<sup>nd</sup> the first page is strictly just general...it explains the job as Mr. Ploussas says...just done. Under technical items, the first item was regarding EIS, the traffic study, regarding the waivers. Number 2 just gave an outline of stormwater management system which I don't think Mr. Ploussas has addressed but quickly it's a combination of inlets, bio retention swales, underground detention basins, it's designed...per DEP...regulations and like I said it meets the regulations and there is no increase in peak flows leaving the site. Number 3 it was regarding an error as far as inconsistent with the plans there was 23...it showed 23 spaces originally and it's only 22, the revised plans corrected that so the plans are now correct. Number 4 is just a statement. Number 5 was regarding design waiver for the stream buffer and I feel that's not a problem since basically the pipes already been installed from the previous application so there is no encroachment to that area as part of the improvements to the site. I think they briefly addressed that. Number 6 is just a statement regarding water main. Number 7 there was a report...a report from the Fire Marshall the only question he had or comment he had regarding the gate were the gates were to remain unlocked. They don't want the gates to be locked at any time. I'm not sure if that's a concern of the developer or not but that was his comment.

MR. PLOUSSAS: Yes. That will be fine.

MR. BUCZYNSKI: The Pro-Rate Permit is required for the wet tap connection to the existing water main on International Drive that side of Tinc. Item 11 just outlines the landscaping plan; same thing with 12 lighting Plan. On last page on 14 its...they have to contact DPW regarding connections fees and usage charges and I know Mr. Ploussas has contacted them so I guess that discussion is ongoing. Number 15, Mr. Ploussas just said they received the certification from the Soil Conservation District, May 25<sup>th</sup> and they did submit Engineers Cost Estimate because I know they want to move this project ahead and I already submitted the amounts for the performance bonds and the inspection fees. So once they get their approval tonight, kind of speed up the next process so they can try to get into construction as soon as possible. That's the only items I have.

MR. FLEISCHNER: Thank you, Gene. Anyone from the board have any questions?

MR. BATSCH: What are the hours of operation?

MR. QUINN: I'm sorry. I don't have the actual...this is a representative for the applicant. She can answer that question.

MS. COFONI: We'll swear you in.

(JILL MARCOTTE SWORN IN FOR THE RECORD)

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

MS. MARCOTTE: Sure. Jill Marcotte (M A R C O T T E), Scannell Properties 267 LLC, address 800 East 96<sup>th</sup> Street, Suite 175, Indianapolis, Indiana, 86240.

MS. COFONI: Ok.

MR. QUINN: Jill, do you want to answer that question for...while it might change, but right now the current plan is....for hours of operation.

MS. MARCOTTE: Right. Hours of operation will be generally from 7:30 am to 5:00 pm, Monday thru Friday and then limited hours on Saturdays generally 8:00 am to noon.

MR. BATSCH: And when will they deliveries take place from, I guess the delivery of the tires or how will the distribution take place?

MS. MARCOTTE: So, there will only be about one to two semi-trucks per day coming in during normal business hours for them. Those will be bringing the inventory into the facility and then there's generally between 12 and 18 box trucks a day that will visit and exit the site. And those are typically 3PL providers that are then picking up the inventory, the product, and taking it out to the retailers.

MR. BATSCH: Gene, was that covered in the traffic studies?

MR. BUCZYNSKI: In the...way back when they had...we're going back to...the 80's, early 80's and they did a detailed study with (INAUDIBLE) Associates that...a detail study that...a detail study regarding these type of facilities like...I don't have the numbers from back then but I'm sure they addressed truck traffic. I know the design of the roads is based on all vehicles.

MR. BATSCH: Ok. Thank you.

MR. MANIA: Is this a distribution center for local businesses is that...

MS. MARCOTTE: Alright. So there is essentially a middle point person they are receiving a product in from the port, tires, and then they are actually taking it out and distributing to retailers who are selling at a retailer.

MR. MANIA: Exactly what I thought. Thank you,

MS. MARCOTTE: Sure.

MR. FLEISCHNER: Tiena, do you have a question? You look like you do...no? Any other board members have any questions or...

MR. MCGROARTY: I just have one or two.

MR. FLEISCHNER: Yes.

MR. MCGROARTY: Not really a question, just to clarify, Mr. Quinn, you and I talked about this. The...just for the record...there is no retail sales, it will all be wholesale. Right?

MS. MARCOTTE: That is correct.

MR. MCGROARTY: All right, sorry...you're the witness. And there will be no outdoor storage of the material?

MS. MARCOTTE: That's correct.

MR. MCGROARTY: And last question. Do you accept used tires?

MS. MARCOTTE: No, not at this facility.

MR. MCGROARTY: Ok.

MR. FLEISCHNER: Thank you, Chuck. Any other board members have any questions for either Mr. Ploussas or Ms. Marcotte? Open it to the public. Does anyone from the public have any questions for these two witnesses? ...inaudible... Seeing none, closed to the public. Any questions, Tiena?

MS. COFONI: No.

MR. FLEISCHNER: You finished?

MR. QUINN: I'm finished.

MR. FLEISCHNER: Any discussion among the board members? Seeing none, I'd like to entertain a motion.

MR. MANIA: Mr. Chairman, I move for approval for PB 16-16, Scannell Properties.

MR. FASTERT: I'll second it.

MR. FLEISCHNER: ...inaudible...seconded by...however, there were a couple such as the gates for the fire lane. If you could cover those please, Tiena.

MS. COFONI: I have no retail sales and no outdoor storage. Chuck, is it important that we put that there will be no acceptance of used tires? I didn't know if that was something that needed to be a condition or just informational?

MR. MCGROARTY: I would think...

MR. SCHAECHTER: I'd like to see it be a condition. If they take a tire back from...one of their retail stores because it had problems...

MR. MCGROARTY: Let's put it this way, it's not a tire recycling facility.

MS. COFONI: Not a tire recycling facility.

MR. MCGROARTY: Is that fair to say? It's not a recycling facility for tires.

MR. QUINN: I mean in fact that would change the use. I think that's appropriate because it may happen from time to but it's not.

MR. FLEISCHNER: Thank you.

MS. COFONI: Ok. I also have...the proposed gates being open for the Fire Marshall. The signs comply with the NJFH Sign Manual. That the applicant must contact the Mount Olive Department of Public Works regarding connection fees and user charges.

MS. NATAFALUSY: FTZ Sign Manual.

MS. COFONI: Ok. I think that's all the ones I needed to capture from Gene's report.

MR. BUCZYNSKI: I believe there was a design waiver, too. Right?

MS. COFONI: There's a design waiver for the...stream corridor but no variances. Right? Because I thought...

MR. QUINN: No, that was for ... everything else was complied.

MS. COFONI: I'm sorry, say that again.

MR. QUINN: Everything else was complied in terms of setbacks, the use, and everything else here.

MS. COFONI: I don't know why I have variance down. Ok.

MR. QUINN: We initially just called it a waiver or variance for that section of the ordinance, but when I looked at the previous resolution it was deemed a design waiver.

MS. COFONI: Ok. That's all I've got.

MR. MANIA: Mr. Chairman, my motion is to include what our esteemed attorney has just read.

MR. FASTERT: As is my second.

MR. FLEISCHNER: Ok, thank you. Any further discussion. Seeing none, roll call, please.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
Henry Fastert	- yes
John Mania	- yes
Dan Nelson	- yes
Kim Mott	- yes
John Batsch	- yes

**DEVELOPMENT MATTER – PB 16-05, HUNKELE EQUITIES, BLOCK 4400 LOT 85**

MR. FLEISCHNER: Next item, Hunkele, PB 16-05, Hunkele Equities. And I do have a question about the...inaudible...to our attorney, Catherine. It says eligible to vote, since the original application was withdrawn, everyone who is here is not eligible...

MS. NATAFALUSY: No. The Minor Subdivision was withdrawn. This is the preliminary and final.

MR. MCGROARTY: Yes but why the wait? I don't think we got to the site plan at the hearing.

MS. COFONI: That's what I was just looking to see.

MR. BUCZYNSKI: I don't think we did.

MR. FLEISCHNER: I don't think we did either.

MR. MCGROARTY: I think we stopped at the minor and...inaudible.

MS. COFONI: Yes, I put Minor Subdivision with Variances as the only thing that we discussed in the subject at least.

INAUDIABLE

MS. NATAFALUSY: If Tiena says we're good, we're good.

MR. FLEISCHNER: Everyone is eligible to vote on this.

MR. MANIA: Thank you, Mr. Chairman.

MR. FLEISCHNER: I just wanted to make sure...

INAUDIABLE

MR. DWYER: Good Evening, Mr. Chairman. Pat Dwyer from the law firm Nusbaum, Stein on behalf of the applicant Hunkele Equities. As a board you may recall we were here in May with an application for Preliminary Site Plan...Preliminary and Final Site Plan approval for Lot 85 and also a Minor Subdivision for Lot 85 and 85.01. At that time, the board had some concerns about the application suggested that we get together with the township professionals which we did in June; as a result of that meeting we have amended the application so that this evening the only thing before you is the application for Phase 1 of the Site Plan approval on 85. And there is a reason for that one of which is that the applicant is the contract buyer of that lot. And there is a time table with respect to that contract so we were hoping that the board would hear that aspect of it. We also understand that the other aspects, the Minor Subdivision, we intend to come back in the very near future to re-address that

issue and we will at that time hopefully have in our hand the LOI which has been applied for us since we were here last. So our primary witness for this evening for the Site Plan is Jeff Careaga, I'd like to call him.

MS. COFONI: If I may, Mr. Chairman, I just have a question....a procedural question. So you're...you said Phase 1?

MR. DWYER: Correct.

MS. COFONI: So, that you're just seeking approval for Phase 1 right now.

MR. DWYER: That's right.

MS. COFONI: And you're seeking Preliminary approval or...

MR. DWYER: Preliminary and Final.

MS. COFONI: Preliminary and Final for Phase 1.

MR. DWYER: That's right.

MS. NATAFALUSY: I just had a question since Mr. Hunkele did provide some testimony last month about his business and you know what he was proposing on this site, is he going to repeat that since there are certain board members that were not here.

MR. FLEISCHNER: I would ask...

MR. DWYER: Sure we can have Mr. Hunkele repeat that.

MR. FLEISCHNER: Thank you, Catherine.

MR. DWYER: Would you like to hear from Mr. Hunkele first?

MR. FLEISCHNER: Yes, please.

MR. DWYER: Ok.

(CHARLES PETER HUNKELE, JR. SWORN IN FOR THE RECORD)

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

MR. HUNKELE: Charles Peter Hunkele, Jr., (H U N K E L E), business address is 226 Prospect Point Road, in Lake Hopatcong, New Jersey 07849.

MS. COFONI: Thank you.

MR. DWYER: Mr. Hunkele could you please tell the board what's your relationship to Hunkele Equities?

MR. HUNKELE: I'm one of the members, it's a LLC.

MR. DWYER: Ok. And is Hunkele Equities the contract purchaser of Lot 85?

MR. HUNKELE: Yes.

MR. DWYER: Ok. And Lot 85 is...Lot 85.01, or is it Lot 85?

MR. HUNKELE: It's lot 85.

MR. DWYER: Ok. And what is the nature of the business of Hunkele Equities and Accurate Waste Systems?

MR. HUNKELE: Hunkele Equities is a real estate holding the business that we own collectively the same partners that are in Hunkele Equities are in a company called Liquid Waste Holding trading as Accurate Waste Systems. We provide non-hazardous liquid waste management and transportation. Our primary businesses involve to provide a support services to sewer authorities and companies who produce water from surface water like American Water or United Water.

MR. DWYER: Ok, and what is your plan with respect to Lot 85 and your business in Lake Hopatcong?

MR. HUNKELE: We want to relocate to Mount Olive Township, take that business and move it into Mount Olive.

MR. DWYER: And that's the extent of Phase 1 then. Phase 1 would become the new headquarters for your business. Is that correct?

MR. HUNKELE: That is correct.

MR. DWYER: Ok. Thank you.

MR. FLEISCHNER: Any questions with regard to this business?

MR. McGROARTY: Well since Mr. Hunkele is here and it was in my report but we will do it while you are here, sir. You're going to be in that building, the new two story building, will you be using the Quonset Hut as well or will someone else be using that?

MR. HUNKELE: That's to be determined. That has not been determined yet. But we will be making application to get the building painted and repaired and bring it back in compliance and we've been focused for the last three months on debris removal. We've removed probably some 1,000 cubic yards of trash because it is a dead end road and next to the county transfer station when they are closed, they come down at dump at our place. We recently had a visit from the county garbage police officer, Mike Flora, he works for Morris County MUA, and he knew we brought a lot a garage in, so he said, he came in and I know him because I used to be on the MUA, I said Mike everybody comes down here and dumps garbage I said so I was giving him a tour of the site in my car and as I was bringing him back to his car, the county car, a guy comes in with a little dump truck full of debris, the transfer station had closed he was looking for someplace to unload and I said this is what we get every day. You know...it's been quite a housekeeping project. We have it under control, thank God.

MR. McGROARTY: The reason I ask is it's in the scheme of thing it's not a big issue but if it's occupied by another user which you can have multiple principle uses in this zone. But that building will be treated as a principle building. I mentioned that in the report. And so the setbacks will apply...the principle building setbacks will apply and maybe Jeff can address that tonight or at some subsequent point I mean we recognize it's an existing structure it's there.

MR. HUNKELE: I'm not sure what that all means.

MR. McGROARTY: I understand.

MR. HUNKELE: But, I hope someone with me tonight does.

MR. McGROARTY: They do. I'm not sure I know what it means.

LAUGHTER

MS. COFONI: So, are we going to proceed under the assumption that it's going to be occupied by him for tonight?

MR. DWYER: For the purposes of tonight? Yes.

MS. CONFONI: Ok.

MR. McGROARTY: So, we will treat it as an accessory structure for tonight and if that changes in the future they can deal with it.

MS. COFONI: Yes, right.

MR. FLEISCHNER: Anybody else have any questions? Anybody from the public have any questions?

MR. DWYER: Ok, thank you Mr. Hunkele. Mr. Careaga.

(JEFFREY CAREAGA SWORN IN FOR THE RECORD)

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

MR. CAREAGA: My name is Jeffrey Careaga (C A R E A G A) from Careaga Engineering, 382 Route 46, in Budd Lake.

MS. COFONI: Thank you.

MR. DWYER: Mr. Chairman, I believe Mr. Careaga had appeared before this board before, so, I'd like to have him accepted as an engineer.

MR. FLEISCHNER: Yes.

MR. DWYER: Thank you. Jeff, did you happen to prepare the Site Plans for this application?

MR. CAREAGA: Yes, we did.

MR. DWYER: Would you please go thru them and review them with the board and tell us what they say.

MR. CAREAGA: Sure. On the existing property is a 14.92 acre piece of property in the 5 acre C-LI Zone. Coming in here essentially with...the...conforming...we are calling it Phase 1, it has been referred to as Phase 1 but there is no phases noted on this drawing. Phase 1 is just in reference to the prior subdivision application but this essentially was Phase 1 just a building for Accurate Waste.

MS. COFONI: Ok, let me stop you there because that is an important point that I did not necessarily catch. So, the second phase is just the subdivision?

MR. BUCZYNSKI: No, no, no...

MR. CAREAGA: The second phase...the first application included a second building that was...that was considered...there was actually and second and a third building that was Phase 2.

MS. COFONI: That's right.

MR. CAREAGA: So, at this point, just in an effort to expedite the approval we are just going forth with the single building. We cut back all of the disturbance on the property so that everything is outside of the wet lands buffer. So that essentially this property could be approved and constructed without necessarily having the wetland approval.

MR. DWYER: Is that application pending, Jeff?

MR. CAREAGA: Yes, that application is pending. We've had a lot of correspondence with the DEP. We have revised our wetlands plan per the DEP. Essentially the revision was shrinking down the DEP considered the isolated wetlands on the property to be smaller so I do have copies of the revised map that we sent down to the DEP but essentially this...this little area which is considered isolated wetland on our application, the DEP shrank that down so it's actually smaller. The correspondence with the DEP they apparently, this has to be approved by the chief, but with regard to the army core and the DEP this is going to be a 50 foot buffer not 150 foot buffer that shows over here this will be 150 buffer as shown on our plans. So essentially will be smaller...inaudible...so we are being conservative we were hoping for the 50 foot but we wanted to be at least be conservative and show all the disturbance out here just in case...it did come back in...this isolated area right here, our application to the DEP is...includes filling that isolated wetlands right there. So, when we receive the approval...I assume it's approval from the DEP it will include actually filling in that isolated area and...the wetlands line as shown on our plan here will have a 50 foot buffer for the next application.

MR. MCGROARTY: Right, and so for tonight and for this...it's not Phase 1 but for this initial building you'll respect that 150 foot buffer until such time as you can change it.

MR. CAREAGA: Correct. Yes, nothing will be done within 150 feet or within the...

MR. BUCZYNSKI: And the other one is as per your plan?

MR. CAREAGA: Exactly, exactly.

MR. DWYER: Would the board like the plans marked, Mr. Chairman?

MS. COFONI: Are those the same that were submitted? As long as there are no changes...

MR. DWYER: This is the same as submitted. This is Sheet Number 2.

MS. COFONI: Ok.

MR. DWYER: And I guess I should probably for the record submit two...two separate things here. One is the actual DEP Permit Plan which was revised after our submission back to the town. It was just revised a couple of days ago. So this is the...

MS. NATAFALUSY: A1.

MR. FLEISCHNER: So that is the revised...

MR. DWYER: Mr. Careaga, Mr. Careaga, if you could come back to the mic. For the record, could you tell us what Exhibit A1 is?

MR. CAREAGA: Exhibit A1 is the NJ DEP Permit Plan originally drawn on April 29 of this year and revised on July 7<sup>th</sup> of this year. Thank you.

MR. MCGROARTY: But just to be clear, Jeff, when...if I may...

MR. CAREAGA: Please.

MR. MCGROARTY: This is important information and such but it doesn't affect your site plan this evening. Correct?

MR. CAREAGA: Correct, not yet.

MR. MCGROARTY: Only because it shows Phases 1 and 2 and the other building. I'll pass this down just so that everyone's clear you are not...

MR. CAREAGA: Our intent is...is to come back with the revised application and we'll include a subdivision to increase the lot size on the adjoining lot plus the additional buildings as Phase 2 with the approved wetlands line as soon as we have it.

MR. FLEISCHNER: Should this even be...why are we even looking at it since it's not really part of this application?

MR. BUCZYNSKI: Just in case...you could say it is to a point because it does show 150 foot buffer on that one lot.

INAUDIABLE

MR. MCGROARTY: I think maybe it to help for informational but it really has no bearing on this application.

MR. CAREAGA: It's informational so that you understand where we are in the wetlands approval process you have a copy of the revised plans so that you know what is happening.

MR. FLEISCHNER: ...by you guys for a future date because really...it has nothing to do, in a way, with this application.

MR. MCGROARTY: Right, that's what I'm trying to say. That what you see tonight on this site plan is sort of the worst case scenario buffers and that's what they are going to abide by for now.

MR. CAREAGA: One thing that is as of note on this is the revised plan with the DEP does show the existing gravel area in parking that we had on a prior application down within this buffer we had gone over it with the DEP and if they stamp and approve this plan and that essentially is our approval to be able to use that area on our future application because I know that is one...

MR. FLEISCHNER: Again, if I may, the question is for the future. That's not for your application today.

MR. CAREAGA: That's correct. So what we have done with this application is we tried to address a lot of the comments that we had on our initial application. We have added a lot more paving. The entire area...all the parking area for all the trucks and for the office space is now paved and it only shown initially only the office parking was paved the first time around but after hearing the comments of the board we have included the paving of the entire site. We have added some green space. We've added some lawn area to reduce the coverage on the property essentially eliminating the need for treating the storm water in accordance with the storm water management regulations. Currently we have a total of 39 parking spaces proposed for cars, 32 is required by ordinance. We also have 18 truck parking spaces shown on here. Parking spaces are larger than you usually see here and that is strictly the owner trying to make it easier for the employees to be able to get and out without bagging their cars up. I know it's not usual for us to design bigger parking spaces than usual I think it's the first time I ever did it. But...the reason he's doing it is again I assume that...there's also bigger trucks that are going to be parking in there and it just gives extra room.

MR. BUCZYNSKI: You have the space.

MR. CAREAGA: We have the room to do it so. That is the reason why we are coming in with the 15 by 20 parking spaces as opposed to the 10 x 20 that's code ordinance.

MR. DWYER: Hey, Chuck, there were two review letters that came from the revised plans for the application, one from Van Cleef Engineer, one from Banish Associates.

MR. CAREAGA: Yes.

MR. DWYER: Could we please go through the Van Cleef letter?

MR. CAREAGA: Gene, you want to lead on this?

MR. BUCZYNSKI: I can go through mine, it's fine. Report is dated July 6, 2016, Page 1 is just a general layout of the application which Mr. Careaga has just mentioned. Under B stormwater management, last time the plans were submitted, I had a lot of concerns regarding...so I would imagine but if the revised plan that Jeff just mentioned they paved some areas, they gave us some green space, so they did a lot of improvements with the revised plan and under B I just...you know...state that the design is based on the DEP requirements. They submitted an Operation Maintenance Manual is required by the DEP. Basically now that the designs drywells and meets the best management practices. The only item...Item 4 on the B Soil Logs and I know Soil Logs were performed like two days ago...

MR. CAREAGA: Yes, a couple of days ago.

MR. BUCZYNSKI: A couple of days ago?

MR. CAREAGA: I do have copies of that. I could submit as...

MR. BUCZYNSKI: Ok, so that also has been done. Item C Parking and Paving, Mr. Careaga had mentioned the concern they had in Number 1 regarding that we had larger spaces than required. It makes sense based on what he said. Item Number 3, there was no pavement detail that I could find on the drawing so I guess we have to revise the plans to show paving detail.

MR. CAREAGA: That's no problem

MR. BUCZYNSKI: Unless I missed it. I don't think I missed it. Item Number 4 is regarding paving they did not propose paving, I'm sorry curbing, for the parking lot. So they will need a design waiver for be considered by the board. As far as the number of spaces by ordinance you are required for curbing.

I'm not sure how the board feels about this. I think...I don't really have a major concern if the board doesn't. Curbing...curbing is nowhere proposed on the site.

MR. CAREAGA: That's correct.

MR. BUCZYNSKI: So, that's an issue the board has to adjust. I don't know if you want to discuss it now.

MR. NELSEN: Mr. Careaga, are these parking spaces 15 feet wide?

MR. CAREAGA: Yes, they are. Yes, they are.

MR. NELSEN: Except the handicapped spots are 9 feet wide?

MR. CAREAGA: No, 9 feet by then it's got...essentially it has the extra 5 feet on there too, so 14.

MR. NELSEN: The hatched area?

MR. CAREAGA: Right.

MR. FLEISCHNER: How does the board feel about curbing?

MR. MANIA: I don't have a problem. If Gene don't have a problem, I don't have a problem.

MR. BUCZYNSKI: I think the type of site it is and the visibility, I mean when they come in later on you got the proposed outdoor storage; you got Phase 2 coming...

MR. SCHAECHTER: Curbing can only be torn out, it's...

MR. BUCZYNSKI: Yes, exactly, it's truck traffic.

MR. SCHAECHTER: Why go through the expense.

MR. MANIA: Right.

MR. FLEISCHNER: I guess you got drainage in there?

MR. BUCZYNSKI: Same thing, regarding Item Number 5, as they said they are paving around the building and truck traffic, the proposed outdoor storage is shown to remain as gravel. I think all the projects we've had warehouse and I'm thinking of Gold Mine Road, Skodas project, where they park truck and stuff it's all grave in the back. So, I really don't see a problem based on the type of operation they have.

INAUDIABLE

MS. COFONI: And that's...is that another waiver? Looks like it.

MR. BUCZYNSKI: Yes, yes, based on the requirements of the ordinance.

MS. COFONI: Yes.

MR. BUCZYNSKI: Item Number 6 on Page 3, it's also mentioning in Chuck's report regarding the vehicles...south of the Quonset Hut what's going to happen to those vehicles?

MR. DWYER: Well, I've...we are going to have Mr. Hunkele testify to that. I think that's obviously an issue that was discussed when we met with the board's professionals and we understand that that's something that's been a concern. That's the reason why we initially proposed a Minor Subdivision Plan was to try to enlarge that lot 85.01 and increase the number of parking spaces that it would have. When we ran into the concerns the board had about the wetlands, we understood that we should probably get the Wetland Approval before we know exactly where that subdivision line should be drawn and how it can best make that other Lot 85.01 more conforming. So it's our intention at this point, we understand we have to do so and that it's a concern...

MR. BUCZYNSKI: I guess my concern is that it doesn't show any parking spaces. So, we can assume that this plan, there is going to be no vehicles there.

MR. DWYER: Correct. There are...there have been a number of...as you know...there have been vehicles there. We don't deny that there have been vehicles there. In fact, when Mr. Hunkele was attempting to clean out the lot some of the vehicles were actually placed over there as shown on Mr. McGroarty's photographs which he sent recently. It's an on-going issue with one that we've spoken to when we met with the professionals who are committed to making an application to resolve that issue as best as we can...and we are hopeful that we are able to get through, if the board were to approve this we would commit to coming back within a certain amount of time to make an application as we had before for that minor subdivision to try to resolve that issue.

MS. COFONI: Ok, so this approval will say there will be no vehicles storage south of the Quonset Hut?

MR. MCGROARTY: Well, if I may?

MR. DWYER: No, go ahead.

MR. MCGROARTY: I wouldn't suggest we say that. I mean here's what we talked...if I may, I mean a little out of order on this...but, I mean...we talked about it. We recognized whether we agree there should be parking there, that's a separate issue. And that's a board decision ultimately. But what this plan does is focuses only on the new building and there's...and we've actually suggested to Mr. Careaga not to show the parking spaces there because it's in a wetland buffer area subject to DEP approval. So, what we think makes sense...as Mr. Dwyer just said it would be either a condition that within a certain period of time, the vehicles be removed or the applicant will come back to this board to address it in a site plan, subdivision, whatever mechanism there is. It's really since you and the board are not involved in the enforcement issues, it's really more of an enforcement question for the Zoning Officer but I think we have a situation where the new property owner is trying to deal with it and fix it. We didn't want to just show...we suggested that we not show parking spaces here because you don't want approve a site plan if you were to approve it tonight with that in there. So it's a little unusual because we are recognizing some things out there. We are getting testimony that it will be addressed, it's going to take a little because again that wetland issue, make sure it's all done and done correctly. Does that make sense?

MR. CAREAGA: I'm writing fast because I assume these are going to be conditions.

MS. COFONI: So, are you thinking like within a certain number of days, months, whatever, from the adoption from the resolution or something like that or is there a different trigger you want?

MR. MCGROARTY: I think it depends on when Mr. Careaga thinks he'll get some feedback from the DEP which I guess why he was describing what he did to you earlier. Once they know where the lines is and once they have their LOI or whatever documentation they need, they'll put a new plan together, there will be a revised site plan for Lot 85.01, presumably, there may be a minor subdivision to enlarge Lot 85.01 and it may probably will incorporate the parking that we are talking about. To answer your question, Tiena, time wise, I...they would have to tell us what they think is reasonable in terms of a response from DEP.

MR. CAREAGA: We are comfortable 90 days...

MR. DWYER: we are hopeful it will be very quickly...you know we are always subject to DEP...

MS. COFONI: So, 90 days for the adoption of the resolution. Keep in mind that I'm thinking that if the board takes action tonight, the resolution will be on for next week.

MR. DWYER: Why don't we say 180 days?

MS. COFONI: 180...fine with me.

MR. BATSCHE: Why not just use the trigger from the approval from the LOI as the start point for whatever the time period is?

MR. MCGROARTY: Well, my feeling is on the cars...on the vehicles...and you know unfortunately, there's more stuff out there now than there was before. I don't know where it came from but it's outside the chain link fence area now. What we are saying is the township...the Zoning Officer could

proceed and cite a violation against the property owner at this point but that would probably be counterproductive since you are trying to resolve it. I think before anyone knows where that parking may or may not go they've got to nail down the wetlands issue. Once they do that, then they need to come back here...either they move the vehicles, or they come back here with a revised site plan. So, if it's done within six months, or whatever you think is reasonable, it's just a sort of thing that shouldn't be extended indefinitely but you know also it has to give enough time to make it work otherwise it's doesn't...

MR. FLEISCHNER: If we say six months, then it's more of a guideline and we'll settle for the Zoning Officer to...if something is going to happen within six months...we need a date.

MR. SCHAECHTER: Why don't we say six months from DEP approval?

MR. McGROARTY: No, I wouldn't do that because, I'm sure everything is going to be fine. I think if you give them...

MR. BUCZYNSKI: DEP approval is pretty imminent, isn't it?

MR. DWYER: I believe so, yes.

MS. COFONI: How about 180 days from the adoption of the resolution?

MR. DWYER: I think that's the best solution.

MR. SCHAECHTER: Well, I don't want to add this if you have...you know...

INAUDIABLE

MR. McGROARTY: Well this is just...if you condition it upon the DEP, you...that's something less than you are...I wouldn't condition it upon an outside agency because you have no idea what's going to happen.

MR. SCHAECHTER: But that's why. I mean...you don't want to take it out on the applicant either.

MR. McGROARTY: Well...

MR. SCHAECHTER: It's waiting for something he can't control

MR. McGROARTY: The other solution, Brian, is just move the vehicles. End of story, and then we're done. So, it's an attempt to be reasonable about it. And so the vehicles get to stay longer than they perhaps should. But I think it's a fair compromise and it seemed to work when we discussed it with the applicant before.

MR. FLEISCHNER: They're happy, Chuck's happy, we're happy.

MR. MANIA: As long as you're happy, Joe.

INAUDIABLE

MR. BUCZYNSKI: Continuing on Page 3, Lighting and Landscaping, under Item 1...they need a design waiver for the lighting, it's non-conforming...complete conformance with the ordinance. I don't know if you want to address that.

MR. DWYER: Yes, Gene. We will modify the lighting to be in conformance with the ordinance.

MR. BUCZYNSKI: I don't think it's a big deal,

MR. DWYER: It's not.

MR. BUCZYNSKI: Item 2 Landscaping...the landscaping...they are showing some landscaping, it would probably considered minimal but they do have landscaping ground at the proposed building. They have some trees along the entrance and the grass area and it's really how the board feels about that. So, I guess they are leaving the existing vegetation along Gold Mine Road, correct?

MR. DWYER: Correct.

MR. RUSSELL: Gene, question.

MR. BUCZYNSKI: Yes.

MR RUSSELL: Is the gravel considered impervious coverage?

MR. BUCZYNSKI: It depends if you speak to the highlands or you speak to the DEP. You'll get two different opinions.

MR. RUSSELL: Including gravel about 95 percent of this site is covered by impervious coverage.

MR. BUCZYNSKI: But the DEP doesn't consider it impervious. Correct?

MR. DWYER: Correct.

MR. RUSSELL: Does not?

MR. BUCZYNSKI: Is not impervious. If you are going for highlands approval it would be considered pervious. If the DEP people from that...the highlands department they consider it pervious, the DEP and the other divisions considered it impervious. So...

MR. RUSSELL: So, which do we use to calculating impervious coverage?

MR. BUCZYNSKI: We considered...considered...pervious. I think that's what you did, right?

MR. DWYER: Impervious.

MR. BUCZYNSKI: Impervious. Impervious. That's how we considered it.

MR. RUSSELL: So, don't we have like 90 percent of the...lot covered by impervious coverage?

MR. CAREAGA: It's actually existing 62.6 percent right now. And we are reducing it to 56.6. So we are taking it from slightly over the lot coverage requirements of 60 down below the lot coverage requirements to 56.6 by adding the grass areas...

MR. BUCZYNSKI: ...the grass areas.

MR. CAREAGA: ...that we added to do that.

MR. RUSSELL: One more question. Looking at Page 2...inaudible.

MR. DWYER: Would you like Mr. Hunkele to answer that for you?

MR. HUNKELE: Do I need to...

MS. COFONI: No, you remain under oath.

MR. HUNKELE: Ok. In regards to the area of Phase 1 or the entire track?

MS. COFONI: Just Phase 1.

MR. FLEISCHNER: Just the application before us.

MR. HUNKELE: In providing the services we do to our customers, we have a lot of equipment...a lot of pumps...a lot of camera equipment so if we come and clean your storm sewers or your...or your sanitary sewers, when we're done we send a robot down with a camera on it and we video the inside of all your pipes. In some cases we just video the storm water or the waste water system for the communities to determine how the infrastructure is holding up. Is there anything that we should do in a preventative nature? So that's a big part of our business in doing that. It requires a lot of support equipment because we can't put people or equipment down in there without blocking the pipes off so that people shower water and what not isn't coming down or rain events. So it requires a lot of

equipment and that equipment some will be stored in the warehouse and some is going to be stored outside. But, it's all related to what we do for a living.

MR. MCGROARTY: Well, if I may, this last question...I know that was a question I had as well. Can you tell us you know generally the size of the type of equipment you are talking about? Are you talking about vehicles, are you talking about when you say pumps are they going to stand ten feet off the ground, two foot off the ground?

MR. HUNKELE: No, in all cases the pumps would be towed behind the truck so they'd be on a set of axles and they'd be towed to a job. They probably would be no higher than five foot in the air. The pumps, the camera van is like a sprinter van. I don't know if you are familiar with them but made by Freightliner or Mercedes or bigger than a van that a homeowner uses. But the guy sits in there, there's a control room in there, he controls everything from inside the van. It's a pretty pristine environment.

MR. MCGROARTY: Would the van then be...the van that you just described to us, would that be in the outside storage area or would that be parked in the parking space?

MR. HUNKELE: It would probably be in the outdoor storage area.

MR. MCGROARTY: A van would?

MR. HUNKELE: Yes.

MR. MCGROARTY: And would there be...it is likely you have multiple vans or...

MR. HUNKELE: Yes, we have two of those currently.

MR. MCGROARTY: Oh, two, ok, it's not like a fleet.

MR. HUNKELE: No, no, but we have a fleet of trucks that support the rest of these services when if you have a sewer main break in order to effect the repair, you can't ask the residents to stop using the...the waste water system of their home so what we do is we go into the pipes, block it off with these giant air bags, we blow them up, and then we go above the break, we bring trucks in to...or pumps to pump it around the break area and put it back into the sewer system downstream so that the repair contractor...which we don't do...but a contractor will come in and effectively repair the broken sewer line or collapsed manhole or whatever so that they could work there unfettered by the waste water going down the pipe.

MR. MCGROARTY: Is it...inaudible...is it more accurate then to just describe this as a...sort of a...as a parking area for trucks, vans, other vehicles in the like plus equipment?

MR. HUNKELE: Um....

MR. MCGROARTY: Because outdoor storage doesn't really suggest vehicles. If you're going park vehicles there it's probably a good idea to explain that to the board...before you explain it...but to clarify that here on the record.

MR. HUNKELE: What are some of the other things we have...we call them frack tanks, not to be associated with fracking for natural gas, but the large storage tanks are 20,000 gallons tanks, they are on tires and we would bring them to a sewer plant if they had to do work on the primary digester tank and whatnot so it would serve for a temporary storage,...water producer, or a waste water producer.

MR. BUCZYNSKI: They would be in the outdoor storage area?

MR. HUNKELE: They would be in the outdoor storage area.

MS. COFONI: How many of those do you have?

MR. HUNKELE: Three.

MR. FLEISCHNER: Don't you have also a lot of piping equipment, jersey barriers, things that like that have to go to storage with that equipment too?

MR. HUNKELE: In some occasions, yes. If...for worker's safety, we set up the jersey barriers. We have them, we keep them in stock.

INAUDIABLE

MR. SCHAECHTER: Is your business similar to National Water Main in Newark?

MR. HUNKELE: Yes, yes, in some ways, yes.

MR. SCHAECHTER: So, it's the big trucks.

MR. HUNKELE: Yes, Russell Reid, Freehold Garding...there is only three or four of us in the whole state, so.

MS. COFONI: When you talked about the fleet of vehicles, those vehicles won't be in that storage though, they will be parked in all the spaces, right?

MR. HUNKELE: In the spaces, that's correct.

MS. COFONI: Ok.

MR. MANIA: Chuck, what are you thinking, more as a parking area...

MR. MCGROARTY: Yes, John.

MR. MANIA: ...storage area?

MR. MCGROARTY: I was but I think I...if I understand it now, now I get it. They'll be if I...there will be a couple of vans, a couple of trucks, but there will be, as Mr. Careaga just said too, there will be some jersey barriers, piping, these tanks, but I wanted to just be clear that it wasn't going to be a sort of... parking area for a fleet trucks. But it doesn't sound like it.

MR. MANIA: This is what is needed for their business.

MR. MCGROARTY: Understood. Just it's better to ask now then...

MR. MANIA: Absolutely.

MR. MCGROARTY: ...a year from now when someone says why are there five trucks out there. You know, so.

INAUDIABLE

MR. BUCZYNSKI: Exactly I mean they shovel landscaping around the proposed building and that's fine with me.

MR. SCHAECHTER: It is what it is.

MR. BUCZYNSKI: Item E Wetlands Transition Buffer, Mr. Careaga gave us a description of the status of the wetlands. So I don't think I need to go through that area. Permits, Highlands Exemption 4 we approved that in February...February 9<sup>th</sup>. Need approvals of the septic system from the Health Department. Verification from Soil Conversation and I don't think you have that yet. Do you?

MR. DWYER: We have that.

MR. BUCZYNSKI: You have it? Ok. What is the date on that?

MR. CAREAGA: No, I don't. He does.

MR. DWYER: April 7<sup>th</sup>.

MR. BUCZYNSKI: Thank you. And I guess you submitted for the LOI. And you have to go to the township for the permit for the proposed signs that conform to township standards. And approval ...and that's it for me.

MS. NATAFALUSY: Just one think, Mr. Chairman, I did mark the soil logs, drywell plan that he submitted as A2.

MR. FLEISCHNER: Ok, thank you.

MR. DWYER: Thank you, Catherine, what is the date on that, please?

MS. NATAFALUSY: Today, July 14th

MR. CAREAGA: Thank you.

MR. BUCZYNSKI: Do you have an extra copy of that? How many copies they give you? Just one?

MS. NATAFALUSY: Gave me one.

INAUDIABLE

MR. MCGROARTY: My review comments...we just talked about outdoor storage so I think we've done that. Just...does the applicant agree that whatever outdoor storage...will there be...well actually will there be outdoor storage with Building 1, the first building?

MR. CAREAGA: Well, yes, there will be the outdoor storage that we were just talking about.

MR. MCGROARTY: The applicant agrees that there won't be any storage in the buffers that you show on your plans as of this point, Jeff?

MR. CAREAGA: That's correct.

MR. MCGROARTY: So, that's agreed upon?

MR. CAREAGA: That's agreed.

MR. MCGROARTY: Is there a way that that can be demarcated in the field as this is going to be a little tough, I think, to really know where that boundary is.

MR. CAREAGA: We will...we will delineate in the field exactly. We will stake it out.

MR. MCGROARTY: How does the board want to deal with that? I mean if the...you want to...you want to leave it to be determined as part of the site improvements...inspections and the like...I mean we are not calling for a fence or permanent structures there because it may change...

MR. CAREAGA: We can put up jersey barriers right along that line there.

MR. FLEISCHNER: That would be good.

MR. MCGROARTY: And the line would be as you show on your plan.

MR. CAREAGA: Correct.

MR. MCGROARTY: Ok, let me move ahead.

MR. BUCZYNSKI: As long as it's a condition in the Developer's Agreement like we always have it.

MR. MCGROARTY: Alright, we talked about the Quonset Hut and I think we understand it for this evening, it's going to be treated as an accessory structure to this business if that changes and the setbacks don't apply...don't conform to the principle then they will have to seek a variance for that or treat it as a pre-existing non-conforming structure or something...but tonight, that's how it goes. Lighting details...I don't know...if this was...you're going to comply with the comments that Gene had...I understood it thought there is one...there are two PSE & G poles and cobra head lighting...one is out on the road and if I read it correctly, one is inside your site.

MR. CAREAGA: Yes, that's correct. There is one pole pretty close to the entrance to the facility and there's another pole kind of in the "Y" over here so we do agree to put a conforming light maximum

18 foot high on this light pole right here and if we need to add anything else to meet the requirements of the standards, we will. And essentially what we are looking at thought is really the access to the site from...we are not going to light up this whole site over here. It's really just around the building as we show but not...not the whole site. When we come in with the new application for the other phases of the project, we will address all that at that point.

MR. MCGROARTY: And the reason why I made the point is that once you are on the site, you have to conform to the standards in the ordinance not PSE & G's standards. So, you'll do the 18 feet and it won't necessarily be cobrahead and different fixture with light directed down.

MR. CAREAGA: Correct.

MR. MCGROARTY: Thank you. Oh, just clarify and you don't even...I'm not saying it's necessary tonight but there is...I was confused on this landscaping legend. You had a species there that...for a designation that...

MR. CAREAGA: Fourteen by the way is the correct number that's on...

MR. MCGROARTY: The access easement, we talked about that briefly last time.

MR. DWYER: And actually we reached out to the benefiter of the...the holder of the easement to see if there was any...to see if we could contact them to extinguish it in any way. We did not hear anything back. It would be problematic if they were to try to ransom the application to that easement. I believe the cases tell us that the board doesn't have jurisdiction over private easements anyway so, if we could extinguish it we would but...

MR. MCGROARTY: But it's not...it's not...it's not in the area that you are going to use for outdoor storage.

MR. DWYER: Correct.

MR. MCGROARTY: So, you won't do any storage, you won't do any improvement within the easement?

MR. DWYER: Right.

MR. MCGROARTY: The easement which is on the west side of...

MR. DWYER: And if they were to object about it then they would object to us personally.

MR. MCGROARTY: I mean, I'm saying ok but let's clear it. Just that 100 foot wide strip is off limits essentially.

MR. DWYER: Right, it's not part of our storage. Right, Jeff?

MR. CAREAGA: Correct.

MR. MCGROARTY: Just on the landscaping, when you have outdoor storage the ordinance requires it to be buffered. You know buffer standards and there is a few...the lawn area and the landscaping around the building really don't address the buffer requirements. I'm assuming that you're...because you're leaving the vegetation along Gold Mine Road in place, that you are utilizing that as a buffer.

MR. CAREAGA: That's correct.

MR. MCGROARTY: The board following what I'm saying? So, I'm suggesting at least for now to...it may sound like overkill...but I suggest a conservation easement across that area so it stays. Unless they want to come in and plant new...I mean some of that planting...some of the trees out there are kind of...nothing special but it serves the function when you are driving on Gold Mine Road, it serves the function. So, that's my suggestion of the conservation easement on...I don't know if the applicant...

MR. CAREAGA: The applicant is willing to do that.

MR. MCGROARTY: And then the last comment, we've already talked about, which is storage of the vehicles. So I'm done. Thank you.

MR. FLEISCHNER: Thank you, Chuck.

MS. COFONI: Again, there were no variances for this application?

MR. DWYER: No.

MS. COFONI: I don't know why I have variances.

MR. MCGROARTY: In the original.

MS. COFONI: Maybe that's why I had it down.

INAUDIABLE

MR. FLEISCHNER: Do board members have any questions for Mr. Careaga? Any members of the public have any questions for Mr. Careaga? Seeing none, closed to the public.

MR. DWYER: Mr. Chairman, unless the board would like to hear further testimony, we have the architect here this evening but the plan is what it is, which has been submitted.

MR. FLEISCHNER: Chuck, Gene, you okay with that?

MR. MCGROARTY: The architect plans are clear...

MR. FLEISCHNER: Members of the board...

MR. DWYER: If that's the case, then that will be out last witness, Mr. Chairman. I would ask one thing though if the board were to act favorably on the application whether or not the applicant would begin...to be able to start...at least foundations, etc. right away because of the time frame he has with his seller. Whether or not that would be something the township would allow?

MR. BUCZNYSKI: Usually the Construction Code Official wants the Developer's Agreement signed.

MS. COFONI: Yes, when you start is really going to be up to the township more so than the board. But I will tell you, you're in luck because...I'll be preparing your resolution for next week's meeting. So you will have your resolution quickly which will then expedite everything else.

MR. DWYER: Great.

MR. BUCZNYSKI: As long as your engineering can get it cost estimate to soon as possible to us then we will move everything along faster.

MR. DWYER: Sure, we will get you an estimate.

MR. MANIA: So, it will be memorialized next week.

MS. COFONI: Yes.

MR. DWYER: That's terrific. That's great.

MR. FLEISCHNER: If it's approved.

MR. DWYER: If it's approved.

INAUDIABLE

MR. FLEISCHNER: Just for the record...just for the record...Anything else from the board? Any other questions, thoughts?

MR. MCGROARTY: Nothing from me, Mr. Chairman.

MR. BUCZNYSKI: I'm good.

MR. FLEISCHNER: Any members of the public wish to comment? Closed to the public. Board members? May I hear a motion?

MR. MANIA: Which one are we doing 16-05 or 16-04?

MR. SCHAECHTER: 16-05.

MS. NATAFALUSY: 16-05. 04 was withdrawn.

MR. MANIA: 05, right? Ok. Mr. Chairman, I move for approval of PB 16-05 Hunkele Equities with all the language that our esteemed attorney has added.

MR. FLEISCHNER: Which you will go over. Ok, please before its seconded. Just so we can have it on the record.

MS. COFONI: For the purposes for this application, the...whatever the name of that hut is...will be used by the applicant so it is considered an accessory structure. Within 180 days of the adopted resolution, the applicant shall either remove the vehicles towards south of the hut or apply to the board for an Amended Site Plan Approval to permit the storage of the vehicles in that location. There shall be no storage and the buffer areas as shown on the current plans. And those buffer areas shall be delineated with jersey barriers in the field. I put to be approved by the township engineer.

MR. BUCZNYSKI: That's fine.

MS. COFONI: The landscape plans shall be corrected with regard to Sheet 4 and the goldfinger bush...something or other plantings...

MR. McGROARTY: Correct.

MS. COFONI: The applicant shall provide a conservation easement over the existing vegetation along the property frontage on Gold Mine Road. I have here soil logs shall be performed and the results of K value should be submitted to determine...

MR. BUCZYNSKI: It's been submitted so we can just eliminate...

MS. COFONI: Eliminate that. Ok. Plans to be revised it shows pavement detail. We've got the two waivers the one for the curbing and the one for the...

MR. BUCZYNSKI: Paved...

MS. COFONI: ...paved areas.

MR. BUCZYNSKI: Correct.

MS. COFONI: Oh, outdoor storage, yes. Paving and...approval of the Health Department, DEP, sign approval, that's all I got.

MR. BUCZYNSKI: Also, submission of a processed...proposed improvement and they must enter into a Developers Agreement with the Governing Body.

MR. FLEISCHNER: Are you ok with that, John?

MR. MANIA: I'm fine with that.

MR. McGROARTY: The lighting plan will be modified per Gene's comment and the pole inside the property...Mr. Careaga's revised plan will show that with a conforming fixture at 18 feet height.

MS. COFONI: Ok, hold on, hold on, lighting, oh sorry. Yes.

MS. NATAFALUSY: Are they going to get a Zoning Permit for the sign?

MS. COFONI: Hold on one second. So, condition I see where he has to modify it and I did actually put that and it has to be at 18 feet you said?

MR. BUCZYNSKI: Yes.

MR. McGROARTY: Yes, the note is...

MS. COFONI: D1 of Gene's? But is it on yours also?

MR. McGROARTY: Yes, 4.5.

MS. COFONI: Yes, ok.

MR. McGROARTY: Mr. Careaga said they will comply with that.

MS. COFONI: Ok.

MR. McGROARTY: What sign? I thought they were using an existing sign.

MS. NATAFALUSY: Ok, I thought...

MR. DWYER: Right, just the existing sign.

MR. McGROARTY: You're not proposing a new sign?

MR. DWYER: No, sir.

MS. COFONI: I'm sorry, Catherine, what did you say?

MS. NATAFALUSY: You're not changing the sign at all with your name on it?

MR. HUNKELE: No, actually it's the physical address of the location. 160 Gold Mine Road.

MR. McGROARTY: But if they don't change the sign area, you don't need a permit. Right?

MS. NATAFALUSY: As long as they don't need a permit from Gary.

MR. McGROARTY: From Gary? It's an existing sign. They are just going to change the...

MS. NATAFALUSY: The sign...

MR. McGROARTY: Yes.

INAUDIABLE

MS. COFONI: So, no Zoning Permit? Ok, alright. Those are all the conditions.

MR. RUSSELL: I'll second it.

MR. FLEISCHNER: Seconded by Nelson Russell. Discussion? Roll call, please.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
Henry Fastert	- yes
John Mania	- yes
Dan Nelson	- yes
Kim Mott	- yes
John Batsch	- yes

MR. MANIA: Congratulations and welcome to Mount Olive.

MR. HUNKELE: Thank you. We will be good neighbors, good residents.

MR. MANIA: I'm sure you will.

MR. FLEISCHNER: Before we adjourn, I do have a question. I guess maybe, Gene. I know we don't get involved with enforcement. Many times we have applicants that come here for storage of vehicles, or vehicle parking, on a weekend you can't use half of the parking lot in the Trade Zone by Walmart anymore. You can't use it. Because it's tractor trailers everywhere, parked in half the lot. Do we have any recourse? I mean how...is there anything that can be done?

MR. RUSSELL: Those aren't necessarily Walmart trailers?

MR. FLEISCHNER: No, they are not Walmart trailers.

MR. MANIA: They are not Walmart, definitely not Walmart. They are moving companies.

MR. FLEISCHNER: They are all different kinds.

MS. MOTT: Yes, they are all different kinds.

MR. MANIA: I saw moving companies.

MS. MOTT: And they let campers up there.

MR. FLEISCHNER: They let everything up there.

MS. MOTT: I have to say because when we went on our little RV trip, we had to do it...it was on our bucket list...we camped at...stopped at a Walmart and they allow it all over.

MR. FLEISCHNER: Well I wasn't so much concerned about...

MS. MOTT: There's a lot...

MR. FLEISCHNER: But the tractor trailers that are there on the weekend...

MS. MOTT: There's a lot.

MR. FLEISCHNER: ...you can't...

MR. SCHAECHTER: Is Walmart complaining?

INAUDIABLE

MR. FLEISCHNER: That's why I'm asking because when applicants come before us, we are concerned about where they are parking trucks.

MR. MCGROARTY: Well two things, we have to see if Title 39 was given for that parking area.

MR. BUCZYNSKI: I think it was.

MR. MCGROARTY: If it was then the police may have the right, if there is an ordinance, but the other think...

MS. MOTT: Let me find out.

MR. BUCZYNSKI: I'm pretty sure there is a Title 39 for that lot.

MR. MCGROARTY: The other thing is it may be a violation of the Site Plan Approval to put tractor trailers and just consume rows of parking and so there may be a way to...we can talk to Scott about that...but you know...yes, I think they are using the parking lot for purposes other than what its approved of.

MR. FLEISCHNER: Because I've even heard people...like where do you park around here now? There are people parking by Panera Bread to get to Walmart because there is no place to park at Walmart.

MR. MCGROARTY: No, I've been out there too and I know what you mean.

MS. MOTT: There has been a lot lately. I agree, more than usual.

INAUDIABLE

MS. NATAFALUSY: You know what; Scott can go over and talk to them. We can do it as easy as that.

MR. MCGROARTY: Because Title 39 we can look at it that way or we can kind of police...but I think first and foremost, it's a zoning issue. Because again, it's a parking lot and I've seen it too out there. And it's becoming...it's becoming like a...

MS. MOTT: Truck stop.

MR. MCGROARTY: A place for guys to stop and sleep really.

MR. SCHAECHTER: Well, Chuck, excuse me, it's only a zoning issue if Walmart permits it. If Walmart doesn't permit it, then it's an enforcement issue on our part. Isn't it?

MR. MCGROARTY: No, no, when you say on our part, you don't have that enforcement, the Zoning Officer... inaudible...it's a zoning issue whether Walmart permits it or not, either way. Well, let me put it this way, I don't know we'd have to determine who actually owns everything out there. It may not be Walmart...

MR. FLEISCHNER: The only reason why I raise it is because when we have applicants that come in and want to store trucks either ABC and they are not theirs...you know we really need to be consistent. We can't just say...you can't do it but somebody else can do it.

MR. SCHAECHTER: Sure.

INAUDIABLE

MR. FLEISCHNER: No, incorrect. You go there at 11:00...

MR. MANIA: Kim, hold on a second.

MS. MOTT: He just said it's a combination of Title 39 and a local ordinance.

MR. MCGROARTY: Yes, see the thing is, I don't think Title 39 applies because they don't think there is an ordinance that says you can't use those parking spaces for trucks. I think the Title 39 would have to do with speeding and the like running stop signs within the complex. But I think...and I see what happened out to...you know...I know what Joe is saying. It's essentially turning into a rest stop because...you know...further out on 78 is too far I guess at this point. So, what's happening is, word spreads and there is a bunch of guys...bunch of trucks out there...and it's probably a good, safe place for them to stop, sleep, eat, and whatever...

MR. SCHAECHTER: It's the last oasis before you hit the Pennsylvania boarder.

MR. MANIA: And let me tell you, I've seen...

MR. MCGROARTY: No, they got 78 but this is...

MR. SCHAECHTER: Yes, but there is nothing...

MR. BUCZYNSKI: They got the one stop, the one stop for trucks, but trucks fill it up real quickly.

MR. SCHAECHTER: Right, exactly. This is the overflow.

MR. MCGROARTY: Yes, your right, that's what it is.

MR. MANIA: Some of those trucks have been for a period of three and four days.

MR. FLEISCHNER: Correct.

MR. SCHAECHTER: They are unhitching the trailers. They are leaving the trailers there.

MR. FLEISCHNER: In some cases, yes.

MS. MOTT: Really?

MR. BUCZYNSKI: They are leaving the trailers?

MR. FLEISCHNER: Yes, in some cases.

INAUDIABLE

MR. McGROARTY: You know why because in their point of view there are cameras all over the place, it's controlled. They probably figured better here than somewhere else. But I think Scott can...

MR. BUCZYNSKI: Somebody probably gave them permission.

INAUDIABLE

MS. NATAFALUSY: Yes, they do. They allow it. Walmart allows the...

MR. BUCZYNSKI: So, it's Walmart's parking lot?

MS. NATAFALUSY: Yes, it is.

MR. BUCZYNSKI: It is?

MR. McGROARTY: Well that's contrary to their site plan then.

MS. NATAFALUSY: Right, because remember when they come in for the subdivision and they subdivided that portion of...

MR. BUCZYNSKI: Oh, they did, ok.

MR. McGROARTY: Yes, so then if Walmart is saying to these trucks, they can park there. It's not...it's not in conformance with the approved site plan because it wasn't approved for truck parking. It was approved for patron parking for the stores.

MR. SCHAECHTER: I would say long term truck parking if a trucker wants to go in and buy a pair of pants...

INAUDIABLE

MR. McGROARTY: Yes, it one of those...he takes up 52 spaces...to park...

MS. MOTT: Exactly

INAUDIABLE

MR. BATSCH: One other comment, by Seaman's, is that supposed to be wildflowers that are growing in the front?

MS. MOTT: Oh, yes, I noticed that.

MR. BATSCH: I mean it looks hideous. It looks like my garden, just weeds.

LAUGHTER

MR. SCHAECHTER: On the buffer...

MS. MOTT: Yes, it's like sunflowers...

MR. SCHAECHTER: ...on Flanders-Bartley Road. They mow part of it...

MS. NATAFALUSY: They mow like the first ten feet.

MS. MOTT: Yes.

MR. SCHAECHTER: ...the rest is natural. Then a couple of trees came down last week in...

MR. McGROARTY: I guess we can check the landscaping plan, John, to see what...what plantings...

MR. BUCZYNSKI: I believe it's just the plantings and grass in that area. There are no wildflowers.

MR. BATSCH: Yes, because it just...I mean I think it would like nice with wildflowers...

MS. MOTT: It is overgrown, I agree.

MR. BATSCH: ...it looks hideous.

MS. MOTT: It does.

MR. BATSCH: I mean it doesn't really accentuate the building.

INAUDIABLES

MS. NATAFALUSY: Put in on Scott's list. We'll check the landscape plan tomorrow.

MR. BATSCH: Ok, thanks.

MR. MANIA: Motion to adjourn.

MR. SCHAECHTER: Seconded.

MR. FLEISCHNER: All in favor

(MEETING ADJOURNED AT 8:46:26 PM)

Transcribed by:  
Mary Strain, Secretary  
Planning Department