

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, Henry Fastert, David Koptyra, John Mania, Dan Nelsen (7:03 p.m.), Nelson Russell, Frank Wilpert, Jr., Kim Mott, Howie Weiss

Members Excused: Sandra Stotler

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

Professionals Excused: Edward Buzak, Esq.

APPROVAL OF MINUTES

February 12, 2015 Public Meeting

Motion: Joe Fleischner
Second: Brian Schaechter

Roll Call:

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

February 19, 2015 Public Meeting

Motion: Kim Mott
Second: Henry Fastert

Roll Call:

Brian Schaechter - yes
Henry Fastert - yes
Dan Nelsen - yes
Nelson Russell - yes
Kim Mott - yes
Howie Weiss - yes

COMMITTEE REPORTS

MR. WEISS: Moving to committee reports Henry do I have anything from the Mayor?

MR. FASTERT: Nothing from the Mayor.

MR. WEISS: Okay we welcome back Mr. Mania do you have anything for a Council report?

MR. MANIA: Yes Mr. Chairman. Our last Council meeting which was Tuesday we had a room full of fire fighters looking for a resolution in the Shields matter. Advice of our attorney we were not able to introduce that resolution so hopefully for the next meeting we'll have an introduction of that resolution.

MR. WEISS: Perfect. I guess it's a good thing you have a lot of people at your Council meeting right?

MR. MANIA: The room was filled every chair.

MR. WEISS: Yeah I saw a photograph of it thank you John.

MR. MANIA: They had fire in their eyes though even though they were fire fighters.

MR. WEISS: Yeah I heard. Environmental commission, Nelson?

MR. RUSSELL: No report.

MR. WEISS: Thank you. Joe ordinance committee?

MR. FLEISCHNER: None.

MR. WEISS: I have nothing from the street naming committee. David open space?

MR. KOPTYRA: None.

EXTENSION REQUEST

APPL. #PB 11-13 – CEIL WEST LAKE PROPERTIES – (Block 7702, Lot 21)

MR. WEISS: Okay our first matter is an extension request for PB 11-13 Ceil West Lake Property Block 7702, Lot 21 located at 325 Route 46 and Mr. Dwyer nice to see you again.

MR. DWYER: Good evening how are you?

MR. WEISS: Very good thank you. I think you have a request for the Planning Board?

MR. DWYER: I do. Mr. Chairman as you may recall we (Inaudible).

MR. WEISS: And I see in the letter that you sent your kind of referring to a poor real estate market that's kind of keeping you back from building.

MR. DWYER: Yes.

MR. WEISS: Let me just ask is this the second extension request?

MS. COFONI: This will be the second. Actually the Board adopted just last month a resolution granting a one year extension and when I went to do the resolution and I did the math of the timing it had already expired. It only extended it through October 2014 which probably wasn't the intent of the Board but that's what the motion was for and that's how the timing played out. So I suggested to Mr. Dwyer that we needed to do, you know if you wanted to, he needs to ask for a second extension. So that's why he's here. So I'm assuming your asking for one year to October 2015?

MR. DWYER: Yeah we limit it to one year.

MS. COFONI: Yeah so . . .

MR. WEISS: So just to October of this year.

MS. COFONI: Right.

MR. WEISS: Okay so it's a 7 month extension but technically it's a one year extension.

MS. COFONI: Right.

MR. WEISS: Okay so just want to make sure Mr. Dwyer it's a one year extension that's going to expire in 7 months.

MR. DWYER: Yes.

MR. WEISS: Anybody have any questions for Mr. Dwyer? Okay I have no other questions, anybody from the public have any questions for Mr. Dwyer about the extension request for Ceil West Property? Seeing none I'll close it to the public and I will then entertain a motion for the extension request.

MR. NELSEN: I'll make a motion to accept PB 11-13 for the extension.

MR. MANIA: I'll second it.

MR. WEISS: John thank you, any comments? Seeing none Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - yes
Brian Schaechter - yes
Henry Fastert - yes
David Koptyra - yes
John Mania - yes
Dan Nelsen - yes
Nelson Russell - yes
Frank Wilpert - yes
Howie Weiss - yes

APPLICATION #PB 15-04 – MORRIS HABITAT FOR HUMANITY – (Block 2203, Lot 2)

MR. WEISS: Okay we'll move into our developmental matter this evening. We have Morris Habitat for Humanity which is PB 15-04 requesting variances for substandard lot front and rear yard setback located at Block 2203, Lot 2, 18 Wallman Way. Mr. Mullen is here for the applicant and now Mr. Mullen I think what we should do is because we have two kind of, not really unique but we've seen this before, where basically a repeat application is going to follow this application. So I think we might want to set some standards that what we don't need duplicated and perhaps when we get to it I think the Planning Board would accept repeat testimony if its identical to what you're saying for the second application.

MR. MULLEN: Well I was going to offer Mr. Chairman because I could do them at the same time. As each witness comes up I've got my engineer talking about each lot and (inaudible) the houses are the same but I leave it up to your judgment.

MR. WEISS: I don't try to answer that question I'm getting a negative which is kind of . . . I'm not surprised because we've done this thing before so in an exercise of being, not being repetitive when we come to the second application you can basically say that I think the Planning Board would accept the fact that the testimony is exactly the same as we gave earlier.

MR. MULLEN: Yeah the witness can be accepted (inaudible).

MR. WEISS: I would think so I know the properties are very similar but they're treated as two separate applications so let's do it that way. Mr. Mullen I'm going to turn it back over to you it's your show.

MR. MULLEN: Thank you. For the record my name is James Mullen I'm the attorney (inaudible) New Jersey. I'm here tonight as Jim said with regard to Habitat for Humanity. We have three or four witnesses, that's one of the questions I do have for you, I think you know the Habitat but I could put a witness on if you'd like some information about the Habitat so I leave that to your discretion as well.

MR. WEISS: I think it's important for the application because it really . . . it kind of sets your application apart to be very different.

MR. MULLEN: That's great so we'll give some testimony there. As you said the first one we're going to do is 18 Wallman Way near the intersection of Western. And it's Lot 2, Block 2203 in the R-4 zone owned by the Township of Mount Olive. The Habitat for Humanity is the contractor here I believe the lot is vacant right now and our engineer will talk about that. And the purpose of the application is to build a single-family home on the lot that meets COAH requirements or Affordable Housing for needy families in the County of Morris and then to deed restrict so that the township will actually get COAH credit for this lot. With regard to this one there are variances for the bulk requirements for minimum lot area, front yard setback and rear yard setback and my planner and engineer with testify about. Just as housekeeping I did provide legal notice and submitted it to . . .

MS. NATAFALUSY: We received it.

MR. MULLEN: So you're all set jurisdictionally.

MR. MCGROARTY: Which one are we doing first please?

MR. MULLEN: 18.

MR. WEISS: Lot 2 Chuck.

MR. MULLEN: The interior lot.

MR. MCGROARTY: Right, right that's Lot 2 I heard Lot 3 that's why I asked.

MR. MULLEN: No 2 its 2203 is the Block. So unless you have any more questions for me I'd ask Blair to come up here and give some testimony, she's the Executive Director for them.

MR. WEISS: Before we get started the attorney is going to swear her in.

(BLAIR SCHLEICHER BRAVO SWORN IN FOR THE RECORD)

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

MS. BRAVO: Blair Schleicher Bravo (S-C-H-L-E-I-C-H-E-R) Bravo (B-R-A-V-O) 274 South Salem Street, Randolph, NJ 07865.

MR. MULLEN: If you could for the Board just explain what your function is at The Habitat, how long you've been there and then just the purpose of your mission.

MS. BRAVO: I have been at Morris Habitat 11 years and I'm the Chief Executive Officer, we've grown the organization from building one house a year to about 19 under construction this year. Morris Habitat very simply builds homes for homeownership in partnership with the community. We bring together the families, we bring together the community and we build home ownership for low and moderate income families. So we comply with COAH for the affordable rules and regulations of the State of New Jersey. All of the homes are deed restricted meaning that families must sell to another income eligible household. We work with municipalities and determine who is the Administrator of those properties once they are sold. We base our program on volunteer labor so about 90 percent of our homes are built with volunteer labor. But don't be afraid because they are very well quality built, our Director of Construction is here and he will tell you under his watchful eye we make sure, and of course the professionals at the township, make sure that our homes are well built. This will be our third and fourth home in Mount Olive maybe many of you might remember we did a (inaudible) build here in 2013 building a house in 19 hours and that was very exciting. We have built 68 homes roughly half single-family homes and half multi-family. We have a goal of building another 40 homes in the next four years so we're well positioned.

MR. MULLEN: And if you could just talk about just families (inaudible) sweat equity.

MS. BRAVO: We select our families based on again the affordable housing rules and regulations so they have to be income eligible and mortgage ready. As Morris Habitat will hold the mortgage and you can keep the mortgage at a zero interest. Our families selected income eligible mortgage ready they have to be willing to do at least 300 hours of sweat equity. Meaning that they have to build their home and they have to take homeownership education. It's a very important piece and a signature piece of the Habitat program. In our 30 years we've never had a foreclosure because of that. Our homeowners come out they build they know (inaudible).

MR. MULLEN: That's all the questions I have if you have if you have any questions.

MR. FLEISCHNER: Could you just for the record state the you know for low and moderate in Morris County what the dollar numbers are for income please.

MS. BRAVO: The median income in Morris County is about \$88,000 so we work between 50 and 80 percent of that. What does that mean really? Between \$25,000 and about \$65,000 adjusted for household size. So with this property I believe its somewhere I think they're . . . they're both three bedrooms so they're going to be between \$45,000 and actually I kind of misspoke I think it's more like \$70,000 so as the low and moderate income. This is going to be a moderate income so . . .

MR. FLEISCHNER: Okay thank you.

MR. MANIA: How many square feet are these homes?

MR. MULLEN: Well we'll have an architect we're going to give you that testimony if you can hold off.

MR. MANIA: Okay.

MR. WEISS: That was actually going to be my question too. No, no, not John's question Joe's question which was if you were comfortable to give testimony on COAH and you did. I just wanted that for the record. A lot of times neighbors and people from the public are concerned when we talk about low to moderate income and affordable housing and they start fixing it up with what it is called Title 9?

MS. COFONI: Section 8.

MS. BRAVO: You know our homes are, if we could just pretend a moment to take away just that word affordable because we all live in homes that are affordable to us. These are maybe once upon a time (inaudible) but starter homes. Folks hard working, you know work in the community, working for non-profit in our municipalities that are hospitals you know retail that are making an annual income of \$45,000 or \$50,000 a year they have a couple of kids and they want to buy their first home. And they typically live right in the area so they're in their first home the difference is maybe some of us might graduate up, these folks stay in their homes and stay in the community and they're voters and they're participating in the town.

MR. NELSEN: You mentioned the deed restricted and should these people go to sell these houses that is somewhat overseen. Who sets the price on that house when the house goes up for sale?

MS. BRAVO: That house is set, now I'm going to, it will probably be . . . COAH the Council on Affordable Housing annually gave us a maximum sales price and I'm assuming that's going to continue. It's based on a very little increase, maybe 3 percent per year of what they purchase the house for. So there is a set . . . there is a ceiling to what we could resell. Each town has an administrator and they are administering the affordable housing in the town and so the homeowner has to go through that administrator and that administrator it could be the town or it could be us and then we have to resell it to another income eligible household.

MR. NELSEN: Okay and how is the initial value of the house established?

MS. BRAVO: The initial value has to . . . the homeowner can't pay more than 30 percent of their annual income. So I'm also limited as to what I'm going to sell the homes for. These particular homes we're figuring about \$135,000 and we base that on the annual income of the average family that's going to live . . . and again I don't know if I mentioned in the three bedrooms we can't, we've got to adjust it for gender. So I'll give you an example we have mom and dad and three boys, they would not go in a three bedroom, I'm sorry they can go in a three bedroom. But if mom and dad had two girls and a boy that might be difficult, or you know three boys and a girl because we can't put a girl and boy in a bedroom. So it's a little complicated story here but at the end of the day it's administered through the township or Morris Habitat.

MR. NELSEN: So these houses perhaps could go for, to be sold for \$135,000 at zero interest.

MS. BRAVO: Yes.

MR. NELSEN: Okay and let's say these houses are sold ten years down the road there's a three percent cap on that \$135,000 per year?

MS. BRAVO: It's been about an average (inaudible).

MR. MULLEN: Because that COAH it was set it every year typically and if COAH is not around then some other State Agency from the Department of Community Affairs will probably do it.

MR. NELSEN: Okay and it's been around that area 3 percent per year?

MS. BRAVO: There's typically even a cap on that I can't say per year and the reason why I'm struggling is with our 68 homes we built only two have sold.

MR. MULLEN: You know resale.

MR. NELSEN: Right.

MS. BRAVO: And they sold because they retired and we you know COAH says you know three bedroom you know whatever the three bedroom two bathroom this is the maximum you can sell it for and they give us an actual number.

MR. NELSEN: And they get to keep the profit on that house?

MS. BRAVO: Yes they'll keep that actually. This is really an opportunity for the homeowners to build (inaudible) that's like a (inaudible) savings and with a zero interest loan you know every month it goes in they're going to get that back at some point.

MR. WEISS: John?

MR. MANIA: I know you said labor is volunteer, how about materials are you able to purchase that through a Co-Op of some sort?

MS. BRAVO: We don't we get our materials donated or at lower cost. Our professionals that they probably won't mind us saying are Provano and so that helps us keep our cost down. As you know the soft costs are usually the most expensive piece of the property. So these two homes together it's roughly around \$300,000 for us to build so any other developer (inaudible) would be more for that.

MR. NELSEN: You also mentioned that the people were obligated to donate 300 hours of community service?

MS. BRAVO: Yes.

MR. NELSEN: In building their own house?

MS. BRAVO: Building their own house and sometimes other homes.

MR. NELSEN: Because if you build a house in 19 hours . . .

MS. BRAVO: I don't think we'll be doing that again.

MR. NELSEN: I don't know how the spackle or the paint would dry in 19 hours.

MS. BRAVO: We actually went right up to about (inaudible).

MR. NELSEN: Okay so they would do the other 283 hours doing . . .

MS. BRAVO: Yeah and in that particular case they were able to (inaudible) and they'd come out and they were working side by side with the volunteers and we do have some professionals on the site as well. But when they're working side by side they want to come out and this is really a once in a lifetime opportunity. These are folks who have everything like you and I in fact when we select our families they go in a lottery so everything being the same, you could have 25 or 50 people and they're all the same color blind we're picking out a number. So they know how lucky they are and they want this opportunity to come out that's why they don't really move.

MR. NELSEN: Zero percent interest is hard to beat and the taxes that they pay is that . . .

MS. BRAVO: They will pay taxes based on the sale price.

MR. NELSEN: Not on the assessed price.

MS. MULLEN: No it will be on that . . . You know let's say of \$130,000 sale price they'll base it on that.

MS. BRAVO: And remember there's no windfall here so they don't get any windfall ever. It's not like you and I who would sell our homes and . . .

MR. WEISS: Anybody else have any questions? I just have one I know we had talked about the administrator, is it predetermined in this particular case who is going to be the administrator?

MS. BRAVO: I'm not sure .

MS. NATAFALUSY: That was the question I was going to ask because I don't know who is for Lozier or Hatakawanna because we haven't talked about that. We do have Frank Piazza that you know the town has entered into an agreement with. So we'd have to talk about it.

MS. BRAVO: Yes and with each town it's different.

MS. NATAFALUSY: Right.

MS. BRAVO: Sometimes we are sometimes it's the township and that's fine.

MR. WEISS: We're going to need to identify that?

MS. COFONI: No that's a municipal.

MR. MCGROARTY: Actually under the ordinance the township Council will make that decision but typically it's the developer or the builder in this case the non-profit Morris Habitat can do it that's fine. The town as Catherine mentioned we have a contract with Frank Biaza who is known as the Administrative Agent but again if it's easier and simpler if Morris Habitat can do it and is willing to do it.

MS. BRAVO: We always have someone on staff who is able to.

MR. WEISS: Okay that's not an issue with the Planning Board to have to determine so that's okay. Okay I see no other questions from the Planning Board and I did hear that you're done correct?

MS. BRAVO: Yes.

MR. WEISS: So let me open it to the public if anybody has any questions for the witness now is the time. Sir if you would come to the microphone you'll state your name and your questions will be directed at Ms. Bravo based on the testimony that she delivered this evening.

MR. MALINOSKY: My name is Robert Malinosky and I live at 329 Sand Shore Road I'm directly across the street from Wallman Way. And I tried to hear the testimony of these people and I'm not a professional by any means but I strongly object to this application going forward.

MR. WEISS: I'm just going to interrupt real quick sir.

MR. MALINOSKY: Sure.

MR. WEISS: Let me explain the process because perhaps this is the first time you've been to a Planning Board. There's going to be an orderly system of testimony and exchanges between the Planning Board and the public. There's going to be time at the end of the meeting for you as a member of the public to tell us anything that you'd like about the application. But at this point we're simply questioning Ms. Bravo on the testimony that she delivered. So I hear you have an opinion and we want to hear it but not now. What you're here to do if you wanted to speak you would question the dialogue that we just had. So Ms. Bravo just gave some testimony.

MR. MALINOSKY: I'll try my very best. If I'm going in the wrong direction stop me and help me out okay? Let me start with this, I have a feeling about the Habitat for Humanity organization I'm not against it you probably do wonderful work. My first question would be your going to buy this property from the township is that correct? If this application is approved you will buy it from the township.

MS. BRAVO: It's being donated to us by the township.

MR. MALINOSKY: It's being donated to you okay. The reason I make that point is because when I was building my home back in 1968 I had to buy all of the property that's one thing. The second question is may I ask who your representatives are and how many children is involved with this applicant? Who is going to take possession of this home?

MS. BRAVO: We have selected the families yet.

MR. MALINOSKY: Okay is there any reason why you cannot redesign the home that you are applying for?

MR. WEISS: Mr. Malinosky we haven't even discussed design. I'm going to ask you to hold that Mr. Bravo has nothing to do with the design. Actually I shouldn't say that but her testimony hasn't discussed design and so you might want to hold that question.

MR. MALINOSKY: Okay well then let me try to rephrase it and ask these people. If you build this home as applied for it's going to be a two-story three bedroom home according to your documents.

MS. BRAVO: Yes.

MR. MALINOSKY: To me that implies that there will be a mom and a pop and several children. Now that Wallman Way and that area over there there's not much room for children to play. So if your applicants are ages 3 to 11 or any youngsters beyond that, something beyond 14, 15, 16 years old they pretty much watch out for themselves for the most part. If that be the case that's a pretty dangerous location. The other thing is what bothers me is that, I don't know if I have a right to ask this of you, you mean to tell me between here and Basking Ridge you can't find another piece of property including . . .

MR. WEISS: We're not going to ask that type of question. I'll give you the opportunity to ask that question at the end. That has nothing to do with Ms. Bravo's testimony. Where they build it has got nothing to do with the hearing tonight. They're here in front of Mt. Olive Planning Board to build in Mt. Olive. Whether they could build it somewhere else has nothing to do with what's going on. So you'll have plenty of opportunity to tell us how you feel and maybe if I'm hearing you saying maybe they should look elsewhere, I'm putting words in your mouth then you'll have the right to say that. But again I'm going to remind you based on what Ms. Bravo said to us feel free to ask her a question. But she didn't talk about other locations and you know you're getting very close . . . she is not a planner, she is not a designer she can't tell you about safety but there will be experts that will and I encourage you to ask those questions to those folks.

MR. MALINOSKY: Okay. Well one question before I sit down and then if I may speak later on.

MR. WEISS: Absolutely.

MR. MALINOSKY: What lead you to Wallman Way?

MS. BRAVO: I'm not really sure to tell you the truth. What we do is we work with municipalities to help them offset their affordable housing obligation as set forth by the State Supreme Court 40 years ago and each town has to comply with that or they can open themselves up to lawsuits from developers or others. And we're here to help the municipality in that regard. So the township in the past has been very open to working with Morris Habitat because we build homeownership which is really good for the community and we would work you know with tax maps and we might identify property which is probably what happened here we identified the vacant lot and it happened to be municipally owned so it's a win/win for everyone. (Inaudible) the town who most likely will be right from this area and a win for the town because they are complying with rules and regulations that are outside of the . . .

MR. MALINOSKY: Okay I understand okay. Let me just make one comment. I watch you people build a home on 24 Lozier Road to buy two years now. You did a fine job up there and everything else but the home if I can say it that way, it's identical to almost every home within that street. Without making a comment about a two-story three bedroom home which you have identified here what you want to do that offends me.

MR. WEISS: Okay I think that's obviously Ms. Bravo won't be able to answer that but that's an excellent point and you'll come back and make it again.

MR. NELSEN: Sir your address again?

MR. MALINOSKY: My address is 329 Sand Shore Road.

MR. NELSEN: Do you know the Lot and Block?

MS. NATAFALUSY: It's 2200, Lot 1.

MR. NELSEN: Thank you.

MR. MALINOSKY: I'm on Sand Shore Road, Western Drive and Wallman Way. I just had one other question when I asked the girls in the office for this information they told me you could be an agent, could I be an agent for my neighbor? I don't know if that's possible and I'll just give you the hypothetical. It's not a hypothetical it's what happened, it's Mr. Gerrochi who lives on Wallman Way he's my neighbor he works for Picatinney Arsenal, we had a discussion about this he can't be here tonight because of the situation that was over there at Picatinney Arsenals and so on.

MR. WEISS: I understand your question and your answer is no.

MR. MALINOSKY: Okay thank you very much.

MR. WEISS: Thank you.

MR. NELSEN: Ms. Bravo I have one other question when you select your applicants how do you get that pool of applicants to select from?

MS. BRAVO: We have to do an affirmative marketing campaign and it's spelled out very specifically by the affordable housing rules and regulations. So basically marketing group in a (inaudible) area will heavily market here in Mount Olive through the businesses and congregations and the municipality will send out press releases and we keep an interesting persons list of about 300 and it will go out (inaudible).

MR. NELSEN: And because of the size and design of these houses a three bedroom home you would then . . . would you pick a family that has two or three children depending on their genders or would you pick a family with one child?

MS. BRAVO: No they have to match up to the bedrooms and when we actually do our affirmative marketing campaign we have an orientation to all the interested folks so that they understand what they're getting into. Not for the faint of heart because the home will take about a year or so to build.

MR. NELSEN: Or 19 hours.

MS. BRAVO: Well yeah . . . so we can only put the applications in the lottery after they've been vetted and so forth that match up to the family size.

MR. WEISS: Joe you had a question?

MR. FLEISCHNER: Yeah can you tell me if the town approached you on this property to build?

MS. BRAVO: No I have a team we affectionately call the property sleuths their volunteers and they'll work with the town. So it's sort of a collaborative we'll walk, we'll go in, we'll call up the . . .

MR. FLEISCHNER: So you kind of scan the maps of where all of these vacant properties are?

MS. BRAVO: Yes.

MR. FLEISCHNER: Like a drone.

MS. BRAVO: Yeah a little bit like a drone.

MR. FLEISCHNER: All right thank you.

MS. BRAVO: But again remember we're having municipalities . . .

MR. FLEISCHNER: Well that's got nothing to do with me.

MR. WEISS: So maybe as a follow up question to that so when you isolate a property do you then in your mind from Habitat for Humanity, do you look to design a house that would fit into the neighborhood? Or do you just take the first piece of property that you find and look to build what you have in mind. I'm wondering if there's any kind of cooperative effort internally within your organization.

MS. BRAVO: Absolutely. Our job is to work because we want to come back and you know we want you to know our work and so we'll you know say Catherine we'll sit down with her and we'll show

her we've identified these properties and because she knows the town or maybe it's the Mayor or the Administrator and they'll tell us yeah, no you know they'll give us a good sense of our direction. Once we settle on the property ideally we like to have the home match the rest of the neighborhood. But sometimes there's property that doesn't allow that for whatever reason and we've got to design a home that fits on that property.

MR. SCHAECHTER: So on this property you would look at it and say you know a two story three bedroom house would fit with the rest of the neighborhood.

MS. BRAVO: It fits with the property.

MR. SCHAECHTER: Okay so do you feel it would stand out in the neighborhood?

MS. BRAVO: I don't think so I think with the softening of the landscape and . . . you know right now there's nothing there so it's hard to imagine when there's you know a home.

MR. SCHAECHTER: I'm looking at the satellite so I see that there's other houses that look like they have whole roof levels on it.

MS. BRAVO: It would be hard to put a ranch . . .

MR. MANIA: Because of the substandard lot.

MS. BRAVO: That's really . . .

MR. MULLEN: We'll have an architect who can talk about the how the design . . .

MR. WEISS: Okay perfect. Is there anybody else from the public that has any comment? Sir if you would same thing come up to the microphone give your name and address for the record.

MR. MOSCHELLA: My name is Mark Moschella I live on 8 Western Drive which is close proximity to these properties. And keeping my question related to what you were speaking about I guess I have a thought of the average time frame to take to construct the homes, how many people are involved and where are they pooled from?

MS. BRAVO: It would take about a year or so it could be a year and a couple of months it just depends on their building scenarios. And how many people (inaudible) we'll probably build three or four days a week it could be Wednesday through Saturday something like that. And any given day each home might have between five and ten people working on it. We try to keep our volunteer groups to an amicable level and we also like we did for Lozier we limited the parking and we had them shuttled.

MR. MOSCHELLA: That was my next question because we have no sidewalks in the neighborhood and they're very narrow streets.

MS. BRAVO: Yeah and we try to be as respectful of that as possible and my name and my number is on everything and so that if it gets out of control you can certainly call and we will make every effort to accommodate the neighbors and their concerns in terms of any (inaudible).

MR. MOSCHELLA: Okay I'll hold my other questions until they're appropriate.

MR. WEISS: Okay thank you very much.

MR. NELSEN: Excuse me Mr. Moschella?

MR. MOSCHELLA: Yes.

MR. NELSEN: Your lot and block would you know that?

MR. MOSCHELLA: I'm not sure what my lot and block is.

MR. WEISS: It's on the plans.

MR. BUCZYNSKI: It's Block 2202, Lot 2.

MR. WEISS: Anybody else from the public have any questions for Ms. Bravo? Seeing none Ms. Bravo thanks very much.

MS. BRAVO: All right.

MR. MULLEN: Next witness would be our engineer Fred Stewart.

(ALFRED STEWART SWORN IN FOR THE RECORD)

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

MR. STEWART: Alfred Stewart (S-T-E-W-A-R-T) 148 East Main Street in Rockaway, NJ I'm a professional engineer and land surveyor.

MS. COFONI: Thank you.

MR. MULLEN: And Mr. Stewart if you could for the record just tell us what company you work with, your title, educational background and licenses you have?

MR. STEWART: Sure I'm the owner of Stewart Surveying and Engineering I've been practicing in the State of New Jersey for approximately 30 years now. I've testified before numerous Boards including this one on various different projects similar to this and (inaudible).

MR. MULLEN: Licenses?

MR. STEWART: License is for a professional engineer and land surveyor within the State of New Jersey.

MR. MULLEN: And you've been accepted as an engineer by this Board before.

MR. STEWART: Yes I have.

MR. MULLEN: I request that you accept Mr. Stewart as a professional engineer.

MR. WEISS: Does anybody have any questions for Mr. Stewart? Gene, Chuck?

MR. BUCZYNSKI: No.

MR. MCGROARTY: No.

MR. WEISS: Okay Mr. Stewart welcome thank you very much.

MR. MULLEN: So just a little foundation, were the plans that were presented to the Board prepared by you or under your supervision?

MR. STEWART: Yes they are.

MR. MULLEN: And you're familiar with the Mount Olive Zoning Ordinance?

MR. STEWART: Yes.

MR. MULLEN: And municipal Land Use Law in the State of New Jersey?

MR. STEWART: Yes.

MR. MULLEN: And also you're familiar with the property and the neighborhood.

MR. STEWART: Yes I am.

MR. MULLEN: All right if you could then please describe what we'd like to do here maybe what's existing conditions and then what do you propose.

MR. STEWART: Sure I'll be referring to my plans which are revised to January 20, 2015 I'm sure the Board has them in front of you. Basically this lot, it's an interior lot it's in the middle of the block on Wallman Way it is vacant at the moment and partially wooded. There are some larger trees on the site which we do have shown on the drawing, I'll just jump ahead a little bit, as pointed out within your engineer's letter there are some additional trees that we do not have located that are a little bit larger now because when we did the survey it was approximately 7 or 8 years ago I think they were below like the 6 or 8 inch size. Now they've grown quite a bit so they are also located within that wooded section of the property. So we will gladly update our plans to reflect those trees that will most likely be removed but if we can save them we will save them. This property basically slopes gently from the easterly corner which is the right front corner towards the side line the southwesterly side line of the property heading towards Western Drive. It's not that much of a difference in slope it goes from an elevation of 102 at that right front corner down to an elevation of approximately 97 or so towards that one side line. So again it's gently sloping and typically what I deal with these days. We are proposing a two story dwelling as was discussed earlier. This dwelling is 28.33 feet along the front and rear by 24.3 feet deep. It does have a covered porch along a portion of the front of the house and off the right rear corner is a proposed patio. We are proposing a paved driveway that will be 20 feet wide to house two vehicles side by side. With that there will be a walkway to and from the porch which will be handicapped accessible. Let's see the building setbacks as you can see on our drawing there is the setback lines or building envelope we call it, you see on the left hand side of the drawing its only approximately 12 feet deep and drifting over towards the right hand side it goes to approximately 20 feet deep in that section. So typically a house would not fit within this anyway the widest it could be at the one point is (inaudible) feet maximum. So our proposal the 24.3 foot depth house creates two variances one in the rear yard one in the front yard. The house is basically centered on the property front to back this allows for a front yard space along with the rear yard space which can be used for recreational purposes and as you see we have a patio there as well which will assist with that recreational purpose. Grade wise you are basically filling slightly with the property filling is caused by the excavation of the home which will be a slab construction it's not a basement. It will be built on a slab so we don't have to excavate that much material. That excess material will be spread out on the site so we do not expect to (inaudible). The house itself will be lifted a little bit it's kind of sitting on like a little pedestal this will allow us to grade properly around the home to direct any surface runoff coming from uphill around the home either out towards the rear yard and then down the side line or out toward the front yard towards Wallman Way and then down the (inaudible). We are serviced by municipal water and sewer we do have our will serve letters for that, the sewer does have to go for a treatment works approval with DEP due to a sewer main extension which we do have in the process. That is pending at this point. Dry well design, we do have dry well design for drainage which is collecting the roof runoff from underground piping to the leaders and that dry well is located in the left rear corner which is basically a low area of the site. Landscaping they're proposing a Raymond Cypress along the rear line to help screen from the neighboring properties which currently there isn't much of a screen there now again it's a slightly wooded area. And then we have some plantings around the home as you see on my drawing there's some arborvitae that at the head of the driveway to help screen the driveway from the rear of the property and the recreational area.

MR. MULLEN: With that driveway how many cars can you park in that driveway?

MR. STEWART: You can actually park two cars its 20 feet wide by I can see there's a 20 foot dimension there that shows how big the parking area is with an excess of about probably about 7 or 8 feet to the right-of-way line. So (inaudible).

MR. MULLEN: Is there any plans on your lighting the property at all?

MR. STEWART: Just residential nature of this kind of home (inaudible).

MR. MULLEN: No further questions.

MR. WEISS: Mr. Stewart on your plan I see a shed in the right corner.

MR. STEWART: Yes I missed that. There's a proposed shed, because of this type of construction that will be for storage of any gardening material or things like that. It does fit your ordinance its 5 feet off the rear line and side line and the shed itself it is 8 by 9 (inaudible).

MR. WEISS: We don't have a lot coverage issue do we?

MR. STEWART: No you do not maximum lot coverage required is 30 percent and this proposal is at 22.3 percent.

MR. WEISS: Including the shed?

MR. STEWART: Including the shed yes.

MR. WEISS: Okay.

MR. FLEISCHNER: I have a question; did you ever give any thought of combining the two lots together and building one ranch house?

MR. STEWART: I didn't no I basically have the two lots and that's what we decided to do.

MR. FLEISCHNER: But is it possible?

MR. STEWART: It's possible sure.

MR. FLEISCHNER: Okay thank you.

MR. WEISS: Does anybody have any questions for Mr. Stewart?

MR. WILPERT: I have a question, as far as water you secured permits with American Water in that section? Because I know that there was a water moratorium in that whole section. They did come through and upgraded their lines recently in the past year and I'm just wondering has the moratorium been lifted? Have you heard anything?

MR. BUCZYNSKI: I think it's lifted I've got some items on that when I get to it.

MR. WILPERT: Okay, all right.

MR. STEWART: Yeah we didn't secure . . . we recently applied to American Water for their water and we have a letter back what (inaudible).

MR. WILPERT: Thank you.

MR. WEISS: Dan?

MR. NELSEN: I was also thinking the same thing as Joe about combine the two lots but you had mentioned that you centered the house in the property. It doesn't look so centered to me it looks to be about 12 feet on one side and I can't tell what it is on the other but it's got to be about 35 feet on the other side.

MR. STEWART: Oh no I was referring to the front and the rear yard.

MR. NELSEN: Okay.

MR. STEWART: I said front to back it was the rear yard is 28.4 feet . . .

MR. NELSEN: And what about side to side why isn't it centered that way?

MR. STEWART: Mainly because of the driveway and the location of the home on the property itself with the grading I felt that this was the best way to grade off the site with minimal disturbance to the site.

MR. NELSEN: Would you know if the property to the right of this Lot 1 is there a home on that property?

MR. STEWART: Yes there is that's located up towards Sand Shore and Ridge Road that intersection there. You can see the chain link fence shown on the drawing the upper right in the drawing.

MR. NELSEN: Right I see the chain link fence.

MR. STEWART: Yeah I think the house is off to the right of that looking at the drawing towards Ridge Road.

MR. NELSEN: Okay I'm just thinking . . . had this proposed house been centered more side to side it would be further away from the house on Lot 1.

MR. STEWART: Like I said earlier I think the grading that this basically utilizes the existing grade as much as possible and this is minimum amount of grading that I believe you have to do with the property in this location.

MR. NELSEN: Okay.

MR. MCGROARTY: It's a conforming setback.

MR. FASTERT: That was a question I was going to ask.

MR. NELSEN: The 12 foot?

MS. NATAFALUSY: 12 foot is conforming.

MR. MCGROARTY: There's no variance there.

MR. STEWART: 12 foot side yard we're at 12.5.

MR. NELSEN: Okay.

MR. WEISS: Anybody else from the Planning Board have a question for Mr. Stewart? Let's turn to Gene; do you want to review your report?

MR. BUCZYNSKI: I'd be glad to. My report is dated March 9 the first item on page 1 regarding the I think Frank alerted to New Jersey American Water. The lines are not shown on the drawings can you revise the plans to show a water line?

MR. STEWART: Sure it's on the opposite side of the roadway but we can show it.

MR. BUCZYNSKI: Well it's supposed to be shown per the checklist. The next page they do have the Highlands Preservation approval, the same thing Mr. Stewart regarding item number 2 show location of the proposed sanitary service connection. It's not shown on your drawing, same thing with the water service connection. Just some clean up items you know?

MR. STEWART: Sure.

MR. BUCZYNSKI: Item number 3 regarding the dry well did you do any soil logs?

MR. STEWART: Not just yet but we'll do them upon approval and do them in the area of the dry well.

MR. BUCZYNSKI: Okay just submit them to the township so we can see them.

MR. STEWART: Sure.

MR. BUCZYNSKI: All right the next item I think you alluded to relative to the trees you're going to show some additional trees that are over 6 inches in diameter and then if there's some that you have to take out you'll show where the new trees will be installed. Right?

MR. STEWART: Right.

MR. BUCZYNSKI: Regarding the Leland Cypress I think you show them to be 4 or 5 feet high to have a better additional buffer would you be willing to have a larger size tree at that location? I know cost is an issue.

MR. STEWART: Cost is an issue.

MR. MULLEN: And volunteers moving them too.

MR. STEWART: Yeah basically cost is an issue plus the size of the tree it's very difficult to handle. Typically the volunteers do the planting on the site so to move that type of tree we'd actually need to have a machine on site which is an expense (inaudible).

MR. BUCZYNSKI: For an 8 foot high tree?

MR. STEWART: For an 8 foot high yeah. The ball on that tree is probably around a 200 or 300 pound ball I would think.

MR. BUCZYNSKI: Okay. Plus I know that Cypress is a fast growing tree too it grows quite a bit.

MR. STEWART: Yeah that's a good point it is a fast growing tree I think you have it in your letter it's like 4 foot or . . .

MR. BUCZYNSKI: 3 to 5 feet a year.

MR. STEWART: A year and if they are 4 or 5 feet planted within a year they should be about . . .

MR. BUCZYNSKI: 7 or 8 feet okay I'm not going to make an issue with that one. Regarding approvals as you know you need approval from Public Works, American Water Company, Morris County Soil Conservation District and also your TWA which I believe the Council is going to pass a resolution on that in two weeks. So that can go down to DEP. Two other issues I noticed on the plans you mentioned the sidewalk will be handicapped accessible but it doesn't show it to be concrete sidewalk. It shows as a slate sidewalk it looks like to me.

MR. STEWART: At the head of the driveway on the side of the covered porch that is actually a concrete pad that we have there for access to the covered porch.

MR. BUCZYNSKI: Oh right off of the driveway your saying.

MR. STEWART: Yes.

MR. BUCZYNSKI: Okay I gotcha.

MR. STEWART: It shows 5 by 5 landing it's kind of in the bushes there.

MR. BUCZYNSKI: Okay so that's how they're going to get in.

MR. STEWART: Yes.

MR. BUCZYNSKI: Okay good enough thank you. And when you're cleaning up the plans the revisions I noticed on the utility trench detail just needs to be cleaned up on page 3. It says paving area to be milled to the depth of 3 inches and resurfaced with, but you didn't tell us with what.

MR. STEWART: Okay.

MR. BUCZYNSKI: That's all I have from an engineering standpoint.

MR. WEISS: Okay we've made note of that conversation. Let me open it to the public if anybody from the public has any questions for Mr. Stewart on the engineering testimony he delivered now would be the right time to ask questions about the engineering of the project. Sir? Mr. Malinosky you're up.

MR. MALINOWSKY: Thank you again. I guess the first thing I want to ask is I have your memorandum, your document and I'd like to bring your attention to paragraph 5.3 and the wording is as follows: The proposed dwelling is configured to front toward the Western Drive and does not meet the required setback in that direction.

MR. STEWART: That might have been the planners report I believe.

MR. WEISS: Mr. Malinosky you're looking at a different report you're looking at our planners report, the planner hasn't testified yet. The report that you're looking on is from a company called Banisch across the top correct?

MR. MALINOSKY: Yes.

MR. WEISS: Okay we haven't done that yet.

MR. MALINOSKY: Okay I'll come back not a problem.

MR. WEISS: Mr. Moschella do you have anything?

MR. MOSCHELLA: Much like two other individuals my initial question is why don't they consider using both lots and build one home, one structure on the lot rather than seek the variances on these two small lots and have to go against the ordinance and Codes.

MR. MULLEN: I was going to answer just from a legal perspective it's to allow the township to get two COAH units to meet their obligation. So it's really for the benefit of the township that we even have two units versus one.

MR. MOSCHELLA: But your seeking these deviations and it's not just a slight difference it's a significant difference in my opinion from a minimum of 10,000 is a 30 percent reduction for both lots. So that's a significant change in variation in my opinion. And your also applying for the setback in the front and the rear again it's to me a significant change and I question why you would consider approaching it.

MR. WEISS: I don't want to interrupt you and obviously we've asked the same question to the engineer was actually asked to do something specific and maybe it's a question is best to the planner.

MR. STEWART: Yeah I was going to say

MR. WEISS: Understanding what Mr. Stewart was hired to do was to engineer two separate plans that the applicant asked him to do. So we asked the question his answer was the same kind of like your question. So maybe hold that question for the planner.

MR. MOSCHELLA: Okay thanks.

MR. WEISS: Anybody else from the public? Seeing none let me close it to the public. Anything from the Planning Board? Mr. Stewart thank you very much.

MR. STEWART: Thank you.

MR. MULLEN: The next witness is our architect.

(MARJORIE ROLLER SWORN IN FOR THE RECORD)

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

MS. ROLLER: My name is Marjorie Roller (R-O-L-L-E-R) my address is 9 Brookview Road, Boonton Township, NJ.

MR. MULLEN: And for the record Ms. Roller if you could just tell us the company you work for your title, education and architecture licenses.

MS. ROLLER: Yes I have one company my firm is Roller Architects I have had my business for 30 years I graduated from NJIT with an architectures degree. Was licensed in 1987 and have appeared before many Boards in mostly in Morris County as an architect I'm also a planner. And have appeared before this in the past.

MR. MULLEN: Did they accept you as an expert at that time?

MS. ROLLER: Yes.

MR. MULLEN: So I offer Ms. Roller as an expert on architecture.

MS. COFONI: I heard she is also a professional planner will you be testifying as a planner as well?

MS. ROLLER: No.

MS. COFONI: Okay just architecture okay.

MR. WEISS: Okay does anybody have any questions for Ms. Roller?

MR. MULLEN: Just a few foundation questions. The plans that were submitted to the Board prepared by you or under your supervision?

MS. ROLLER: Yes they were.

MR. MULLEN: And are you familiar with the Mt. Olive zoning ordinance?

MS. ROLLER: Yes I am.

MR. MULLEN: And the Municipal Land Use Law (inaudible).

MS. ROLLER: I am.

MR. MULLEN: And are you familiar with the property in the neighborhood?

MS. ROLLER: I am.

MR. MULLEN: All right if you would then tell us about this lovely house.

MS. ROLLER: I would start with the neighborhood I (inaudible) twice and drove around and what I found there was a fairly eclectic probably maybe for the most part more than 30 years old homes. There were a few . . . across the street, adjoining our property is an I believe a raised ranch or bi-level, across the street is a Cape Cod, the gentleman that spoke earlier has a ranch, there's another ranch across his street. And then as you drive through the neighborhood you see newer homes that were homes that have upgraded and really a whole pallet of home styles within the neighborhood. So we look to the size of the lot and to build something that would be in keeping with some of that. It was in my opinion an open book as far as what can be built there. As long as it wasn't oversized because there's not a lot of oversized houses. But with affordable housing that's not usually a problem. So the two story made a lot of sense so that we could provide property for the families by building on two stories. The houses are on each floor are about 660 square feet outside walls, 670 square feet so approximately 1,321 across two levels. The homes would be actually smaller but we need to accommodate full wheelchair accessibility on the first floor so that in order to do that if the house gets a little bit bigger. But it's still a smaller footprint than if we built a ranch on this property. So that way we get more outdoor space both for the neighbors and for the homeowner. Other than that its very traditional construction vinyl siding, covered porch, double hung windows, shutters and just something you would typically see in this neighborhood.

MR. MULLEN: Question?

MR. WEISS: Joe.

MR. FLEISCHNER: I'll be the bad guy here. This is not a three bedroom house this is a four bedroom house. You have dining accessible bedroom with a closet in the corner.

MS. ROLLER: Yes.

MR. FLEISCHNER: Okay that is a bedroom.

MS. ROLLER: In order . . .

MR. FLEISCHNER: I understand that but we're showing 30 inch counter heights, we're making wheelchair accessible and hey I'm all in favor of doing what you got to do but I think we should be really clear that this it will be a four bedroom because it is well suited for someone who is obviously handicapped and is not going to do stairs unless you do one of these stair lifts, etc. But to me I look at this and I see this as a four bedroom house not as a three bedroom house. And maybe a table goes

somewhere in the kitchen and that's where people can eat. But the way this dining accessible bedroom is it's more a bedroom, and again it's my opinion you're the architect I'm not an architect that's what it looks like.

MR. WILPERT: That's your opinion. It's not closed off its open.

MS. ROLLER: If you would require construction (inaudible) four bedroom. Because we have an opening that has no door in it it's a large opening.

MR. FLEISCHNER: Which could easily be corrected.

MS. ROLLER: Yes it could.

MR. FLEISCHNER: And once people move in . . .

MS. ROLLER: The only reason . . . and I would submit that most homes have a room on their first floor that could be easily be converted to a bedroom. We were required to make it easily converted for a bedroom because of the COAH requirements for accessibility. We had no choice but I would also submit that between the very large handicap bathroom and utilities which have to be on this floor the stair . . . we have a living space that most people would not want to encroach on.\

MR. FLEISCHNER: That's why I go back to the statement I made before to me it would make more sense to have a combined lot and larger ranch house on another piece of property. What you've done is excellent I'm not questioning that whatsoever but I'm just saying when I look at this I'm saying well I have . . . Thank you.

MR. WEISS: Henry?

MR. FASTERT: Just a general question. The homeowners haven't been selected for this property?

MS. ROLLER: No.

MR. FASTERT: So each and every one of these homes has to be built handicapped accessible?

MS. ROLLER: It does.

MR. FASTERT: It seems like a waste of money. I mean obviously if the person who is chosen is handicap great build it that way. So that's part of the COAH law.

MS. ROLLER: Yes it is.

MR. FASTERT: That's interesting thank you.

MR. MULLEN: And again you don't who the resale, if there's a resale who it might be so you have to continue that.

MR. FASTERT: 30 years down the road. Okay I was just curious thank you.

MR. WEISS: Nelson please go ahead.

MR. RUSSELL: What percentage of the homes in the neighborhood are two story?

MS. ROLLER: I couldn't possibly tell you that. I mean because it's really a large mix and then we say where did the neighborhood and because it's a fairly extensive neighborhood.

MR. RUSSELL: So then let me rephrase the question. Is a two story home in this neighborhood going to look out of place?

MS. ROLLER: No I don't think so. And there's . . . I think if I were to pick predominant in the neighborhood it would be a Cape Cod. So you know some of them have you know the (inaudible) on the back you know so I believe this method of finding . . . one of the things it does do is add more . . . it's just another style in the neighborhood and it's not trying to copy anything but it's still within keeping of all the other homes.

MR. RUSSELL: Thank you.

MR. WEISS: Anybody else from the Planning Board? Let me open it to the public if anybody from the public has any questions for Ms. Roller based on the testimony she gave? Okay seeing none let me close it to the public. Anybody else for Ms. Roller? I have nothing else. Thank you.

MR. MULLEN: Thank you. Last witness is our professional planner.

(BRUCE R. KATONA SWORN IN FOR THE RECORD)

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

MR. KATONA: Bruce R. Katona (K-A-T-O-N-A) business address is 475 Route 394, New City, NY.

MR. MULLEN: And for the record Mr. Katona could you give your educational background in planning and you're also a certified landscape architect and your licenses as well.

MR. KATONA: Sure certainly. I hold a Bachelor of Science in Landscape Architecture and Environmental Planning from Cook College Rutgers University I'm a certified licensed landscaped architect in the State of New Jersey, a member of the American Institute of Certified Planners and American Planning Association. A member in good standing in all of those organizations I've been practicing landscape architect and planning for 35 years. I've appeared before numerous Boards in Morris County on behalf of Morris Habitat including this Board I was the planner that gave testimony for Lozier.

MR. MULLEN: I would accept him as an expert. I offer Mr. Katona as an expert in planning and landscape architecture.

MR. WEISS: Are you going to deliver landscape architecture testimony?

MR. KATONA: Yes there was a little bit of banter of back and forth about (inaudible) so I did hear that.

MR. MULLEN: If there's a question.

MS. COFONI: And you are a professional planner licensed in New Jersey?

MR. KATONA: Professional planner and member of the American Institute of Certified Planners.

MS. COFONI: Great.

MR. WEISS: Does anybody have any questions for Mr. Katona? Seeing none we'll certainly accept Mr. Katona as a professional planner.

MR. MULLEN: So you're familiar with the Mount Olive Zoning Ordinances and Municipal Land Use Law of the State of New Jersey?

MR. KATONA: Yes I am.

MR. MULLEN: And also familiar with the neighborhood and property in question?

MR. KATONA: Yes.

MR. MULLEN: And you are going to testify as to in this case the three variances that we're looking for on this property.

MR. KATONA: For lot area, front and rear yard setbacks.

MR. MULLEN: All right. If you could please provide your testimony.

MR. KATONA: As was stated earlier (inaudible) the application is to construct a permitted single family home with public water and sewer to be used for affordable housing at 18 Wallman Way Block 2203, Lot 2 in the R-4 zone. The existing conditions as described before by Mr. Stewart (inaudible) existing lot with approximately 7,116 square feet. As stated earlier the R-4 zone requires 10,000 square foot in lot area and Morris Habitat and (inaudible) request as I understand to purchase additional property described to rectify the deviation in lot area as I understand it, due to the applicant was unsuccessful or did not get any response so that meets the burden of trying to acquire additional property. As stated earlier the (inaudible) requested is to have relief from lot area as I stated earlier 7,116 square feet is existing in a lot area where 10,000 square foot is required. A front yard setback of 27.3 feet to the proposed porch and 32.3 feet to the proposed home where 35 feet is required, and a rear yard setback of 28.4 feet proposed where again 35 feet is required. In terms of lot area relief first for a request to be able to build on a 7,116 square foot lot the positive and negative criteria, in terms of positive criteria this (inaudible) where positive criteria outweighing negative criteria. In this particular instance this application would advance the Municipal Land Use Law under NJSA 40:55-2 (inaudible) it encourages the (inaudible – paper being shuffled) to encourage the appropriate (inaudible) density and to encourage the appropriate conditions (inaudible). And (inaudible) appropriate variety of particular uses that they incurred before the initial variance probably (inaudible) a single family homes I figure it also meet the spirit and the scope and intent on design. Homes of Hope vs Township of East Hampton application since this is another single family home it is 100 percent affordable housing. So I believe the housing criteria for the (inaudible) has been met. For potentially taking a look at the negative criteria this has (inaudible) substantial detriment to the public good or it shouldn't impair the intent and purpose of the zone plan and zoning ordinance. As this particular lot is included in the Mount Olive's Housing Element and Fair Share Plan which by part and parcel are also part of the Master Plan and it meets the spirit and intent of both the Planning and Municipal Land Use Law and the zoning ordinance. Officially it meets the (inaudible) threshold with the Zoning Plan and ordinance for lots being developed as a permitted use within the R-4 zone which is a single family home on public water and public sewer which is consistent with the surrounding area and surrounding neighborhood. And I think that they also had some testimony earlier by the architect that the home will appear to be visually part and parcel of the general neighborhood. In terms of front and rear (inaudible) as Mr. Stewart had (inaudible) earlier the lot itself is approximately 91 feet, if the home would meet the front and rear yard setbacks of 35 feet front and 35 feet rear that would leave us with approximately a 21 foot building depth envelope which is somewhat (inaudible) Habitat and what they require to meet the minimum threshold of (inaudible) single family home which was approximately (inaudible). In this particular instance given the dimensions of the lot it's a classic case of a C-1 variance for (inaudible) exception (inaudible) for specific shape. The Board has the ability to be able to (inaudible) especially since the fact that there wasn't the additional property to be able to be acquired in order to relieve the request for this particular variance for setback and bulk criteria and the housing criteria the use as I stated earlier it's a permitted use in the zone and frankly with 91 for a depth there's (inaudible) for this lot. There wasn't the ability to be able to solve an issue or else we probably wouldn't even be talking about this. In terms of negative criteria the application itself it's generally consistent with the neighborhood and visually it would not stand out in the neighborhood. I don't believe that (inaudible) to the zone plan or (inaudible) variances (inaudible) the lot is not (inaudible) in its existing condition, additionally (inaudible). Just in terms of my professional opinion I think that relief should be granted without any harm or impact to the public good or impact to the Municipal Land Use Law and the zoning ordinance and the fact given that the property is part and parcel of the Housing Element and Fair Share Plan its consistent with the Mt. Olive MLUL zone plan and zoning ordinance.

MR. WEISS: Nelson?

MR. RUSSELL: Is there any evidence of buildings being on those lots previously?

MR. KATONA: I can tell you that when I visited it, it was (inaudible) more than once what I can say to you that there was enough snow that I couldn't see a foundation. I would have loved to have gone but it never stopped so I didn't see anything.

MR. RUSSELL: Okay thank you.

MR. WEISS: Henry?

MR. FASTERT: The question came up about joining these two lots, if the lots were joined would you still require a front and rear setback variances?

MR. KATONA: Let me answer the question in a hypothetical . . .

MR. FASTERT: Assuming you put just one house on.

MR. KATONA: What I can say to you is that I was asked to put together testimony the application presented two Habitat was to construct two homes on two lots. Now I'll go back and answer your hypothetical question, perhaps based upon some criteria maybe it could be, maybe not. So depending upon the home size, depending upon the family size that Habitat has selected I think that there's a lot of criteria and a lot of balls in the air (inaudible). I'd love to be able to give you a concrete answer.

MR. FASTERT: But the deck would still be the same so you would still have that front and rear yard to deal with.

MR. KATONA: Correct in this particular instance. If for instance you were to join the two lots together and you were to slide a home towards the left . . . towards the farther north property line of the (inaudible) you would still have that 20 to 21 foot . . .

MR. FASTERT: That would be unchanged by joining these lots.

MR. KATONA: Yes that would be unchanged and again there's not the ability there to be able to acquire additional property.

MR. NELSEN: Excuse me actually I think it would be much less than that. The widest part of that second lot is 79 feet , if you have 35 in the front, 35 in the back that would leave 9 foot so you'd . . .

MR. KATONA: That would be a single wide trailer.

MR. NELSEN: Yeah so you'd have even less than this particular lot.

MR. WEISS: Anybody else from the Planning Board? I have a question for you Mr. Katona I need more testimony from you I don't have a problem with the front and rear setback variance request I think regardless of the ownership and regardless of the applicant your testimony is sound the existing conditions are fairly obvious. I think if this was a traditional application, traditional meaning a person owns the property but they can't buy the property to the left or to the right or the rear or the back, or the front and the rear I think you said the applicant couldn't get additional property?

MR. KATONA: I believe . . . well yes from an adjacent property owner not part and parcel of this application or the other application. If it was a (inaudible) property from the adjacent application at 20 Wallman Way that would just compound that situation and perhaps the variances requested would have been exacerbated (inaudible). And I didn't mean to jump . . .

MR. WEISS: Okay but I'm speaking specific about lot area and I know I've heard a few times from members of the Planning Board about merging the two, merging the two because the township is donating the land. You do have the ability to get a neighboring piece of property to get a contiguous piece of property. So how does that affect lot area?

MR. KATONA: Okay how that affects lot area is the town would have it presented with two building lots and they would go ahead and the township would allow for two single family homes.

MR. WEISS: Your not answering my question, the question was you said you could not acquire any additional land but I think you can and that goes against your proof that you just said with proving the lot area variance you made it sound like there's no way to get additional land. And in reality I think there is and I'm just confused as . . . is there a technical thing that I'm not understanding, is there some kind of issue that I don't understand. Again if this was . . . if you own the property and you were land locked then that's the criteria we're looking for. But in this case there's a vacant piece of property right next door that we have yet to hear tonight but will be coming up soon. I think that fact is kind of . . . you're not accounting for that in your testimony.

MR. MULLEN: I think what the Habitat did was try to get the land from say Lot 1 and Lot 4 in Block 2203 so they went to the other neighbors to (inaudible). These two were separate lots and again the whole thrust is try to get two houses or two credits.

MR. WEISS: Okay so Joe kind of made a comment so in your effort to get two homes you had no opportunity to get additional land. Obviously if you took the other lot then that home can't be built.

MR. KATONA: Right you would lose this.

MR. WEISS: I just need . . . because I don't think you accounted for that and your explanation is more than satisfactory. Based on the application that's in front of us Lot 3 isn't really on the table so you had to go to other lots around it. That's I believe what you said to me.

MR. KATONA: I think you said it more succinctly than I did.

MR. WEISS: Okay. Chuck I think you had a comment?

MR. MCGROARTY: I do and I don't know if the Board had a chance to look at the report that I did but I actually made the same points Mr. Katona did with exception of the acquisition of . . . the inability to acquire additional lots which I did not raise and I don't think is at issue here and I'll tell you why. This is not a typical application in that we're dealing with just two, in my opinion, just that these are two substandard lots for two residential dwellings. Because the obvious question that the Board has asked is why not just merge it and build one house. The town has already established, and that doesn't preclude you from making any decision, but you as the Planning Board has established in the Housing Element and Fair Share Plan a certain number of homes and dwellings that we are trying to achieve here the township to satisfy the affordable housing obligation. And so while it didn't make any predestination in terms of your decisions on this lot or these two lots, these seemed to be and they were approved in the Housing Element potentially as candidates for affordable housing. Because it is a 10,000 square foot zone with water and sewer which is available, both lots are undersized as we know but there is in my judgment there was a larger policy concern here on behalf of the township to get affordable housing built. And I will emphasize the point that under . . . without going into a lot of detail and putting everyone to sleep, family housing was absolutely critical in the town's Housing Plan. There are certain categories of affordable housing that we have to satisfy age restricted, group homes, and so on. We had a deficit in family housing and if we don't satisfy it we can't get out plan certified. Are two homes going to send us over the top? No but they're part of an overall plan and please remember you had a total obligation which may change up or down. We had a total obligation we did a plan for for 505 affordable housing units. So it is not an easy task particularly in Mt. Olive where 80 percent of the town is in the Preservation Area of the Highlands. So I think that that needs to be kept in mind and I would have taken issue with Mr. Katona only on the fact that I wouldn't even look at the question of the ability to acquire additional land because I do agree with his point that if this were a use variance, and it's not, he would make the argument as he indicated that it's inherently beneficial. And the courts have recognized it as such 100 percent affordable housing can be justified as inherently beneficial. And that's a tougher test to meet than what we're looking at tonight so for what it's worth I just offer those thoughts.

MR. WEISS: Thanks Chuck.

MR. FLEISCHNER: Chuck?

MR. MCGROARTY: Yeah.

MR. FLEISCHNER: The only thing that I'm troubled by and I know we talked about affordable housing many times. But COAH keeps changing their rules we know that so you just stated the number could go up the number could go down we don't know.

MR. MCGROARTY: COAH didn't change their rules.

MR. FLEISCHNER: The courts did.

MR. MCGROARTY: Well the courts had COAH change their rules.

MR. FLEISCHNER: Right so and kind of . . .

MR. MCGROARTY: But I can tell you I can give you . . . I can't . . . I don't know of anyone in the audience tonight is prepared to tell anyone what the numbers are but I can tell you fairly certain that the way the structure is right now COAH is no longer in the picture at least for now based on the New Jersey Supreme Court decision which just came down. And it will be up to Judges that will be in place throughout the state including of course Morris County no doubt aided by a special master or special

masters to make a determination. And as your consultant I would say, and I am saying this to the Mayor and to you and to whomever we should not assume anything less than 500 in fact we should assume we're going to have to fight if it becomes higher. So I don't know what the number will be and none of us do but any municipality in 90 days when Tiena or the township attorney or whomever goes to the Judge and says we want to put . . . we want to get what's called a declaratory judgment we want to buy and that essentially Mt. Olive Township an additional five months as the Supreme Court says we can to put a new plan together. Any attorney going into that courtroom and is able to say to the Judge Your Honor look Mt. Olive Township not only has done all it needed to do all in the past with respect to Housing Element but it continues to do so. It continues to generate and produce and facilitate affordable housing even though we don't know what the number is. Those are the kinds of circumstances that help municipalities as opposed to those who will go into court and say we haven't done anything but you tell us a number and we'll see what happens.

MR. FLEISCHNER: I agree with what you're saying but municipalities are made up of citizens and when we look at maps, and I'm just as guilty as anybody else, and I look at this map six months ago and I say okay these are two lots okay. To be honest with you I never rode down that street until two days ago, two days ago I drove down that street and said boy these lots are awful small. And I'm looking at the houses and I'm saying . . . and I looked there boy it would make more sense to put one house on these two lots. And that's my fault for not . . . when we . . .

MR. MCGROARTY: No and just one other thing on that, two things actually. One Morris Habitat you will recall came in I think it was the other property it was mentioned earlier for a two family and it was voted down by this Board. And the idea was to put a two family unit on one lot and achieve the same result and it was denied. So they came back and did the one family.

MR. FLEISCHNER: And I voted yes for them to build as a matter of record.

MR. MCGROARTY: And the other thing I will point out . . .

MR. FLEISCHNER: But that wasn't the reason why it was voted down and you know it and I said my piece that night.

MR. MCGROARTY: Well just also as you know this area of the township the development pattern has changed over the years because before the Budd Lake Sewer System was in place the ordinance would require a minimum lot size of one acre on septic and well, or at least on septic. And now after the sewer project came in and people were able to build on 10,000 square foot lots the fabric changed and so streets you'll see, and you'll see some of these properties are much larger and that's the reason why because in the past property owners had to consolidate properties to try to get to one acre although many did not. Now they don't have to do that.

MR. FLEISCHNER: Thanks Chuck.

MR. WEISS: Does anybody else have any questions for the planner? At this point let me open it to the public, if anybody has any questions for Mr. Katona based on his planning testimony given tonight? Mr. Malinosky go ahead.

MR. MALINOSKY: I'll try it again. So I'm looking at the memorandum from Banisch Associates okay and I'm reading the paragraph 5.3 – front yard setback positive and negative criteria, it says the proposed dwelling is configured to front towards Western Drive and does not meet the required setbacks in that direction. Due to the size and shape of the property strict application of front yard setbacks and both would present an extremely limited building envelope.

MR. WEISS: Okay you know what I hate to do this to you but there's two reports from the Banisch Group this one your reading is about the next application.

MR. MALINOSKY: The next one.

MR. WEISS: But there is a report and if you have it it's the same date looks similar but it does say Lot 2. Your reading the one that says Lot 3.

MR. MALINOSKY: Well I apologize to everybody concerned okay?

MR. WEISS: No, no, no apology needed. So maybe if you had some questions about the report of Lot 2. I'll tell you what I'm going to do let's take a five minute break that will give you some time to look at the report get your thoughts together.

MR. MALINOSKY: Okay am I allowed to talk to that gentleman? Maybe that will clear everything up and we won't have any problem.

MR. WEISS: 100 percent but we'll do it on the record I'd like to give you a couple of minutes too. Because you were referencing the wrong report but your questions might be right. So let's give you the opportunity to do that we'll take a quick five, ten minute break we'll be back in a minute.

MR. MALINOSKY: Okay good thank you.

(BREAK TAKEN AT 8:30 P.M. RECONVENED AT 8:39 P.M.)

MR. WEISS: Okay we left off with Mr. Malinosky having a question on the Banisch report. I hope the time was useful for you?

MR. MALINOSKY: Yeah.

MR. WEISS: Okay.

MR. MALINOSKY: Well anyway for the record it says, I won't read the whole paragraph and everything else, Due to the size and shape of the property strict application of the front yard and setbacks would present an extremely limited building envelope which is not conducive to constructing a single family dwelling on this piece of property as this application is. And that's why I object to it. I would just ask the Board to deny this application as is or proposed right now. I spoke to those people about having the other lot that way they can do a one family home which would be less restrictive. As far as meeting the requirements for the township or the State for all of the properties being developed for Habitat for Humanity I can't help you with that okay. Except to donate my time that I can drive around the township like you people did with the cameras and everything else and see if we can't find a way to find some other properties, or some of the neighbors that I might know that might be willing to sell you a piece of property, I don't know about donating it like the town is, and like I said on behalf of the township donating it I'm part of the township because I'm a taxpayer since 1967 and good luck with your application and everything else. All I can say is if you think you wanted to postpone it so we could have more dialogue with them or those people want to talk to some of the neighbors around there that's okay with me too. Otherwise I would ask you to reject it as is at this time.

MR. WEISS: Mr. Malinosky I think Mr. McGroarty has a question or comment for you.

MR. MALINOSKY: All right.

MR. MCGROARTY: Thank you Mr. Chairman I just want to clarify since I wrote that report and if you're referring to 5.3 comment on page 3 I am not saying that the property is not conducive to constructing a single family dwelling. If you read what I'm saying is that because of the configuration, and I realize it's a lot of jargon here, that I believe that the variances are appropriate. So I'm not saying in my opinion I am saying the variances are appropriate I am not at all suggesting that the property is inappropriate for a single family dwelling. I hope that helps.

MR. MALINOSKY: Okay well that was my interpretation of it and I thank you for clarifying it for me a little bit and everything else.

MR. MCGROARTY: Okay I might have phrased it badly so perhaps that's the problem.

MR. MALINOSKY: That's okay I understand sir. Okay I guess I'll . . .

MR. WEISS: Okay anybody else from the public have any questions? Mr. Moschella?

MR. MOSCHELLA: I know we kind of have the same sentiments so I won't reiterate what's already been proposed or question but I do want to default back to what I said prior in that to me it's a significant difference from the zone that the township has or the ordinance for lot size. Now I don't doubt that they can't build these homes on there but what I'm saying is that what they're proposing would be a detriment to the neighborhood. You've heard their backgrounds, where they're from, their educations I live here I raised my single digit kids here I've been a Mt. Olive resident for over 15 years

now and I don't see how putting these homes and not having a lot of property to go along (inaudible) and that's the way I view that having had a chance to look at those plans when I came up here. They're suitable for the lot size; they're not suitable for that neighborhood. It's not enough property, it's not enough size, there's not enough open air and space around them so for that reason . . . and what drove me here tonight I've never done this before I received less than a week ago a registered letter in the mail. What's this I care about my kids, I care about my family. You've driven down my street I live on that street. So it matters to me and that's why I'm here saying something doesn't look right, something doesn't sound right why would the town consider in some of my chicken scratch notes here, why would the town consider approving these variances because it's not a slight difference it's a significant difference and that's what drove me here tonight. So hopefully those comments have some kind of effect on you because I plan on maintaining my residency in Mt. Olive Township and this doesn't look right to me. What looks right to me is what's been put out there in combining the lots and putting a single family home on one lot. Hopefully my comments mean something to all of you.

MR. WEISS: Okay thank you. Nelson?

MR. RUSSELL: Perhaps it might be helpful if they had some testimony as to the types of people that would live here I mean teachers, firefighters that type of thing.

MR. MULLEN: I was going to ask Ms. Bravo to come back up as well so if you want at this time is it appropriate for you guys . . .

MR. WEISS: Does anybody on the Planning Board have any questions for Mr. Katona? We are done with you sir thank you very much. I think although Nelson asked a question I think maybe for brevity we identified who is eligible for a COAH unit.

MS. COFONI: Income, right income based? And the family hasn't been chosen yet right?

MR. WEISS: So there's guidelines I think we all just understand guidelines and I don't want to put Ms. Bravo back on the stand and have her say it's going to be a firefighter, a policeman because it could be anyone. It could be a first year business student, so I don't want to hear that I don't want to put you on the record to do that. I think we've identified a COAH unit, we all know COAH, we live it some of us have no clue what it means but we live it and we understand what it's supposed to be. And I think we should leave it at that. Nelson with all due respect I think that's probably a smarter way to handle that process.

MR. RUSSELL: Okay then can I ask the income limits then on the . . . is this moderate income or low income?

MR. WEISS: I believe I can say Ms. Bravo the median income is moderate income based on the testimony.

MS. BRAVO: Yes I was just conferring with my team we have not decided if it's low or moderate. I was assuming it was moderate at \$135 that would be probably what we are looking for. I don't think we've worked that out with the township yet. We have to comply with your Master Plan.

MR. RUSSELL: What is the upper income, what makes it moderate?

MS. BRAVO: It would be between \$45,000 and \$72,000.

MR. MCGROARTY: I can tell you they can both be moderate units and that would not be a problem for the township's Housing Plan. When I say both I'm sorry this house and the other one it could be moderate.

MR. WEISS: So I think as long as the applicant is okay with that we're going to consider this a moderate income. You've identified the number of the median income in Morris County is \$88,000 the individual or the family that's moving into there will have a range between \$45,000 and \$72,000. You are going to conform with the COAH standards as they're delivered to you by the State I don't think we need to deviate from that. That's standard protocol and so those are the numbers Nelson I hope that answers your . . .

MR. RUSSELL: It does.

MS. BRAVO: I can even be more specific.

MR. WEISS: You know why don't you just do me a favor real quick if you're going to testify let's make it easier for Catherine or Lauren.

MS. BRAVO: For 2014 the income limits and that's we don't have a 2015 income limits yet, for a family of 3 or 4 that's about the average family size that we would see in a household like this, \$65,242 for moderate to \$72,492. These are annual incomes and you know so we think of ourselves we think of our children, especially our kids at 25 or 30 years old first jobs you know these are the kind of people.

MR. RUSSELL: So these are family incomes not individual.

MS. BRAVO: Family incomes.

MR. NELSEN: 65 to 72.

MS. BRAVO: Correct.

MR. NELSEN: That's moderate?

MS. BRAVO: That's moderate.

MR. WEISS: Thank you.

MR. MULLEN: I just want to make one more thing too in regards to the procedures that happen in the township.

MS. BRAVO: There's been a lot of talk about you know why not one lot and I just want to bring to your attention I'm not sure if Mr. McGroarty he might have mentioned it in his memo but on September 2009 the Mount Olive Town Council passed a resolution to convey both of those lots 18 and 20 Wallman Way to Morris Habitat in addition with affordable housing trust funds to help offset the cost of construction. And then there have been two subsequent resolutions, one in January of 2012 to provide another \$15,000 for the Affordable Housing Trust Fund per lot and then last year in July of 2014 \$36,500 for infrastructure for the lots to help build up the infrastructure. The reason being Mt. Olive has an Affordable Housing Trust Fund with dollars that again COAH or the State now of course will be looking at that to make sure that those funds are expended for affordable housing activities. So this is very appropriate with . . . in what we see (inaudible).

MR. MULLEN: And with the resolutions there was the understanding from the municipality that there was going to be a house on each lot and that's where they based their dollar amounts on. Is that (inaudible)?

MS. BRAVO: Yes we've been operating based on that resolution from (inaudible).

MR. SCHAECHTER: So could you take those funds that have already been appropriated to you for that and . . .

MS. BRAVO: They have been yes they have been sent to us.

MR. SCHAECHTER: But the question is not over. Could you use those to form one lot to merge those two lots and build one house?

MS. BRAVO: We don't own the lots, we don't own the property.

MR. MCGROARTY: I'll answer the question, the answer is no. Not without amending what is known as a Spending Plan. Everything with COAH has a name, we have the Housing Element and Fair Share Plan these two lots among many, many others are identified. We have a Housing Trust Fund with over a million dollars in it that has to be committed or the State will take the money back. We have a plan to implement the Spending Trust Fund known as a Spending Plan it has to be approved by COAH and it has been we have done that in fact we got it revised. These are identified as two separate lots the funding is separate for each property, infrastructure, etc. so if it changes we cannot change that. We cannot do anything with it unless we go back and get that spending plan modified and I'm not trying to muddy the waters more than they are already but I'm not even sure if we could amend the Spending Plan at the

moment because I'm not sure COAH is authorized now after the decision a week ago to do anything. So Brian no the answer is you can't take that money and combine it and use it.

MR. FLEISCHNER: But you know I have a real problem with that because I asked Mr. Mania if he has ever gone down that street, he's a member of the Council he probably voted for that.

MR. MANIA: I wasn't a member of the Council in 2005 I beg your pardon.

MR. FLEISCHNER: I'm sorry I think he said 2009 she said.

MR. MANIA: I thought you said 2005.

MR. MCGROARTY: Well the Planning Board voted for the Housing Element that identified the properties.

MR. FLEISCHNER: Right and I said earlier we're all guilty because nobody took a ride down that street.

MR. MCGROARTY: Well I did.

MR. FLEISCHNER: Well you did. Well you were the only one.

MR. MCGROARTY: But I didn't vote on it I prepared the plan.

MR. FLEISCHNER: And that's where I'm really troubled because if you ride down that street its you know and its like saying you know maybe I'll get a variance to put a gas station on the White House lawn. It's the same thing I said it last week.

MR. WEISS: All right let's say on track. Mr. Mullen anything else?

MR. MULLEN: No that's it.

MR. WEISS: Okay and do you have any other witnesses?

MR. MULLEN: No other witnesses.

MR. WEISS: Okay so let's do this if there is anybody in the public that has any comment or anything on your mind that you'd like to say that you haven't said already now would be an appropriate time if you had anything to say. Seeing none let's close it to the public. Anybody from the Planning Board?

MR. MANIA: Mr. Chairman before we take a vote can I make a statement?

MR. WEISS: Now I was just going to say if anybody from the Planning Board . . .

MR. MANIA: You know I think we got to keep in mind this is not a developer looking to make a profit. This is someone that's trying to help the needy and there are a lot of people less fortunate than us up here who own homes and we haven't had no problems.

MR. WEISS: John can I interrupt I hate to do this. I wouldn't call that needy I understand you're making a good point, not needy they're starting, starter home not needy.

MR. MANIA: Starter home fine. And I feel that they're trying to do their best to help people so let's keep that in mind.

MR. WEISS: Understood. Any other comments from the Planning Board? Joe.

MR. FLEISCHNER: I fully support what Mr. Mania says I believe Habitat for Humanity has done an outstanding job and I support what you're doing. I just don't think that this property is suitable for that type of house. And I kind of you know we can't do this, we can't do that I was looking for a picture on my iPad called the innocent bystander, sits in the heart of Berlin, Germany and it sits there and it's the people who just sat there and did nothing. And I can't sit here because I've driven down that street now. I really believe that it's the obligation of everyone to say what is suitable because the residents of our town that live here have a right also. I believe, hey the more homes that you guys can build the

better and I want you to build them in Mt. Olive. I just don't think that these two pieces of property should be two houses I think they should be one house. That's all I have to say. I'm not going to be an innocent bystander.

MR. MANIA: You are certainly entitled to your opinion.

MR. FLEISCHNER: Yes thank you.

MR. WEISS: David?

MR. KOPTYRA: I've got a question for Chuck. The governing body when they approved it back in 2009 the lots did they know that when they gave them like that there the condition of the lots?

MS. COFONI: Yeah.

MR. KOPTYRA: So they did research before they donated them.

MR. MCGROARTY: Well I can tell you I don't know I can't speak for the governing body I presented the information to them about them. And again that doesn't tie your hands you decide what you need to decide.

MR. KOPTYRA: No, no but I just wanted to know if they're going by the standards set by the, when they donated I would imagine that . . .

MR. MCGROARTY: I don't know about lot area I don't know what they knew at the time, I can tell you though what we are faced with was 80 percent of the town is almost off limits. We're struggling to find areas that could be developed when you have municipally owned property and when you have it with water and sewer it's even rarer now in Mt. Olive. And those were some of the factors that played into the idea of identifying these lots. But I can't answer your question specifically.

MR. KOPTYRA: No I'm sure when they made their judgment they took all of that into consideration.

MR. MANIA: Absolutely.

MR. WEISS: And I think if I just have a comment you know it seems to happen to this Planning Board more and more often. There's not a lot of perfect land left we're in the Highlands Region and there is a tremendous disconnect I believe between land use and logic. And we're faced it seems to be every week with something that sounds so right and yet the rules that we have to govern by are so wrong. And that's a relative comment we're restricted and we have to follow the rules that the State and the municipality give us and it's that simple. And I do agree with Joe and we have to take things into account, my opinion on this application the applicant is building a home in a zone, in an area that's zoned for housing. That's the way I look at it. I think the architect said it very well it's an eclectic neighborhood all different types of homes. We'd all like to live next to an open space it's not always possible. I don't know if there's any other comments if none I will request somebody from the Planning Board make a motion.

MR. MANIA: I'll make that motion Mr. Chairman.

MR. NELSEN: Second.

MR. WEISS: Okay John you made the motion and Dan seconded it. The motion John would be to . . .

MR. MANIA: Approve PB 15-04 with the variances.

MR. WEISS: And Dan you're seconding that motion?

MR. NELSEN: Yes.

MR. WEISS: So before we take action on that motion Tiena has conditions as we noted during the hearing tonight. Those conditions when they're read John we'll come back and ask you if you accept those conditions and Dan you too. Tiena?

MS. COFONI: Condition that the draft deed for the 30 year affordability control shall be reviewed and approved by the Planning Board attorney. The location of the water main . . the plans shall be revised to show the location of the water main. And plans shall be revised to show the size of the proposed sanitary sewer or sewers connection and the water service connection. Soil logs for the dry well shall be performed and the results submitted to the town engineer. The plans shall be revised with regard to the trees to be removed and replanting on site. They need approval from the Department of Public Works for the sanitary sewer connection, approval from New Jersey American Water Company for water service connection. They need approval from Morris County Soil Conservation District for soil erosion and sediment control plan. And the utility trench details on the plans shall be completed. That's all I have.

MR. WEISS: Do we need to make any comment in the condition as to who the administrator is?

MS. COFONI: No I think that's set by the township.

MR. WEISS: We're okay leaving that up to the governing body to determine?

MS. COFONI: That is up to the governing body yes.

MR. WEISS: Okay that's fine. Anybody else have any conditions that they may have made a note on? My notes are exactly as yours. John with that being said are those conditions acceptable?

MR. MANIA: Conditions that were brought forth by our attorney I accept.

MR. WEISS: Dan?

MR. NELSEN: Yep.

MR. WEISS: Okay motion has been made, comments? Seeing none Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - no
Brian Schaechter - yes
Henry Fastert - no
David Koptyra - yes
John Mania - yes
Dan Nelsen - yes
Nelson Russell - yes
Frank Wilpert - yes
Howie Weiss - yes

MR. WEISS: I'm going to vote yes but I do have a comment. And Ms. Bravo I appreciate everything you do and I remember when you were in front of us on the Lozier Road. I asked you the same exact question tonight as I asked then and I didn't like your answer. Which was you told me that you design homes to match the neighborhood, design a home that fits in. I don't think you did it, I don't think you did it. No disrespect I think that was part of the problem on Lozier Road I think there should have been a little bit more investigation as to what would fit the neighborhood better. I understand your limitations I voted yes because it's the right thing to do so good luck with it and I might ask that question again in a few more minutes. So this application has passed.

APPLICATION #PB 15-05 – MORRIS HABITAT FOR HUMANITY – (BLOCK 2203, LOT 3)

MR. WEISS: What we're going to do then Mr. Mullen is I'm going to introduce PB 15-05 Morris Habitat for Humanity variance substandard lot, front yard setback at 20 Wallman Way Block 2203, Lot 3. So before you get started let's make sure we identify what we can do and what we can't do and I think I'm going to guess the architect is the same exact.

MR. MULLEN: The same exact house.

MR. WEISS: And I think the big difference here, I don't imagine that Ms. Bravo the whole story about Habitat for Humanity is not going to change and I would imagine that I would have no problem as the Chairman I'll ask Tiena that we probably don't need testimony from you because it's not going to change.

MR. MULLEN: As long as you would accept what she had . .

MR. WEISS: Yes and I'm going to get to that. And I would go as far as saying with the architecture not changing we probably don't need testimony from the architect.

MS. COFONI: That's fine we can take note of the previous testimony for this application.

MR. WEISS: The previous testimony would be exact for this application and I would like to hear from the engineer because the lot is slightly different the numbers are going to be different, and the planner might want to testify because it's probably very prudent to do so with the differences between these two lots.

MR. MULLEN: Yes I agree. Again from a client's perspective the legal notices were submitted, were mailed were put in the newspaper so the Board does have jurisdiction. So I guess without further ado we would call Mr. Stewart.

(ALFRED STEWART SWORN IN FOR THE RECORD)

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

MR. STEWART: Alfred Stewart (S-T-E-W-A-R-T) professional engineer and land surveyor 148 East Main Street, Rockaway, New Jersey.

MS. COFONI: Thank you.

MR. MULLEN: And Mr. Stewart was accepted as an expert in engineering at the last hearing so I would hope that we could just again not have to deal with that part of it. Do you accept him as an expert?

MS. COFONI: The Chairman is otherwise involved so I'll say yes.

MR. WEISS: Yes I'm sorry, yes.

MR. MULLEN: Sir if you could just get right to the existing conditions and proposed improvements on the lot.

MR. STEWART: Based on Lot 3, Block 2203 which is 20 Wallman Way at the corner of Western Drive and Wallman Way. Again we are proposing a two story dwelling similar to the last application. The driveway for this is proposed off of Western Drive not off of Wallman Way. The driveway will be able to have two parking stalls on it both of which are approximately 7 or 8 feet away from the right-of-way line so it's a very comfortable parking area very similar to the last application. This is also handicapped accessible from the driveway to a sidewalk which goes to a landing off the end of a covered porch (inaudible) porch in the drawing. We do meet the side yard of 12 feet we're actually at 12.5 feet. We are requesting a variance for front yard off of Wallman Way at 27.6 feet we're required at 35 feet that's one of the variances we're looking for. The other variance is for lot area which is at (inaudible) our lot area is 7,152.7 square feet we're required to have 10,000 square feet. Those are the only variances we're looking for the reason why we have the front yard variance is because we are meeting the side yard which is facing the northwesterly side line you can see there's an existing wood deck, two story frame dwelling adjacent to our property in that section there. So we do have side yard there of 12.5 feet it's unfortunate the home which is only 28.33 feet wide over towards Wallman Way (inaudible).

MR. WEISS: I don't want to take any thunder from the planner but your request for 27.6 feet becomes a front yard setback number correct?

MR. STEWART: That's correct.

MR. WEISS: And although for a layman to say but that's not the front that's the side you're suggesting that that's still considered the front because of the fact that it's a corner home.

MR. STEWART: That's correct. It's a corner lot so therefore its two front yards Western and Wallman.

MR. WEISS: I don't want to make the proofs for the planner but I might have just done that. I just wanted to make sure because when you're looking at a map and maybe I'm saying that for the public when you're looking at 27.6 on the side it's technically the front because of the corner piece of property right?

MR. STEWART: That's correct.

MR. WEISS: Okay.

MR. STEWART: It's a corner lot therefore its two front yards, two side yards and one rear yard.

MR. WEISS: Okay.

MR. STEWART: Similar to the last application we have a proposed patio off of the rear right corner we also do have a shed on the property located in the left rear corner of the site which is noted as a 8 by 9 foot shed 5 foot off of the boundary lines. We do have various plantings on the site we only have the Leyland Cypress across the one side line separating the properties, that property is Lot 4 I believe and that will create some screening for the new homes.

MR. MULLEN: (inaudible) the utility service to this site?

MR. STEWART: Utility services are water and sewer, New Jersey American Water and Budd Lake sewer and we will show the size of those lines as well. And again lighting for the house is (inaudible). Typical residential with a front door and a back door that's basically it.

MR. MULLEN: And could you talk about drainage and drywells or anything?

MR. STEWART: Yes we are proposing a drywell which is located near the intersection of Western Drive and Wallman Way that's at the lower section of the property. The roof leaders will feed (inaudible) ground level. And we will also provide soil logs (inaudible).

MR. MULLEN: And nothing in the sight triangle area (inaudible).

MR. STEWART: No there is a sight triangle as per our ordinance which is shown as a hatched area at the intersection which is 35 feet each way, each direction off of the projected intersection of side line of the right-of-way and there is no plantings in that area. (Inaudible).

MR. MULLEN: No further questions.

MR. WEISS: Gene there's no problem putting a dry well in the site triangle?

MR. BUCZYNSKI: No its going to be underground it won't be above ground. I just want to make sure there's no trees in that area.

MR. STEWART: No there's not.

MR. BUCZYNSKI: Not the Pine tree or the Maple tree that's not shown on the drawings?

MR. STEWART: The pine tree is actually located in the boundary line and we have two trees located near the proposed dwelling right off the lower side of the dwelling there's a . . .

MR. BUCZYNSKI: Yeah but I know when you look at the driveway just to the, I'm going to say Wallman Way of the driveway, there was at least two trees right there the pine tree and the 24 inch I think it was the 24 inch maple.

MR. STEWART: Okay I'll check on that and if they are there we'll spot them it.

MR. BUCZYNSKI: It might be off of it but just make sure just locate them.

MR. STEWART: Okay no problem.

MR. MULLEN: And have you reviewed the engineer's letter and are there any questions about it or (inaudible).

MR. STEWART: Again item number 4, four to five foot high cypress we would like to keep it at that height rather than (inaudible).

MR. BUCZYNSKI: Did you mention in your testimony, and maybe I missed it about the deck that encroaches onto this property?

MR. STEWART: I did not mention that the existing wood deck from the adjacent property encroaches at a maximum of 0.4 feet which is just shy of 5 inches basically it's the railing the deck is slightly over the property line.

MR. WEISS: Are we going to address that?

MR. STEWART: Well it's there and so we would have to as a private property owner deal with that property. I will have to talk to you about it and see if you want to grant easements or you know there's going to be some other . . .

MR. BUCZYNSKI: I guess the only question I have and it's not their responsibility but did they ever get a building permit for that deck?

MR. FLEISCHNER: My understanding is yes Sonny gave them an approval.

MR. BUCZYNSKI: Oh is that it?

MR. FLEISCHNER: Yes that's my understanding.

MS. NATAFALUSY: I did check the file because we talked about it and I found in the building permit file all Mr. Wolski had them do was take a piece of paper draw the house on the piece of paper with the deck and on the top of it it said deck for Ernie. That was it and they issued permits based on that.

MR. MCGROARTY: Back in the day.

MS. NATAFALUSY: Back in the day no survey, there was nothing.

MR. WEISS: So essentially the answer is yes. The simple answer is yes. I don't know if that . . . is that going to be addressed by this Board Tiena? I can't imagine why we need to address that.

MS. COFONI: No that's private.

MR. WEISS: Yeah I agree. Okay I know you jumped into Gene's report real quick I want to just jump back a little bit. Is there any testimony to tree removal do you need to remove any trees?

MR. STEWART: Oh yes there are two trees just located southeast of the dwelling there's a 12 inch and 6 inch tree those are going to be removed. Then there is a 15 inch tree which is off the upper left side of the driveway that has to be removed as well.

MR. BUCZYNSKI: Can I just say one thing regarding to going back to the trees.

MR. WEISS: Sure.

MR. BUCZYNSKI: I guess we're just going to have to see when you locate those two trees if it's not in the sight triangle I just hope there's enough clearance for the drywell.

MR. STEWART: I agree. If not we'll relocate the drywell to the basically beyond the drip line of the tree that's not a problem.

MR. BUCZYNSKI: Okay.

MR. WEISS: Do we need to address the tree removal as per the ordinance?

MR. MCGROARTY: Well actually I mentioned in my report too the replacement requirement is one for one on lots less than one acre for residential dwellings. It's not the more challenging . . . so in other words they put more trees on there than a one for one replacement would require.

MR. WEISS: Okay so it's been accounted for.

MR. MCGROARTY: Yes.

MR. WEISS: Okay. So that being said let's then you can continue on Gene's report I know you jumped to number four.

MR. BUCZYNSKI: I think we're basically done with my report.

MR. WEISS: Yeah I know I think we interrupted you we're talking that you prefer to leave the trees as you noted correct?

MR. STEWART: (Inaudible) as requested.

MR. WEISS: And Gene are you okay with that?

MR. BUCZYNSKI: Yeah just similar to the last application.

MR. WEISS: Okay.

MR. MCGROARTY: Mr. Chairman if I may?

MR. WEISS: Sure.

MR. MCGROARTY: I don't know if this question is for Fred or not but it may be for Liz or (inaudible) the easement, is there a way that that can you know these are on . . . if it's approved and it would be in the deed lots of times people don't read their deeds or they forget or time goes by, sometimes some kind of a small fence or some kind of marking, I don't know what but I just want to suggest it out there that if this were approved that that easement, that triangular area has to be open. And I'm not sure the right way to do it and some other places we might say a 2 foot or 3 foot fence somehow marking it.

MR. STEWART: We will provide that divider the homeowner would have a survey so they would have to have a visual on that.

MR. MCGROARTY: Right. Just we've had it happen, you know how it works.

MR. STEWART: The one thing that's true about the Habitat site there is family support so they're there with them throughout in fact even beyond the building so they can make sure they explain to them what their reading to make sure that they know.

MR. FASTERT: But Chuck's point is 10 years from now that will all be forgotten and somebody will plant something there.

MR. STEWART: Well the municipality would still have the right to come there and say you know this is a sight triangle easement you can't.

MR. MCGROARTY: Yeah I mean if you can at least . . . and again if the Board approves this at least the initial stage to emphasize it.

MR. STEWART: We could stake it out with survey stakes at those points.

MR. BUCZYNSKI: But they'll be gone. Do you install property (inaudible).

MR. STEWART: Yes.

MR. BUCZYNSKI: You do.

MR. WEISS: I think we overall like to try to keep the burden off the municipality. I think we should try to come up with something.

MR. FASTERT: How about a marker stone that just says you know that's cheap you know you just put a small stone there that says do not plant sight triangle. Chuck would that . . .

MR. MCGROARTY: Whatever works.

MR. BUCZYNSKI: The only thing you could probably do is you could put a pin at each corner at each street you know where it intersects.

MR. STEWART: That's what we do you know just mark it with survey points but then as far as placement of the fence or anything . . .

MR. MCGROARTY: Well don't worry about the fence if you have the marks.

MR. BUCZYNSKI: Yeah well they can mark it here and mark it there so it's just a straight line.

MR. MCGROARTY: Then at least there's something . . . they're not going to see it necessarily but it's out there and we know it's there.

MR. BUCZYNSKI: If somebody had a concern they can walk and see the two points and see.

MR. WEISS: I think what we should do just for the record I know Gene I was following Gene but for the record Gene recommended a marker on Wallman Way on the corner and another marker on the other on the upper end of it on Western Drive.

MR. BUCZYNSKI: At the edge of the easement.

MR. WEISS: The sight triangle.

MR. STEWART: We could actually place like a boulder of some sort (inaudible).

MR. WEISS: Okay I think that's a very good idea.

MR. STEWART: Rather than survey markers.

MR. MCGROARTY: What would you put?

MS. COFONI: He said a boulder.

MR. STEWART: Above surface boulder of some sort (inaudible).

MR. BUCZYNSKI: I would probably like pins instead of a boulder.

MS. COFONI: What should I call this?

MR. WEISS: We're going to call them pins.

MR. MCGROARTY: I think pins are better. If they want to put stones down that's fine but . . .

MR. WEISS: Based on the recommendation of the engineer I think we're going to agree upon survey pins being installed on the corners. We know that nothing is fool proof but that certainly is a start to keep the sight triangle in existence. Okay and I know Gene had said there was nothing else on his report. Mr. Stewart was there anything else?

MR. STEWART: That's all I have for his report. (Inaudible) the other items (inaudible).

MR. BUCZYNSKI: It's the same.

MR. WEISS: Okay let me open it to the public, does anybody in the public have any questions for Mr. Stewart based on the testimony he gave? Seeing none let me close it to the public. Anybody from the Planning Board have any questions for Mr. Stewart? Seeing none Mr. Stewart thank you very much.

MR. STEWART: Thank you.

MR. MULLEN: And then Mr. Katona would you come back please and give us planning testimony.

(BRUCE KATONA SWORN IN FOR THE RECORD)

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

MR. KATONA: Bruce R. Katona 475 Route 304 New City, NY.

MS. COFONI: Thank you.

MR. MULLEN: And again I ask that Mr. Katona be accepted as an expert.

MR. WEISS: Being that I'm listening this time absolutely I agree with you we can move right along.

MR. MULLEN: Mr. Katona if you please address the two variances that we have on this application which is minimum lot area and the front yard setback.

MR. KATONA: Yes the application is to construct a permitted single family dwelling with public water and sewer. The single family home is to be used for affordable housing to request from the Board (inaudible) under NJSA 40:55D-2 (inaudible) approximately 7,152 square feet wherein the property zone is 10,000 square foot lot area and request relief for front yard setback of 27.6 feet where 35 feet is required. Dealing with the lot area relief first with the application (inaudible) under NJSA 40:55D-2 a C-2 variance the positive criteria are to extend and promote the Municipal Land Use Law under A which is impervious (inaudible) and (inaudible). And again additionally I do note that this is a single family home and (inaudible – not picking up on microphone). And the lot itself is included within Mt. Olive's Housing Element and Fair Share Plan and meets the spirit of the MLUL and Township of Mt. Olive's Zoning Code and Land Use Code and identified as affordable housing. This meets the provisions of the zoning plan and zoning ordinance. The lot itself is being developed as a permitted use within . . . on public water and public sewer (inaudible). Front yard setback, in this particular instance this happens to be a corner lot so it has a (inaudible) to it of having two front yards, a side yard and a rear yard. A corner lot 35 feet is required at the Western Drive and Wallman Way it meets the (inaudible) Western Drive setback (inaudible). Simply because this a (inaudible) property that's a corner lot and this is also a permitted use in terms of negative criteria (inaudible). The applicant generally consists of (inaudible). I believe that the proposal is to be granted with no harm or impact to the public good, no harm to the zoning plan or impact considering its part and parcel of (inaudible).

MR. MULLEN: No further questions.

MR. WEISS: Anybody from the Planning Board have any questions for Mr. Katona? Chuck would you like to point out anything in your report?

MR. MCGROARTY: No I have nothing to add Mr. Chairman thank you.

MR. WEISS: I have one quick . . . on page 4 of your report there's a photograph Chuck is that a photograph of the home that sits adjacent? Obviously is says adjacent is it right behind this lot?

MR. MCGROARTY: Yes, yes this is sort of from the intersection that shot.

MR. WEISS: Okay

MR. MCGROARTY: That's the infamous deck in question.

MR. WEISS: Yes I just want to make sure that was the house as well. And there was no questions from the Planning Board then let me open it to the public if anybody from the public has any questions for the planner based on the testimony delivered? Seeing none let me close it to the public. Thank you Mr. Katona. Mr. Mullen I'll turn it back over to you.

MR. MULLEN: I have no further witnesses Mr. Chairman unless you have seen you know this is a benefit to the County and we want to hope to get started as soon as possible. So we ask that you grant these variances and let the Habitat (inaudible).

MR. WEISS: Okay thank you. I'm going to open it to the public if anybody in the public has any comments on anything that was spoken about on this application now would be a good time. Seeing nothing from the public anybody else from the Planning Board?

MS. MOTT: Yeah I have a question as far as when the family gets accepted and what not is there any hand holding or nurturing on how to take care of the property and maintaining it? Because that would be a concern.

MR. MULLEN: Maybe we'll have Blair sworn in she wasn't sworn in last time.

(BLAIR SCHLEICHER BRAVO SWORN IN FOR THE RECORD)

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

MS. BRAVO: Blair Schleicher Bravo (S-C-H-L-E-I-C-H-E-R) (B-R-A-V-O) and I work at 274 South Salem Street (inaudible).

MS. COFONI: Thank you.

MS. MOTT: I mean I guess my concern is that you know you're getting a new family coming in here and obviously your building a beautiful home and do you make sure it's maintained, is there any follow up?

MS. BRAVO: Part of the sweat equity is a requirement for homeowners to attend homeowner's education counseling in partner with the Housing Partnership for Morris County which is in Dover our homeowners must have 25 hours of homeowners counseling like a credit counseling and they participate in an IDA program. It's the saved match program and that goes on for about a year while they're doing the sweat equity. Then there's a post purchase program that they're required to do so that they understand their responsibilities and the what next of homeownership. All of our families are partnered with a mentor that helps them transition to homeownership and many of those mentors stay mentors throughout you know the next few years of homeownership. Because we monitor (inaudible) mortgages we have (inaudible) from the bank that services out mortgages so we see the monthly statements and their payments to see if there's any issues or . . . but they have a relationship with us so if there are anything that comes up they can talk to us. I have to say that sweat equity with a building on this site that helps them learn about some basics that most of us don't really know and they feel comfortable. So they know they can work (inaudible) program where we work with low income homeowners and so if there is anything they can always go through that program to (inaudible). But I will tell you if you go on our website and look at any of our properties just drive by and they keep up the homes because they worked on the building. So the answer is . . .

MS. MOTT: No, no that answered it thank you.

MR. WEISS: Okay anybody else from the Planning Board? Okay anything else Tiena?

MS. COFONI: No.

MR. WEISS: I think let's do it a little backwards this time. If there's a motion that motion to approve would include a few conditions.

MS. COFONI: Yes.

MR. WEISS: Why don't you read those into the record and then the motion will be made based on the acceptance of these conditions.

MS. COFONI: Sure the resolution would include that the draft deed for the 30 years affordability control be reviewed and approved by the Board attorney. That the plans be revised to show the water main location, that the plans be revised to show the size of the proposed sanitary sewer service connection and the water service connection. That the soil logs for the drywell be submitted to the township engineer, that the plans be revised/updated for the tree removal, the trees to be removed. The applicant shall obtain Department of Public Works approval for the sanitary sewer connection, New Jersey American Water Company for the water service connection they need approval from them, they need approval from Morris County Soil Conservation District. The plans will be revised to show survey pins at each street to mark the sight triangle easement, and the utility trench details on the plans shall be completed.

MR. WEISS: Gene talked about trees that are not noted on the plans by the driveway. Gene did Tiena . . .

MR. BUCZYNSKI: Along Western Drive.

MS. COFONI: Would that be included . . . if he updates and revises his tree removal that should be included.

MR. BUCZYNSKI: It will cover those trees.

MR. WEISS: I just want to make sure okay. Okay so with those limited conditions, that being said will someone make a motion to approve those conditions?

MR. RUSSELL: I'll most that PB 15-05 be approved with the conditions.

MR. MANIA: I'll second it.

MR. WEISS: Thank you Nelson, thank you John. Any questions or comments or concerns? Seeing none Catherine roll call.

MS. NATAFALUSY: Joe Fleischner - no

MR. FLEISCHNER: Unfortunately I have to vote no for the same reason I voted no the last time. I still believe the lots should have been combined and shame on the town Council and the Administration for probably never driving down that street to see what it looked like. So I vote no.

MR. MANIA: I don't think we need the derogatory remarks in your . . .

MR. FLEISCHNER: It's my opinion and I'm allowed to say it. Sorry.

MS. NATAFALUSY: Brian Schaechter - yes
Henry Fastert - no
David Koptyra - yes
John Mania - yes
Dan Nelsen - yes
Nelson Russell - yes
Frank Wilpert - yes
Howie Weiss - yes

MR. MULLEN: Thank you very much Mr. Chairman and Board members for your patience tonight we do appreciate it.

MR. WEISS: Good luck with your project. Hope to see you again soon. Okay we're not done yet. We have a public portion if anybody has anything that they'd like to discuss? Seeing none anything from the Planning Board? Maybe before we adjourn Catherine what's our schedule look like anything exiting coming up?

MS. NATAFALUSY: April 9th we have three variance applications a deck, an addition that kind of stuff. On April 16th we're going to have the resolution for Roadranger and the possibility of Waterloo Road Development being on the agenda that night for his minor subdivision and site plan. But we're going to talk about that.

MR. WEISS: Okay so we've got some busy things coming up, two meetings scheduled in April right?

MS. NATAFALUSY: At this point we're going to have two meetings if Waterloo doesn't get on I don't know what we're going to do. We'll see I'll let you know.

MR. WEISS: So the dates are April 9th and the 16th for next month?

MS. NATAFALUSY: Yes.

MR. WEISS: Looks good. Anybody would like to make a motion of any kind about anything else?

MR. RUSSELL: I'll move to adjourn.

MR. MANIA: I'll second that.

MR. WEISS: All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 9:33 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department