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, David Koptyra, Dan Nelsen, Nelson Russell, Henry Fastert, Scott Van Ness, Kim Mott, John Batsch, Howie Weiss

Members Excused: 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: We will open the January 14, 2016 Public Meeting. I don't suppose we need to go back and do the Pledge of Allegiance for the Public Meeting or roll call. Ok. Approval of minutes is the first item we will review. We have in front of us September 17, 2015 Meeting Minutes. We all had a copy sent to us. Anybody have any questions? Seeing no questions, someone make a motion to approve such minutes.

MR. SCHAECHTER: I'll make the motion to approve the September 17, 2015 Meeting Minutes.

Mr. FLEISCHNER: I'll second it.

MR. WEISS: Thank you, Brian. Thank you, Joe. Any comments? Seeing none, Catherine, roll call.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
David Koptyra	- yes
Dan Nelsen	- yes
Kim Mott	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MS. NATAFALUSY: I went out of order.

MR. WEISS: We have one resolution which is an amendment to the Land Use Plan Element of 2003 Master Plan. Somebody please make a motion.

MR. FLEISCHNER: I'll move we approve the resolution of the Amendment to the Land Use Element 2003 Master Plan.

MR. RUSSELL: I'll second it.

MR. WEISS; Thank you, Joe. Thank you, Nelson. Tiena, I have a question for you. Is there no resolution number on this?

MS. COFONI: I don't know, Catherine, if you assign numbers to these types…

MS. NATAFALUSY: No.

MS. COFONI: No. Ok. So we'll remove that.

MR. WEISS: Ok. That's fine. I don't know if it needs to be removed. It just…I was just curious.

MS. COFONI: Yes. I put it on there because we have all…we usually do…but because this didn't have…

MS. NATAFALUSY: This didn't have an application number.

MS. COFONI: Yes. It doesn't have an application number.

MR. WEISS: You don't have to correct it. It's fine.

MS. COFONI: Ok.

MR. WEISS: We will just refer to it as the Approved Amendment to Land Use.

MS. COFONI: Do we take a vote on that?

MS. NATAFALUSY: No, we have to do that now.

MR. WEISS: We will do that now. I just had a question. Catherine, roll call.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
David Koptyra	- yes
Dan Nelsen	- yes
Howie Weiss	- yes

MR. WEISS: Committee Reports. Nelson, do you have anything from the Mayor?

MR. RUSSELL: Nothing from the Mayor.

MR. WEISS: Council, John's not here. Environmental Committee, Nelson…

MR. RUSSELL: We had a Reorganization Meeting last Wednesday. Let me look at my notes here. Chairman is Joe Fleischner, Vice-Chairman is Jim Smith, Secretary is Bob DelPizzo, and then Tracy Waters is in charge of trees, as an arborist, an outreach in education, Joe Pointcheck is in charge of lake issues, Website is Kay Serabrakian, and Joe Fleischner is in charge of public relations because he knows how to deal with the public.

MR. WEISS: Is he aware of that? Thank you. Nelson, thank you for that. Ordinance Committee, Joe anything?

MR. FLEISCHER: No.

MR. WEISS: I have nothing from Street Naming. Kim, anything from Open Space?

MS. MOTT: No. I have nothing.

MR. WEISS: I just…I know that Henry, it's new to you, the Environmental Commission is the first Wednesday?

MR. FASTERT: Right.

MR. WEISS: So starting with the next…I'll ask for a report next week. But, you'll have none.

MR. FASTERT: Right.

MR. WEISS: And then in February you can do the first one.

MS. NATAFALUSY: I gave the Environmental Commission your contact information so they should be…

MR. FASTERT: I have not heard from them. But I heard…I'm trying to remember Susan's last name…to come in and get sworn in for it.

MS. NATAFALUSY: Oh, Susan in the Clerk's Office.

MR. FASTERT: Yes. What's her last name?

MS. NATAFALUSY: Gouveia.

MR. WEISS: We have one item on the agenda which is a discussion matter. **PB 15-02 Waterloo Road Development – Developer's Agreement - T**here is an issue regarding the Developer's Agreement, so I would like to have Gene explain that to us.

MR. BUCZYNSKI: I think everyone is aware of what project the Waterloo Development is. And also to Kirk Allen. We came up…we are in resolution for Kaplan had mentioned that they have to submit a Developer's Agreement…go into a Developer's Agreement. And I'm not sure. Did he question that or are we just talking about it ourselves?

MS. NATAFALUSY: We talked about it.

MR. BUCZYNSKI: Question was, do we really need a Developer's Agreement? Everything is on private property. But there is a lot of paving, fencing, probably when they start giving us a construction estimate it's going to be a fairly high number…do they need that…or could we do it by a Zoning Permit and submit a certain amount of inspection fees? I think there is a concern where Mr. Kaplan kind of changes things around all the time. You know, that you might want to have a little more check and balances. I can go either way. I think we could go with Zoning Permit and Inspection Fee but I think in this case, it might be better to consider a Development's Agreement even though is a more expensive way to go and you got to pay for the developers being prepared, you might have to post bonds, and engineers will l have to do estimates on the amount of paving and all that. So there is an expense on it. It's on private property. I can go either way but I think there is a concern of reliability of what Mr. Kaplan says and does. The other one is Kirk Allen. There is no Developer's Agreement requested…required in there but it is an ordinance requirement so I'm not sure if it's not mentioned there we could still impose it. I would think, but I'll leave that up to you.

MS. COFONI: What does the ordinance say? Do you remember?

MR. BUCZYNSKI: It talks about Developer's Agreements, right Catherine? About entering a Developer's Agreement…

MS. NATAFALUSY: It in the ordinance. I could look for is….

MS. COFONI: In the first one that we specifically have it in the resolution.

MR. BUCZYNSKI: Yes, we do.

MS. COFONI: Ok.

MR. BUCZYNSKI: In the Kirk Allen, you have the landscaping, the boulders, you have stakes, corners, and stuff, and again…

MS. COFONI: Stabilizers.

MR. BUCZYNSKI: Again, these guys, Mr. Allen too, is not the most reliable person, I think, as far as past history goes. I could do it either way.

MR. VAN NESS: What is the difference in the scope between Kaplan's work and Kirk Allen's work?

MR. BUCZYNSKI: Well, Kaplan does not have landscaping. He doesn't have the boulders. It's quite different. Kaplan has the fencing behind the building and he had basic paving. That's about it.

MS. NATAFALUSY: And the posts around the outside storage area. Right?

MR. BUCZYNSKI: Storage area?

MS. COFONI: Yes. And Kaplan encumbers more of the property than Kirk Allen. Kirk Allen is more limited to one section.

MR. BUCZYNSKI: But each has a lot of landscaping though.

MR. VAN NESS: Because Kirk Allen the infrastructure is currently there primarily there already. Is it not?

MR. BUCZYNSKI: Yes, there is landscaping along the other road. Quite a bit of landscaping. The boulders…

MR. VAN NESS: My questions is ultimately, I think the Developer's Agreement is definitely appropriate for KaplAn. I wonder is it necessary for the other one? Only because of the size or the scope of the project.

MR. MCGROARTY: Kirk Allen has to move all that material.

MS. NATAFALUSY: He has to move it back to the 50 foot…

MR. MCGROARTY: That's a lot of stuff to be moved.

MR. BUCZYNSKI: But there is no estimate, no money related to that though. There's no improvement there but I think you have a Developer's Agreement you can probably put something in the Developer's Agreement.

MR. WEISS: What kind of dollars are we talking here from…

MR. BUCZYNSKI: Ok. Let me go down. Kaplan would be…I think the Developer's Agreement is like $800.00 now. Somewhere in that neighborhood.

MS. NATAFALUSY: For Mr. Dorsey's Office to prepare…I'm sorry Mr. Semrau's office to prepare…

MR. BUCZYNSKI: Yes, and I don't really have a square footage, square yards for the paving. But you know it's going to be considerable until…as opposed to 10% cash bond, 90% surety bond for it.

MS. COFONI: Which they get back if they do the improvements?

MR. WEISS: Right.

MR. BUCZYNSKI: And then inspection fees is based on the amount of the bond.

MR. WEISS: I spoke to Gene about this and my opinion is that if there is ever an applicant that needs some kind of tangible check list to make sure what we ask them to do, get's done. It's this one. The last thing I want here is how much money it costs…

MR. FASTERT: For both of them?

MR. WEISS: For both of them…because we sat here for months listening to how much money he needs to spend and we cut them every break we could and I think that at this point, they are obligated to do something and I personally like the concept of a Developer's Agreement.

MR. BUCZYNSKI: How's that read into a Developer's Agreement

MS. COFONI: In the ordinance.

MR. BUCZYNSKI: In the ordinance.

MS. NATAFALUSY: I have to find that…

MR. WEISS: Well, I'll tell you what, let's not take the time here Catherine, if it's something we are allowed to do…

MS. COFONI: But, I'm not sure what we are doing right now though. It's already in the resolution in the first one.

MS, NATAFALUSY: So, if it's in the resolution for the first one, then he continues in that…

MS. COFONI: …then that's not an issue.

MR. BUCZYNSKI: Then that's not an issue.

MS. COFONI: If it's not in the resolution in the second one, depending on how the ordinance is worded, there is no action needed by this board.

MR. BUCZYNSKI: But I will tell you in the past over the years, if the site improvement wasn't in the resolution, we required it.

MS. COFONI: You have required it in circumstances.

MR. BUCZYNSKI: Oh, yes. Absolutely.

MS. COFONI: Yes. So, it doesn't require…I'm wondering if we need to amend the resolution, have the applicant come back in, but if that's not the case, that could be something that is recommended by Gene to the Township Attorney that it be required into the township…that is be required prior to getting Building Permits. So then it just requires it. We specifically recommended that requirement in the one resolution but typically it won't….

MR. BUCZYNSKI: Who knows why is wasn't put in the other one. I think it was just an oversight…

MR. WEISS: Why is it not prohibited? I say we do it.

MS. COFONI: Yes.

MS. NATAFALUSY: What section are we under?

MR. BUCZYNSKI: I don't have it with me.

MR. WEISS: Would it be appropriate for the Planning Board, Tiena, to…I don't want to put Catherine on the spot, and make her look for something here. To say, if the ordinance allows us to do it…that we do it.

MS. COFONI: I think that's your recommendation because you're not taking any formal action here. This is an informal discussion. You're not taking any formal action. So I think Gene, and Chuck, and Catherine, know the desires of the board and they can be guided accordingly.

MR. BUCZYNSKI: We can look at it tomorrow.

MR. WEISS: Unless I'm wrong. Someone please tell me otherwise the Planning Board seems to want to give the direction that the developer…that we are going to do a Developer's Agreement for Waterloo Road. As well as Developer's Agreement for Kirk Allen if we are certainly allowed to do so. Is that the direction we want to give?

MR. FASTERT: Yes.

MR. WEISS: Perfect. Because that's the direction I just gave. Anybody else have anything they'd like to discuss?

MR. FLEISCHNER: I just wanted to know, did we ever get a report back from when we do a Developer's Agreement to ensure that what we put in the resolution is actually being done. And I know that's the job that the Engineer….Do we every get any feedback?

MS. COFONI: No.

MR. FLEISCHNER: Should we?

MS. COFONI: That's never been my experience. I think part of that is because the Planning Board is not an enforcement body. You don't enforce. You make a decision on an application but it's up to the Zoning Officer, Construction Official, the township, generally to enforce all those things. So, I think, even if they came back to you and said "Oh they didn't do this" there is nothing you can do. There is nothing…

MR. VAN NESS: There are projects that although they get completed, they get lesser that what was originally planned

MR. FLEISCHNER: Or totally different…

MR. VAN NESS: But if it's within the specifications….

MR. WEISS: I know for a fact that there are certain on-site changes…

MS. COFONI: …field changes…

MR. WEISS: I think the scope of what we ask for gets done. Those things are never waived.

MR. WEISS: Maybe as a private citizen, Mr. Fleischner, you can go check on any developers that you like.

MR. FLEISCHNER: Or part of the site inspection…

MR. WEISS: Anybody else? Any other comments? Please make a motion to adjourn.

MR. SCHAECHTER: Motion to adjourn.

MR. WEISS: Brian, thank you. Second.

MR. NELSEN: Second.

MR. WEISS: Dan.

MR. WEISS: All in favor.

(MEETING ADJOURNED AT 7:41.27 PM)

Transcribed by:
Mary Strain, Secretary
Planning Department