

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

ROLL CALL:

Members Present: Joe Fleischner, Brian Schaechter, David Koptyra, Dan Nelsen, Nelson Russell, Frank Wilpert, Jr., Kim Mott, Howie Weiss

Members Excused: Henry Fastert, John Mania, Sandra Stotler

Professionals Attending: Chuck McGroarty, Planning Consultant, Eugene Buczynski, Township Engineer, Tiena Cofoni, Esq., Lauren Perkins, Secretary

Professionals Excused: Edward Buzak, Esq., Catherine Natafalusy, Planning Board Secretary

APPROVAL OF MINUTES

March 19, 2015 Public Meeting

Motion: Nelson Russell
Second: Joe Fleischner

Roll Call:

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

COMMITTEE REPORTS

MR. WEISS: We have four resolutions on the agenda tonight. The first one PB 14-03. There is actually a copy of that one in our packet. 14-03 which is Roadranger Holdings. I certainly hope everyone on the Planning Board has had the opportunity to read that and if so, if there are any questions we'll talk about it now. If not, I would look for someone to make a motion on that resolution.

MR. FLEISCHNER: I move we approve PB 14-03.

MR. WEISS: Joe, thank you very much.

MR. RUSSELL: I'll second it.

MR. WEISS: Nelson, thank you very much. Any conversation? I see none.

MS. PERKINS: Joe Fleischner - yes
David Koptyra - yes
Nelson Russell - yes

PB 11-13 – Ceil West Lake Properties

MR. WEISS: Will someone please make a motion on that resolution?

MR. SCHAECHTER: I will make the motion on PB 11-13 Ciel West Lake Properties

MR. NELSEN: Second

MR. WEISS: Thank you, Brian. Thank you, Dan. Do we have any conversation about this resolution? I see none.

MS. PERKINS: Joe Fleischner - yes
Brian Schaechter - yes
David Koptyra - yes
Dan Nelsen - yes
Nelson Russell - yes
Frank Wilpert - yes
Howie Weiss - yes

PB 15-04 – Morris Habitat – 18 Wallman Way

MR. WEISS: I'm sure we've all had the opportunity to read that. If anyone has any comments or questions. I see none. Let's see if we can get a motion to accept the resolution.

MR. FLEISCHNER: I'll move we approve PB 15-04.

MR. NELSEN: Second.

MR. WEISS: Thank you, Joe and thank you, Dan. I see no comments.

MRS. PERKINS: Joe, you are not eligible to vote on that.

MR. FLEISCHNER: Oh yeah. That's right.

MR. WEISS: Ok. Let's start over again.

MR. SCHAECHTER: I'll make the motion for PB 15-04. Morris Habitat for Humanity.

MR. WEISS: Thanks Brian.

Mr. NELSEN: Second

MR. WEISS: Dan, thank you very much.

MR. FLEISCHNER: Sorry.

MR. WEISS: That's ok. Any questions or comments? I see none.

MS. PERKINS: Brian Schaechter - yes
David Koptyra - yes
Dan Nelsen - yes
Nelson Russell - yes
Frank Wilpert - yes
Howie Weiss - yes

PB 15-05 – Morris Habitat – 20 Wallman

MR. SCHAECHTER: I'll make the motion for PB 15-05. Morris Habitat for Humanity.

MR. RUSSELL: I'll second it.

MR. WEISS: Thank you, Brian. Thank you, Nelson. Any comments? I see none.

MS. PERKINS: Brian Schaechter - yes
David Koptyra - yes
Dan Nelsen - yes
Nelson Russell - yes
Frank Wilpert - yes
Howie Weiss - yes

MR. WEISS: Ok. We have committee reports obviously with use variance. The Mayor and the Mayor's representative and Council Liaison are not here so we'll put reports off until our next meeting. Nelson, anything from the Environmental Commission?

MR. RUSSELL: No. We've had no meetings since last week.

MR. WEISS: Perfect. Ordinance Committee?

MR. FLEISCHNER: No report.

MR. WEISS: Thank you, Joe. Nothing from Street Naming Committee. Dave, anything from Open Space?

MR. KOPTYRA: No.

MR. WEISS: Good. Ok. Thank you very much. Ok. Let's get ready to our first developmental matter.

PB 15-12 IMC, LLC

MR. WEISS: Seeking a variance for front and side yard setback on a property located at 199 Route 46 in Budd Lake. It is Block 4400 Lot 55. Tonight for the applicant we have Mr. Hassing.

MR. HASSING: Good morning, ladies and gentlemen. Evening I should say. I am an employee on behalf of IMC, LLC owned by Ioan Consulea, who goes by John who is here today and I also have our architect, Joseph DeMaria here to testify on behalf of this issue.

MR WEISS: Perfect. So why don't you bring one of your witnesses up. We'll swear them in and then I'll turn it back over to you.

(JOSEPH DEMARIA AND IOAN CONSULEA ARE SWORN IN FOR THE RECORD)

MR WEISS: Perfect. So Mr. Hassing we'll turn it back over to you. If you wanted to talk with Mr. Consulea.

MR. HASSING: If I could begin with Mr. DeMaria I think we can go over everything.

MR. WEISS: That would be fine. So why don't we let Mr. DeMaria sit there.

MR. CONSULEA: Can I ask you something, please? The address I gave you is a business address.

MS. COFONI: Yeah that's fine.

MR. WEISS: So I think I heard Mr. DeMaria say he's here as an architect and planner.

MR. DEMARIA: Yes sir.

MR. WEISS: So maybe we should go through some qualifications just for the record.

MR. HASSING: Absolutely.

MR. HASSING: Mr. DeMaria, how long have you been an architect?

MR. DEMARIA: 1981.

Mr. HASSING: And during that time have you had occasion to testify before other Planning Boards and be deemed an expert witness?

MR. DEMARIA: Yes.

MR. HASSING: And if you know, approximately how many times has that taken place?

MR. DEMARIA: Dozens.

MR. HASSING: Alright, and as an architect what sort of areas do you practice in as an architect?

MR DEMARIA: I have a general practice with expertise in commercial and religious architecture.

MR. HASSING: In addition, I understand, that you are a planner?

MR. DEMARIA: Yes.

MR. HASSING: And can you go over some of your qualifications as a planner and how you attained that qualification?

MR. DEMARIA: Familiarity with the Municipal Land Use Law and zoning ordinances in every town we ever worked on. I've done neighborhood studies, assisted in traffic studies. Things of this sort, depending upon the application that I was commissioned to do.

MR. HASSING: First for the architecture, is there a process of education and certification before you can be an architect?

MR. DEMARIA: Yes.

MR. HASSING: And can you describe briefly what your educational background is?

MR. DEMARIA: I have a five year degree. Bachelor of Architecture from the New Jersey Institute of Technology. I am a member of the National Council of Architectural Registration Boards with reciprocity in all 50 states if I need it. And every year we have 26 hours of required continuing education in architecture, construction technology and planning.

MR WEISS: Mr. Hassing if I could speed up a little bit. Two questions. Mr. DeMaria, you're licensed in the State of NJ as a planner?

MR DeMARIA: Yes

MR. WEISS: And as an architect?

MR DEMARIA: Yes and as an architect.

MR WEISS: You've appeared before this Board before. I believe you and I have met before?

MR. DEMARIA: Yes

MR. WEISS: And so we can end this conversation. If anybody on the Planning Board has any questions for Mr. DeMaria. Matter of fact, I think the first time you were with us you were doing some work for the local baseball club.

MR. DEMARIA: Yes

MR. WEISS: So I think you're familiar with the Township and so I'm satisfied that you're an expert to give the testimony that you're prepared to give tonight. Okay, so we can proceed.

MR. HASSING: First describe for us what you're here for today and what the project entails.

MR. DEMARIA: Ok. Our client IMC, LLC has had a leaking flat roof since the day he moved into the building. He's tried numerous repair systems and assemblies to solve the problem and he can't solve it. Numerous contractors, numerous attempts. So when he called me a couple months ago, he says "Joe, I want to solve this problem once and for all. I have very expensive equipment inside this building and it's frustrating. I want to put a sloped roof on the building that's going to keep the water out but also a sloped roof that's attractive and that's going to last. Come up with something. So we came up with a compound hip roof design which you see in front of you. We'll be adding approximately 12 foot 8 inches to the height of the building. The roof will be framed with open web wood trusses two feet on center and it will be clad with standing seam metal bronze, dark brown color. It will have an overhang 1' 5 1/2 inches all the way around. A couple of things, the attic area, if you will, underneath the new roof will not be habitable. The webs of the trusses will prohibit that and the only access to that space will be through a hatch in the machine shop. Now if I can. The whole intent is to solve the leaking roof. If I can, I'd like to address Mr. McGroarty's points in his planning report.

MR. WEISS: Before you do that Joe, real quick, did you say the color of the roof was going to be brown?

MR. DEMARIA: Yeah. Dark brown. Bronzy brown.

MR WEISS: Okay.

MR. DEMARIA: And that is the color of the canopy roof that sits at the front entrance right now that we're not going to touch because it's down close to the ground.

MR. WEISS: It's not going to be red, right?

MR. DEMARIA: No, no. Not red. Not red.

MR. WEISS: Okay.

MR. DEMARIA: Regarding Mr. McGroarty's report. He asked a couple questions regarding the adjacency to the south property in particular because we're only a couple of feet off of the property line. We can't add the overhang to the building along that side without going down onto the neighbor's property. We can put the gutter on and we can maintain the gutters without going onto the neighbor's property. Regarding downspout locations and runoff to the south side in particular right now the building, the body of the building has five downspouts. Over 80 percent of the water is going down through those downspouts towards the south property. We're removing those five downspouts and we're going to add nine new ones. Now, because of the configurations of the hip roof the triangles and the trapezoidal shapes we're going to be cutting the amount of runoff to the south side property almost in half. We did a calculation and this is just a comparative drawing showing about

MR. WEISS: Let's mark that A-1 and why don't you take a couple minutes and tell us what A-1 is?

MR. DEMARIA: Okay.

MR. WEISS: Also, if you would sign it and I'm sorry, date it and mark it A-1 with today's date. April 16. Tell us for the record, what is A-1?

MR. DEMARIA: It is south side downspout runoff existing and proposed.

MR. HASSING: If I could approach, I do have some copies that he's brought. (COPIES DISTRIBUTED)

MR. FLEISCHNER: Could I ask a question? One of the leaks, is it near the front window to the left side when the rain comes in?

MR. DEMARIA: The worst leaking is towards the back.

(Inaudible)

MR. FLEISCHNER: When it was the post office it leaked to the front. They used to keep the trash can there.

MR. DEMARIA: I remember that. What we're looking at is the existing roof. This about over 80% of the water right now is draining toward the south but because of the triangular and trapezoidal shapes and the new downspout locations considerably less, as a matter of fact, 48.3% less water will now flow south that exists. So I hope that addresses Mr. McGroarty's question regarding water flow. Just in terms of the cost and things, I know I'm not supposed to talk about this but what loan wanted to do. There is a less expensive way to get a sloped roof on your building. All you need to do is put a gabled roof on and put asphalt shingles on it. He said "No". My name is on the building, my business is in the building, I want to do something that looks good and that's going to last. And the cost of this compound hip roof is about 30% more to frame than a conventional gable and the price of a standing seam metal roof is three times the price of the asphalt shingles so he is committed to doing a good job construction wise.

MR. HASSING: And what, in terms of aesthetics is the gable roof? How is that better in terms of aesthetics?

MR. DEMARIA: The compound hip roof has much less of an impact because everything tapers back and away from you. Right? It has a softer profile as it sits on the building. Rather than a gable (inaudible).

MR. WEISS: I think, although it's an opinion, I think anything that they can do is better than what's there now. So, I would think that we're splitting hairs. I like what I'm hearing. Either one would do better than what's there, so. I don't think you need to spend too much time on that. I have a question. My question is, Joe I have no doubt that you're going to move more water efficiently with the downspouts but you're giving me numbers. How do you come up with these figures? Is there an engineering formula? You're telling me percentages of water will be reduced. Can you just real quickly go over the process?

MR. DEMARIA: Yeah. Yeah. What happens is when you have a flat, we know the direction that the water is flowing on the flat roof. When you only have four or five outlets, the pitch of the roof determines where the water is going. So I inspected the roof, I measured the roof and based on the way it's flowing right now this is the way it's exiting the rooftop. Now with the hip, you have six different pieces of geometry with their own downspouts. Some are triangular, some are trapezoidal. So we're taking the water down off of six different pieces of geometry in six different directions rather than one. So we're breaking it up.

MR. WEISS: So there's a process that you've developed rather than estimating the reduction of water flow.

MR. DEMARIA: Yes.

MR. BUCYZNSKI: Based on this, aren't you going to be putting more water to the north side then? Less water to the south side.

MR. DIMARIA: To the rear and to the north side, yeah. Definitely, to the north side right now only has one downspout.

MR. BUCYZNSKI: Right.

MR. DEMARIA: We're going to be putting two, three, excuse me. Which is the part, the driveway.

MR. HASSING: Did you have an opportunity to look at the other buildings in the neighborhood and compare them to the proposed roof design?

MR. DEMARIA: Yes indeed. Directly across the street there's the Nirvana Salon which has a compound hip roof. And to the south of us the cleaners with the little deli that has a compound hip roof.

MR. WEISS: Mr. Hassing if we could mark that as well. Let's mark that as A-2 with today's date and a description as photographs of neighborhood properties with hip roofs. Did you take those photographs?

MR. DEMARIA: Yes, I did from the rooftop of his building.

MR. WEISS: When did you take them? About? Approximately.

MR. DEMARIA: December, 2014.

MR. DEMARIA: In terms of detriment to the public good and the intent of the zone and the intent of the ordinance. I feel we're meeting it. I don't see any detriment to the public good based on what we're doing. I think we're improving the conditions like you said and of course, the look of what we're doing is pretty consistent with what's happening along that section of Route 46.

MS. COFONI: Is A-2 just one sheet there with two photos?

MR. DEMARIA: Yes it is. Two photos on one sheet.

MS. COFONI: Ok. We're just going to need to make sure that the Board gets a copy of that for our records.

MR. WEISS: You know if you would, Mr. Hassing, start (inaudible) and we'll end it up over at Lauren. I think you jumped right in to the negative criteria which I don't have a problem with anything that you just said. I'd like you to spend, unless I missed it, maybe a little bit more time on the positive criteria. I've heard your testimony but it sounded like you are spending more of your testimony on the negative

criteria. I could be wrong but could you give us a little more testimony on the positive criteria? Because I'm waiting to hear things like there's a condition that's existing, we have an extremely narrow...

MR. DEMARIA: Well, yes. The building now sits over the front yard and both side yard setbacks and there's nothing we can do about that.

MR. HASSING: In terms of the roof and the eaves that are going to be overhanging. Is there a reason that you need the eaves on this type of roof and the overhang?

MR. DEMARIA: Yes. We want to keep the water off of a masonry building. And providing a small overhang will do that and it also allows us to install a better system much better.

MR. WEISS: I didn't realize that the building is currently nonconforming.

MR. HASSING: Correct. The building is currently nonconforming as to the side, front yard.

MR. DEMARIA: It's not conforming. The front and both side yards are non-conforming as it exists. And we'll be intensifying that nonconformity with just the overhangs.

MR. HASSING: How far are the overhangs extending onto the south side in particular, first?

MR. DEMARIA: We're extending a foot and a half out but what we'll have left is a little under 6 inches to the property line at the worst spot.

MR. HASSING: Ok. And then with regard to the front, is it, what's the extension into the setback there?

MR. DEMARIA: Well, the front yard setback right now is 57.8 feet and we'll be adding a foot and a half to that so it'll be 55 and change.

MR. HASSING: Now there's already a front overhang over the front door. Is that correct?

MR. DEMARIA: Yes.

MR. HASSING: And that already extends out further than the proposed extension of the eaves. Is that right?

MR. DEMARIA: Yes it does.

MR. WEISS: So that existing front door overhang is going to be removed?

MR. DEMARIA: No. That's going to stay.

MR. WEISS: Ok. So the new roof won't go out as far as the existing roof?

MR. DEMARIA: No, it won't.

MR. WEISS: Ok. Chuck, did you want to spend any time on any...

MR. MCGROARTY: Just one thought. I don't think there's any doubt, at least in my mind, that it qualifies as a c-1 hardship variance given the preexisting condition of the building and the negative criteria. The only, clearly it has existed for some time and that's drained on the other property and I'm sure it's miniscule in terms of runoff. I don't know if the owner is here. They have been noticed. Lauren has told us. Everything has been noticed. So, and it's fine that it's reducing it from what it is to less, it's just unfortunate that it can't be reduced to nothing. I don't know if there's a way to link those downspouts into a pipe, angle it and drive it to the back. And it may be more form than substance here, but, you're approving an extension of a roof that clearly will have some runoff onto an adjacent property. Again, it's probably not going to matter or amount to anything. The building with the cleaners is a far, some distance away. But if there were a way to keep it all on this lot, it would probably be better.

MR. HASSING: Perhaps, Mr. DeMaria, you can address an attempt that was made on the existing building to do just that and some of the problems loan encountered with that.

MR. DEMARIA: Well I. If we had to divert the downspouts we can't just locate downspouts at the ends because the building is too long. If we could, we just divert them to the front and the back rather than the side. We could not get enough pitch on the downspouts to do it. Now, the only other way to do it would be to take the downspouts down diagonally across the brick walls but there are windows that we're going to crash into (inaudible) and any time you do that, in the winter time, those diagonal downspouts just hold water and ice and they cling to the brick and start to pop the brick out and everything. So we may solve the roof problem but we might start getting water through the walls.

MR.MCGROARTY: I imagine aesthetically, it's not going to be very appealing either. Aesthetically,

MR. DEMARIA: Aesthetically it would be horrific. The neighbor would be looking at a really bad elevation.

MR. WEISS: Ok, well at least we addressed it.

MR. WEISS: Chuck, any concern about the increase in the encroachment on the setback? Looks like it's inches to a foot.

MR. MCGROARTY: An existing condition that, I agree, I think the roof will improve the look of the building without question.

MR. WEISS: Ok. Mr. Hassing, do you have any other questions for Mr. DeMaria?

MR. HASSING: Not for Mr. DeMaria. If there's any from the Board?

MR. WEISS: Ok. Anybody from the Planning Board have any questions for Mr. DiMaria? What I'll do at this point is let me open it to the public. If anybody in the public has questions for Mr. DeMaria based on his testimony delivered this evening. I see none. So let me close it to the public for Mr. DeMaria. Joe, thanks very much for your testimony. Mr. Hassing, we'll turn it back to you.

MR. HASSING: Mr. Consulea are you the owner of I.M.C., LLC which owns 199 Route 46 in Budd Lake, NJ which we all know is here in Mount Olive Township, New Jersey, Block 4400, Lot 55?

MR. CONSULEA: Yes I am.

MR. HASSING: And did you listen to the testimony of Mr. DeMaria, your architect?

MR. CONSULEA: Yes.

MR. HASSING: And did you agree with what he was describing in terms of, well, did you agree with his testimony?

MR. CONSULEA: Yes.

MR. HASSING: Can you describe for the Board the kind of equipment that you have located in your business?

MR. CONSULEA: Yes. I'm going to be very short. I got inside 3 CNC lathes which are very expensive. Manual milling machine, a compressor, manual lathe, and other stuff. Small stuff.

MR. HASSING: And these CNC machines, is it safe to say that they, dripping and leaking water on top of those machines would not be good?

MR. CONSULEA: No. No.

MR. HASSING: And just to give the Board an idea, how expensive are these types of machines?

MR. CONSULEA: By the time I bought these machines, the first one was, it was 1996. That was \$90,000. The other one 1997, \$98,000. And the last one, 2004, \$125,000. Just the machines. That was just the machines plus I paid a lot of interest in five years for those machines. Each of them.

MR. HASSING: Now, when you first started having leaking in your roof. Did you do anything to try and have it fixed or repaired, as a flat roof?

MR. CONSULEA: Yes I did. And I spent a lot of money. I can't fix it.

MR. HASSING: And if the roof were not able to be fixed and had to stay a flat roof would you be able to keep your equipment and your company in that building?

MR. CONSULEA: The way it is right now?

MR. HASSING: Yes.

MR. CONSULEA: No. No, I can't.

MR. HASSING: And can you describe just for the members of the Board what that building looked like before you took over in terms of the outside and before you bought the building.

MR. CONSULEA: Pardon my French, please. It was crap. By the time I bought it, it was crap. And so I advise you, every one of you, come over and see it now. Inside it's beautiful.

MR. HASSING: And I understand the outside, there were people hanging out in the off hours outside and there was spray paint and other things. Graffiti.

MR. CONSULEA: Yes.

MR. HASSING: And since you took over, has there been any of those problems with the property?

MR. CONSULEA: Come again, please?

MR. HASSING: Have you had, what have you done in terms of the property to eliminate those problems?

MR. CONSULEA: You mean the paint? The painting?

MR. HASSING: Yes.

MR. CONSULEA: I called the landscaping company, from Randolph. The guy is expert in something like this and he took care of the paint from the walls.

MR. HASSING: And now you have a machine company where you don't have a lot of people coming as customers. Why did you go to the extent of cleaning up the outside of the building like that? Why did you clean the outside when you don't have customers coming in?

MR. CONSULEA: It looks nice.

MR. WEISS: Mr. Hassing, I would tell you that based on what we're hearing, obviously we have an applicant that is taking great pride in this building. He got a vibrant business in town. I know that being in town as long as I have we saw the deterioration of that building once the post office closed until, I think you became the very next tenant after the post office. It was many years in between. I think that speaking for the entire Planning Board we enjoyed applications where you are going to make an improvement to an existing structure so we hear it very clearly in your voice that you take great pride in it. And I don't think we really need any more testimony unless there's something that (inaudible). I believe that this is something as a Planning Board we're proud to be part of and we're certainly pleased. I am very pleased at the plans that I see that Mr. DEMaria put together. Let me open it to the public, assuming you're done.

MR. CONSULEA: Yes.

MR. HASSING: If there's any questions for the applicant?

MR. WEISS: And I see none. So then let me then open it to the public. If anybody from the public has any questions based on the testimony this evening from Mr. Consulea. Sorry if I'm messing up that name. I see none so let me close it to the public. At this point, if there's any other comments. Chuck, did you have anything else?

MR. MCGROARTY: I have nothing, thank you.

MR. WEISS: Tiena?

MS. COFONI: No.

MR. WEISS: Anything that we missed? I do believe that we mentioned earlier that Mr. DeMaria did make the proofs that were necessary for the variance request. Anybody on the Planning Board have any comments or questions? And so I see none, so let me entertain a motion for this application.

MR. RUSSELL: I'll move that PB15-12 be approved.

MR. NELSEN: I'll second.

MR. WEISS: Alright. Nelson and then Dan. Thank you very much. The motion is on the table to approve application. Motion then seconded. I see no conversation. Lauren, roll call, please.

MS. PERKINS:	Joe Fleischner	- yes
	Brian Schaechter	- yes
	David Koptyra	- yes
	Dan Nelsen	- yes
	Nelson Russell	- yes
	Frank Wilpert	- yes
	Kim Mott	- yes
	Howie Weiss	- yes

MR. WEISS: And we look forward to seeing the progress on the roof. As you know the process, next month we'll have a resolution drafted and signed and at that point, pick it up and go apply for your building permits.

MR. WEISS: We're going to now introduce our next application which is PB15-02 Waterloo Road Development Company, LLC. Application is requesting a waiver from submission of an environmental impact statement of soil logs, perc test, septic systems, minor subdivision, d-1 Variance, preliminary and final site plan with variances and waivers on property located at 20 Continental Drive, Block 106, Lot 1, Block 7, Lot 1. So, I think what we'll do, I'll introduce Mr. Dunn, you're here with the applicant?

MR. DUNNE: Yes, I am sir.

MR. WEISS: So welcome this evening. I think, and certainly let's have a dialogue, I think the best thing for us to do, let's address the waivers. The request before we get into too much substance and the application. We have a couple of issues that are before us prior to the variances requested. I think that's probably a smarter way to go.

MR. DUNNE: I agree with you. The waiver application. Basically, there's a waiver for presenting a comprehensive environmental impact statement as part of this application. The application does not detail any new building activity on the property. It's an occupied, approved site with activities on the property and the issue that is environmentally sensitive has to do with the Tier 1 wellhead protection ordinance and it's possible impact of the recycling activity that will be taking place on that property in the Tier 1 wellhead protection ordinance and for that purpose we have an environmental expert to testify here on a limited basis regarding the environment for that particular use. So we're looking for a limited waiver and the other environmental testimony in this matter because we don't think it's necessary. Perhaps the Board would like to defer on that issue pending hearing the case to determine whether or not you think any other environmental testimony will be necessary because we don't think there will be the need for that. I welcome to hear any comments from the Board on this but basically it's an approved site with approved buildings. GI- Industrial Zone. And the only issue really is the Tier1 Wellhead Protection Ordinance.

MR. WEISS: Mr. Dunn normally I agree with you 100 percent. And just speaking from my opinion, we're looking at a potential use variance and we're looking to change the use and when there's an application that comes in front of us where there's no additional disturbance, I would say this is a no-brainer but here we're talking about a Tier 1 wellhead. We know the sensitivity of such a thing. The Planning Board should be very versed in the Tier 1 wellhead situation in Mt. Olive and I think that, my opinion, is that with a recycling use, I think there is some environmental issues and before I would make judgment, I personally like to hear from an environmental standpoint, why you believe it's not necessary. So you've suggested that you can bring up your environmental expert and I'd like to hear that. I'd certainly like to

hear opinions from the Planning Board. I'm not so quick to say let's waive it and it doesn't mean that I'm going to go against it.

MR. DUNNE: I'm not asking you to waive it. I'm asking you to defer decision pending hearing the testimony from our environmental expert. If after you hear that testimony, you then want a more comprehensive environmental report, we can then do it. But the way we have our presentation planned, the environmental testimony will be near the end of the presentation this evening. We can put some testimony on now but our evidence is going to show that there will be no hazardous materials on this property at all and that there will be no impact, whatsoever, on the wells of Stanhope in both locations. So that's our proffer. And there is no other environmental impact on this property. So if we can't satisfy you with that then you can require us to do whatever you think is appropriate environmentally after you hear the testimony. But that's what the testimony is going to show.

MR. WEISS: So we heard, Mr. Dunn laid out an option which is sensible. The question is does anybody have an opinion, a straw poll, Joe?

MR. FLEISCHNER: Having visited the site on a couple different occasions with the most recent two days ago, I would like to hear from your environmentalist first. Seeing and I don't know how we get into this but seeing the mountain, I call it a mountain of soil that's there and as a member of the Environmental Commission as well as Mr. Russell, I think I would like to hear what the environmentalist has to say first before we get into anything else.

MR. DUNNE: The soil pile, though it has encroached into a setback area, is a lawful use of that property.

MR. FLEISCHNER: I understand.

MR. DUNNE: It is a permitted use of that property.

MR. FLEISCHNER: I would like to hear from your environmentalist as to what that soil is composed of and where it came from.

MR. DUNNE: Well, we can present testimony regarding that during the hearing because Mr. Allen, who is in charge of that, would know what soil has come in and was put in there but the environmentalist is here to talk about the Wellhead Protection law and the impact of the materials brought on site that are the proposal that might affect the wells. So that's the testimony we would intend to produce. The existence of topsoil on the property is permitted. Are you suggesting that testing should be done on the soil to determine what's there? Would you like to hear testimony about the fact that the soil is clean?

MR. FLEISCHNER: Personally, my opinion, I would like to know if the soil is clean.

MR. DUNNE: Alright. Ok and I'd be happy to produce Mr. Allen for that purpose and then the environmentalist.

MR. WEISS: Anybody else on the Planning Board have a concern? About the process?

MR. SCHAECHTER: I'd like to hear from the environmentalist first because for me there's, also visiting the site, there's a lot of issues besides what's proposed but what's there and the augmentation of what's there and what you're proposing. So, instead of spending hours this evening and then getting to the environmentalist, let's just get that out in the open first.

MR. WEISS: Ok. So then I think we're hearing enough of an opinion that we'll hold off on making a decision on the waiver of an environmental impact statement and if it doesn't upset you too much, Mr. Dunn, let's start with your environmentalist.

MR. DUNNE: I've learned to roll with punches, in the course of my life, so we'll be happy to.

MR. WEISS: Well, I want to feel. If it's a total disruption of your plan, I think we should continue to have the conversation.

MR. DUNNE: Well, I'm not going to put on the entire case. I'll put on some testimony.

MR. WEISS: Ok. That's fair enough. I think.

MR. DUNNE: With regard to limitation of that, but he didn't do a study of any soil. That wasn't requested. He's not going to testify regarding the soil.

MR. WEISS: I think obviously the burden of proof is still on your shoulders to prove to the Planning Board that a waiver is an acceptable procedure and so let's start the hearing with your environmentalist.

MR. DUNNE: Ok. Mr. Neuffer, do you want to come up?

MR. NEUFFER: Sure.

MR. WEISS: We'll start by swearing in the witness.

(CHRIS NEUFFER SWORN IN FOR THE RECORD)

MR. DUNNE: Would you describe for the Board what your qualifications are to testify today here as an environmental expert?

MR. NEUFFER: Yes, I have a Masters in Science of Environmental Science from Rutgers University. I've been working in the environmental field since 1989. I originally worked for the Department of Environmental Protection and then I worked for a private consulting company and I've had my own company for twenty years. I'm a certified hazardous materials manager. I'm certified by the DEP for the Department of Environmental Protection for underground storage tank closures and investigations. I'm also a registered environmental property assessor and I also hold a license for a licensed site remediation professional that's issued by the New Jersey Department of Environmental Protection.

MR. DUNNE: We offer him as an expert witness in Environmental Science.

MR. WEISS: Anybody have any questions for Mr. Neuffer? Ok. We'll accept Mr. Neuffer as an environmentalist expert witness.

MR. DUNNE: Mr. Neuffer, we retained you for the purpose of investigating and reporting on the potential impacts of the planned activities of Kirk Allen Trucking on the wellheads located in Stanhope, is that correct?

MR. NEUFFER: Yes.

MR. DUNNE: And did you visit the site and complete a study of this site?

MR. NEUFFER: Yes.

MR. DUNNE: And you actually completed a report, did you not?

MR. NEUFFER: Yes.

MR. DUNNE: And in that study, did you determine what it was that Mr. Allen intended to do with the property as part of your investigation?

MR. NEUFFER: Yes.

MR. DUNNE: And what was that?

MR. NEUFFER: That he intends to augment his existing use with tree and tree parts, branches, leaves and grass to chip to create mulch and topsoil.

MR. DUNNE: Alright.

MS. COFONI: Excuse me. I'm sorry Mr. Dunn. Did the Planning Board get a copy of the report you're referring to?

MR. DUNNE: No. We're going to submit that as part of his testimony.

MS. COFONI: Oh, ok. I was just looking in my file to find it.

MR. DUNNE: It was just produced. So I have to submit. I wasn't going to submit that until we actually got into the case. I can submit it right now. I think we have in the (inaudible).

MS. COFONI: Ok. I was just looking for it in my file. That's why I asked.

MR. DUNNE: I'll turn it over now. Mr. Weiss, you discombobulated me. I had my case all set up.

MR. WEISS: We'll go a little slow for you. We're going to take one and mark it A-1. And we'll call A-1.

MR. FLEISCHNER: We're always full of surprises.

MS. COFONI: Great.

MR. DUNNE: Mr. Neuffer are you familiar with the regulations of the NJ Department of Environmental Protection regarding recyclable materials?

MR. NEUFFER: Yes.

MR. WEISS: Before we do that I'm going to interrupt real quick. Let's mark this report A-1 and it's going to be the report by Envirotactics. Prepared by Mr. Neuffer. Is that ok?

MS. COFONI: Yes.

MR. WEISS: This report was prepared, dated yesterday?

MR. NEUFFER: Yes.

MR. WEISS: Ok.

MR. DUNNE: Did you also examine the wellheads for Stanhope Borough and investigate the location of those wellheads as well as the depth of the wells in each location?

MR. NEUFFER: Yes.

MR. DUNNE: I don't know if the map is up but, do you, can you explain to the Board what wells we're talking about in Stanhope?

MR. NEUFFER: Yes. If you look at the last two pages of the report are figures. And the first figure is the wellhead, the wellhead protection area and the well locations that are located in the vicinity of the property. There's two wells located to the north. Those are Wells 3 and 4. And there, according to the Geographic Information System that maps these, they are identified as being approximately, a little bit more than 100 feet deep. They could potentially be deeper but they're at least 100 feet deep. And then there's one well (inaudible) Well # 5, that's located to the east on the opposite side of the river that has a depth of 225 feet.

MR. DUNNE: What is the distance of these wells from the proposed activity at the Kirk Allen location?

MR. NEUFFER: The wells to the north are approximately 1,500 feet from the area of activity on the south side of the building and the well to the, the one well, I'm sorry, the wells to the north are 1,500 the wells to the east are approximately 900 feet. The one well, Number 5, is approximately 900 feet from the operations.

MR. DUNNE: And the recycling facility, if there was a Class B recycling facility, what does that entail?

MR. NEUFFER: If it were to be classified as a Class B recycling facility it would be because of the recycling of the wood and grass.

MR. DUNNE: Okay. There are certain things that Class B recycling facilities include overall, correct?

MR. NEUFFER: Yes.

MR. DUNNE: Can you just tell the Board what those things are?

MR. NEUFFER: Sure. They include source separation of non-putrescible waste, concrete, asphalt, brick, block, asphalt-based roofing scrap, and wood waste. Source separated non-putrescible waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction, remodeling, repair and demolition operations on hazardous commercial buildings, pavements and other structures and source separated whole trees, tree trunks, tree parts, tree stumps, brush, and leaves provided that they are not composted. So that's the area that these operations could potentially fall under. Source separated scrap tires and source separated petroleum contaminated soil.

MR. DUNNE: Now, there are exemptions permitted by the Administrative Code from Class B recycling centers, is that correct?

MR. NEUFFER: Yes.

MR. DUNNE: And, to your knowledge, is this application intended to be within the exemption limitations for Class B recycling activities?

MR. NEUFFER: Yes. I've been informed that from Kirk Allen, the operator, that he plans on meeting the requirements for the exemptions from a Class B recycling facility so that when he's operating it will not be considered a Class B recycling facility.

MR. DUNNE: In fact, in order for him to have this exempt activity, he has to apply to the Morris County Waste Control Facility in order to get permission to do anything, is that right?

MR. NEUFFER: Yes.

MR. DUNNE: And the DEP has an oversight, I believe, as well? Is that correct?

MR. NEUFFER: Yes. The DEP has (inaudible).

MR. DUNNE: Is that based on the limitations of the product that come and go from the site?

MR. NEUFFER: Yes.

MR. DUNNE: And of these items that are theoretically Class B recycling activities, what it is that Mr. Allen, to your knowledge, intends to bring onto the site?

MR. NEUFFER: Tree and tree parts, brush and leaves.

MR. DUNNE: Ok. There is also a mention made by Mr. Allen, recently, of storing asphalt and concrete on an impervious location surrounded by concrete barriers. Do you remember that?

MR. NEUFFER: Yes.

MR. DUNNE: Now, of all those materials, are any of those considered hazardous materials?

MR. NEUFFER: No.

MR. DUNNE: Do any of them leach, or would anything leach into the ground water that would be dangerous to any of the wells that are within the distance of the depth that you described to us?

MR. NEUFFER: No.

MR. DUNNE: Is it your opinion, based upon the study you made, that no contamination is brought to the site?

MR. NEUFFER: Right. There's no contaminate source from these materials. The only issue that you could potentially conceive of would be low levels of pesticides, possibly on grass and then you just have petroleum within asphalt but which is bound up in asphalt so it's not, it's the same as having asphalt in your driveway.

MR. DUNNE: Ok. So it doesn't leach into the ground?

MR. NEUFFER: No.

MR. DUNNE: And it can't leach into the ground if it's on an impervious surface, is that correct?

MR. NEUFFER: Correct.

MR. DUNNE: Ok.

MR. WEISS: Can I ask a quick question? I know it's not your area and you're a great (inaudible). Off the top of your head, are you aware of the topography? Does the property slope to or away from wellheads (inaudible)?

MR. NEUFFER: In general, away. In general, it's from the operations that we're discussing on the south side, it's generally to the south and to the south and to the east.

MR. WEISS: That's the lowest point of the property?

MR. NEUFFER: Yes.

MR. WEISS: And so what about the relationship between the property and Wellhead 5? What's the relationship in topography?

MR. NEUFFER: The topography of the property is higher and the location is higher than Wellhead 5.

MR. WEISS: Ok. So based on that, we would be more concerned with Wellhead 5 than 3 or 4 if there's a concern at all?

MR. NEUFFER: Correct.

MR. WEISS: Ok. We can talk about it more with the engineers. I was just curious because I do see the benefit of your testimony that there is a great distance between the Wellhead 3 and 4 and the operations end of the property. But then again now it's closer to Wellhead 5 so I want to make sure that we're focusing on. If there's going to be a problem I think we should focus on anything that would disrupt Wellhead 5, that's just my opinion. We can wait and see. Go ahead.

MR. DUNNE: Let's talk about Wellhead.

MS. COFONI: Just on what you were just talking about, just because I'm not quite clear, the application involves a Class B recycling facility, correct?

MR. DUNNE: No. It involves an exempt facility. We're saying it's not a Class B recycling facility but there are materials in common with what a Class B recycling facility might have if it had more of those materials on site. This is not a Class B recycling activity nor was it ever intended to be a Class B recycling activity. I mean site. There's all kinds of permitting processes that you need to go through to become a Class B recycling site. This is an exempt site because it's got a small amount of product that comes on site.

MR. WEISS: Are we going to get a differing of opinion from our professionals about the classification of a Class B?

MR. DUNNE: I don't think so. I don't think so.

MR. MCGROARTY: I have some questions when the time comes.

MR. DUNNE: Here's the thing, just so it's clear. We can't be a Class B recycling activity, and we're not applying to be. We are saying that our activity will be an exempt activity. It has to be approved by Morris County Solid Waste Management which is the DEP arm which is enforcing this for DEP. So these exceptions are part of the application process and Mr. Allen already went to try to get permission but they told him he's got to get permission from the Board first before he can get permission from them. So he's here to apply for permission to have his exempt activity on this site. And while some of the items are the same, for example, he's allowed to have grass clippings but only 10 percent of what he brings in can be grass clippings, so they're concerned about that. There's very little grass clippings that comes in to the site. The limitations are based on cubic yards. And these yards are managed by him by receipts and invoices and maintains, as records show, that he's within his Class B exemptions. So there's no chance that he would want to be a Class B recycling center.

MR. WEISS: Chuck, let me ask you a question. Whose ultimate decision is that? Is that the DEP that makes the final determination or is the Township?

MR. MCGROARTY: I believe it's the DEP. The property was cited by the County which is, I understand it and brought it to the attention of the Township's zoning enforcement and, Frank, I don't know if you were here or Scott.

MR. WILPERT, JR: I believe Mike Flora from Morris County Waste was originally out.

MR. MCGROARTY: Yeah, I cited in my report, so that's what brought it up and whether or not it qualifies as an exempt, the testimony will establish that, because Class B recycling or recycling is not a permitted use within the Tier 1 wellhead.

MR. DUNNE: A Class B recycling center is not permitted within the Tier 1 wellhead.

MR. MCGROARTY: That's right.

MR. DUNNE: This is not a Class B recycling center and it's not up to this Board to determine whether or not it's a Class B recycling center. It's up to the Morris County Waste to determine that.

MR. MCGROARTY: The other point was Kirk Allen Trucking was not approved to do those kinds of operations. So, when you were here last time, so that's why they're here too.

MR. DUNNE: The reason there was a summons or warning issued on that is because they didn't have the exemption in place. So they had no exemption. So they cited them for having some stuff on the site which would have been within the exemption but because they can't apply for an exemption till they get permission from you to have the recycling activity there, they were in violation.

MR. MCGROARTY: Let me add, if I may though, I also believe, as I said in the report, it is my opinion, we'll establish whether I'm wrong or not, or correct that the operations themselves are not a permitted principal use in the General Industrial Zone. And so apart from the recycling facility, whether it's exempt or so on, I don't believe this kind of recycling activity or this kind of processing activity outside is a permitted principal use in the GI zone. And therefore, as a d-1 variance, with that as well, in my opinion.

MS. COFONI: It would, I saw that in your report Chuck, what I'm trying to understand is whether or not, if we assume what they say is true and it's exempt, it's not Class B.

MR. MCGROARTY: If it doesn't meet the criteria of a Class B recycling, then the Tier 1 issue is not an issue at that point.

MS. COFONI: That was my question.

MR. MCGROARTY: That's correct.

MS. COFONI: because there is no other, the same activities that say it's not a permitted use in the GI Zone, they're also not listed in the wellhead protection? You have to rise to the level of being Class B recycling facility in order to be prohibited from the wellhead protection area? I'm not sure. I don't know if I'm saying that right.

MR. MCGROARTY: Yeah you are. I think. I follow what you're saying. In my opinion, the use itself is not permitted. This outdoor activity is not a permitted principal use and I believe they need a d-1 variance for it. If it doesn't, separately, if it doesn't wind up being classified as a Class B recycling facility then the d-1 variance associated with the Tier 1 area, I believe doesn't apply at that point.

MS. COFONI: Ok.

MR. MCGROARTY: They still have the d-1 variance for the other thing, the use itself and the other issues that are a part of the plan.

MS. COFONI: Ok. That was just a distinction I wasn't aware of and I just think is important.

MR. DUNNE: I think it's important too. But we have a witness here to talk about the fact that if you're concerned about those issues we are addressing them because they are not hazardous to the wells in Stanhope. The materials are not hazardous and the locations are not hazardous and there's no

contaminants coming on-site at all. So regardless of where the wells are located, we're not beginning with a contaminant to begin with, so whatever runs off from there and is not anything to get to these wells at all by the way, you just can't get there. It's not a contaminant and if you read your ordinance, it seems to talk about Class B recycling facilities, which is what we're not, but it lists all these products, as being included in a Class B recycling facility. So it's very confusing if you read that ordinance as to what, how broad it is, trying to apply. We're saying, we don't think it applies but here's some testimony saying we're not hurting you anyway. So that's the object.

MR. WEISS: The complexity of the situation is that, and I don't want to scramble your application, but there are so many questions that the Board needs to consider. I know we're focusing on Kirk Allen's operation but what else is going on in the facility?

MR. DUNNE: We're going to talk about the impact.

MR. WEISS: No, I understand that and so I think we need to be educated as to what's going on because, maybe we can all agree that, what Mr. Allen is doing with his recycling of tree stumps and other natural.

MR. DUNNE: No stumps.

MR. WEISS: I'm sorry, other recycling of these materials as Mr. Neuffer said, but what's going on in the other buildings that may be contaminants? We don't know. There might be, you just said a second ago, Mr. Dunne, that there's nothing that's going to make its way to the well. How do I know that? What else is on the site?

MR. DUNNE: We'll certainly

MR. WEISS: I understand and I'm not

MR. DUNNE: Talk about the uses on the property. I think there are permitted uses on the property but we're going to talk about the uses on the property so that's why...

MR. WEISS: I don't know if that's the question. I won't agree or disagree cause I don't know but, whether it's approved or not there's potential that there's contaminant in something that's going on in that site and I'd like to hear that it's not.

MR. DUNNE: Ok.

MR WEISS: And so, we're getting very complicated and I think we all understand that.

MR. DUNNE: But I don't think there's anything that's not approved on this site already so, if the activities are already approved on site, additional evidence regarding the activity seems unnecessary. We'll describe those activities and the people who are using the site. Mr. McGroarty, I think, asked for a list of people or uses of the property and we intend to comply by giving that information to you. I don't think there's anything that's being done on the property which is not already permitted. If we find there is, we're certainly willing to expand our testimony to include whatever you think is appropriate because we don't know what that might be. I'm not certain there is anything. In fact, I don't think there is but we'll comply with your requirements.

MS. COFONI: Ok. So that kind of leads to one of the other questions I had. I believe, that there were violations on the site with regards to zoning. Are there any of those now?

MR. DUNNE: There was and there still is an encroachment of the soil pile into the hundred foot setback off of Waterloo Road.

MS. COFONI: Ok.

MR. DUNNE: Which is a second front yard. That was done in error and it wasn't moved because of the weather and the product is there for sale. It's now being moved. But we're looking for a 50 foot setback as a variance

MS. COFONI: Ok.

MR. DUNNE: For room to do everything we need to do in that location. So, that again, that's within the Board's discretion whether they grant that or not based on the testimony we're going to offer. But

that's the only violation that I'm aware of that still exists on the property. There was a list of violations. There was some excitement about the fact that an allegation was made that there was some tree clearing on that site back in October or November. It turns out that Stanhope cleared trees over by its wellhead on the north part, beyond the north boundary of the property. This wasn't the property owner at all. So that was a mistake made because you can't see where the boundary lines are but it was on the Stanhope side. They did it for whatever purpose. They cleared their wells over there. They cleared some land over there. But the only other one was there was some clean up had to be done. And we had permission to have outdoor storage of construction materials but we organized those. And as far as the pile, we couldn't move them, the Township was gracious enough to let us file our application without moving it because in the winter we couldn't move it; because it was impossible. So they didn't ticket us and we agreed to work with them and we'll move it to wherever the Board wants us to move it. As time goes on, it's going to be sold off. But we are trying to get permission to go over 50 feet because it makes the site more workable for Mr. Allen's operation on that location. So we're applying for that variance. But that's the only thing. As far as I know of. I don't know of anything else. Maybe Chuck might know because...

MR. WEISS: I think Gene had a comment or a question.

MR. BUCZYNSKI: Just a question. I know there's a lot of outside storage areas and I know there's a lot of vehicles that are on the site. I'm not sure about the conditions of those vehicles that come on the site and how long they stay there. I guess my concern would be if there was any leaking of gas and oil. Would that be a concern being within the wellhead protection area? Think he can answer that?

MR. DUNNE: I don't know if he can answer that. We don't know of anything like that.

MR. NEUFFER: Typical leakage from vehicles, in that area, even if you had a major discharge from a vehicle, it still would not be able to reach the wellhead because there's just a number of factors that would prevent it.

MR. BUCZYNSKI: And the distance too.

MR. NEUFFER: Yeah and the distance, the depth to the water, the depth to water from the surface and mainly the depth that the wells are drawing the water from and the fact that the wellhead that is closest, Well 5, is located on the other side of the river which is a great distance, difference in elevation.

MR. BUCZYNSKI: According to you, discharge would be minimal.

MR. NEUFFER: Yeah. That wouldn't be a concern.

MR. DUNNE: What about the soils there? They're impervious in certain areas, aren't they? The soils going down.

MR. NEUFFER: Yeah. Any minor surface thing would stay on the surface. It wouldn't migrate vertically into the ground water.

MR. FLEISCHNER: Could I just ask a question? I know we're really speaking to the wells themselves but what about the river?

MR. NEUFFER: The river also, the way the property is set up now, there's berms pretty much all around the operations. The way the elevation is and there are some storm water drains in the area that go out to the southeast portion of the property but two of those are located on the other side of the soil berm so that there wouldn't be any impact to that and the other one that's located within the soil berm, my understanding is that it's elevated higher than the surrounding areas so water doesn't drain into it anyway. Most of the water is, infiltrates into the soil surface.

MR. FLEISCHNER: Thank you.

MR. DUNN: Are there other questions of Mr. Neuffer?

MR. WEISS: I think just to finish what I was talking about before and you're talking about protection and again my uncertainty is what else is going on at this site? We are going to talk about that because, even though it's permitted, it doesn't mean that it can't affect the wellhead. And if I'm wrong, maybe our attorney will manage it properly; but we're looking at the entire site because the entire site, we have to make sure that nothing on the site is affecting the wellhead. I think that's an accurate statement. So

we're focusing on Kirk Allen's processing but I want to hear what else is going on there before we can make the decision because, whether it's approved or not, there could be some activity in this building that might potentially affect the wellhead and that was what I was saying. I know, Mr. Dunne, you said, but it's approved, doesn't mean it's not a contaminant. Contaminants are approved. There's lots of uses for a contaminant as a byproduct. It's not often they are next to a Tier 1 wellhead. And that's what I'm just concerned about but I'm willing to hear what's going on there and you'll figure out how to get us that information.

MR. DUNNE: I'm going to get the information.

MR. MCGROARTY: I just have one other question.

MR. WEISS: Chuck, go ahead.

MR. MCGROARTY: Mr. Neuffer, I don't know if you're the witness for this but do you know how many cubic yards are on site now?

MR. NEUFFER: No, I do not.

MR. DUNNE: Are you talking about the dirt? The dirt?

MR. MCGROARTY: Yes.

MR. FLEISCHNER: If he's not then we'll wait.

MR. MCGROARTY: We'll wait.

MR. ALLEN: I know how much is there.

MR. DUNNE: We'll wait till your sworn testimony. It's less than what's permitted on site. Any other questions regarding the Environmental Impact Statement waiver question?

MR. MCGROARTY: Mr. Chairman, on the Environmental Impact Statement, if the Board still wants to keep that as an open issue and wait, there's noise and dust and other questions that also come about with operations, certain operations, and so, that may or may not be an issue here but you may want to make, you may want to just hold on any decision on the EIS to see what other testimony is provided with respect to those issues as well. Because again, that's an issue that the EIS should address as well.

MR. WEISS: Ok. We're going to continue to rely on your guidance for other issues that we need to address from the EIS, Chuck.

MR. MCGROARTY: Alright.

MR. WEISS: Brian.

MR. SCHAECHTER: If, you just had statement that said that what's on site is less than what's permitted; except, why are you in the setbacks then?

MR. DUNNE: I'm sorry?

MR. SCHAECHTER: Why is the material in the setbacks if it's less than what's permitted on the site?

MR. DUNNE: We're going to peruse testimony as to how that took place. If you'd like me to tell you what's in the testimony, I'll tell you that.

MR. FLEICSHNER: You didn't answer the question. You made a statement that said we are within, everything is within the required amount, but, you're not because you need a variance. So, the answer is

MR. DUNNE: Well, there are two different questions. One is the location and one is the volume.

MR. MCGROARTY: I was asking about the volume.

MR. DUNNE: He was asking about the volume and I'm saying it's less than the permitted amount by product that comes in to be an exempt activity so it's less than that amount but it's in the wrong location because it encroached into the setback area which we're agreeing to pull back. It's again, there by mistake because Mr. Allen thought the side yard setback applied, not the front yard setback. He went for what he thought was 50 feet which is 50 feet from the macadam, not 50 feet from the right-of-way. So he was trying to stay within what he thought was the setback approval which was not correct. So that was a layman's mistake that he made. He acknowledged it right away once we showed him the plan. He was supposed to be within that area and he goofed. So, he would have moved it if it wasn't in the middle of winter, if he could have moved it. But, like I said, the Township acquiesced and let us leave it there until he could move it.

MR. SCHAECHTER: When was the last time you got a delivery of material, in that pile?

MS. COFONI: I think we're going to have to wait until someone who is familiar with the operations because I don't think the environmental expert can answer that so. So we ought to make sure we get testimony on those things.

MR. WEISS: Ok. Well, let's continue to move on. I suppose if we come up with additional questions for Mr. Neuffer, as long as he's here, we'll rely on him.

MR. DUNNE: Why don't we just agree that you can defer on the final decision on your Environmental Impact Statement until you get the testimony. As I said in my opening comments, if you then want more testimony, we may need some time to prepare that testimony but we'll certainly provide the testimony you're asking for, perhaps at a later time. I'm not sure yet. Depends on if Mr. Neuffer's prepared to testify.

MR. WEISS: That's acceptable. I do believe we're going to withhold our decision at this point on the EIS waiver. I don't think we have enough information. So, we'll be patient as we gather the necessary information.

MR. DUNNE: Ok. I'm not sure if there are any other waivers that need to be talked about. There's a waiver about the soil logs that we requested because we're not planning on proceeding with any development at this point in time because our client is deferring any application for the actual development on the adjoining lot until he knows that he can build it as he's proposing to. And then he can go to the expense of preparing the site plans and other activities for your approval. So he would like to defer the soil logs to an application for the future. Not that you would lose control of that. You would still have control of this but we'd like to make that part of that.

MR. WEISS: I read that and I think it was Gene's report where it clearly said that deferring that until such time as there's an application where that testimony would be needed for the specific application. I think that's very fair. I think that's acceptable.

MR. BUCZYNSKI: I believe so. The concern originally was how the existing buildings were going to be served and also the expansion of that existing building was going to be served by the septic; and Mr. Ploussas sent the letter back in March of 2014 identifying what was happening and the fact that the building line was a proposed lot 1.03 at the time that they come in for a site plan. As you just said, for a site plan at that point they'll submit the required information logs, the soil logs, and design a septic system. So, I don't see that being a problem.

MR. WEISS: Clearly nothing in this application tells us if there's any kind of pending construction and therefore, from my seat, I see no reason why we could not waive your request for a soil log percolation test at this point; keeping in mind that it will be requested at time of an application. Unless anybody on the Planning Board has another opinion and our attorney says we're doing the right thing, Gene gives us the approval, then I would say and maybe we'll just show a sign of hands, that we agree as a Planning Board that we will waive the perc test requirement for the septic.

MS. COFONI: Do a voice vote, "All in favor".

MR. WEISS: Ok. So let's do that. All in favor of waiving the perc test and soil log?

BOARD: Aye.

MR. WEISS: Any opposed? (None) Ok. Then we are going to waive it.

MR. DUNNE: Thank you.

MR. WEISS: Just the soil log and percolation test for the septic system until such time as there's an application that would require it.

MR. DUNNE: Very good. Thank you.

MR. WEISS: Ok. That was easy.

MR. DUNNE: That was easy. Yeah. I'd like to begin an application then if I could do that.

MR. WEISS: I would put it back on your schedule then Mr. Dunne.

MR. DUNNE: I appreciate that very much but as a first order of business I'd like to move that the testimony of Mr. Neuffer, which has already been given on the waiver, be incorporated into the application itself.

MR. WEISS: That's fair enough.

MR. DUNNE: Good. Thank you very much and one more question, Mr. Neuffer. A report was turned in to the Board a few moments ago and was marked as Exhibit A-1, I believe. Was that report prepared by you?

MR. NEUFFER: Yes.

MR. DUNNE: Is that report, those detailed and technical (inaudible) point of view, represent what your comprehensive testimony would be in this case were you called upon to testify to it at length?

MR. NEUFFER: Yes.

MR. DUNNE: Alright. I'm going to add ask that he stand back. Thank you very much.

MR. WEISS: Thank you, Mr. Neuffer. Before we do that though, I don't think we opened to the public, did we?

MS. COFONI: No. And also, I just want to clarify, Mr. Dunne, that Mr. Neuffer will be available. You're going to have him testify later, right?

MR. DUNNE: Whatever you need. I do plan to put him on but he's gone through a lot of his testimony already about this issue.

MR. MCGROARTY: We just got the report though, in fairness, we haven't really had a chance to

MR. WEISS: I would think the environmental impact issue is not resolved so it might be in your best interest, as much as you don't want to hear, you might have to come back. I would suggest that you do so that we refer to your expertise if needed.

MR. DUNNE: We'll keep him on retainer.

MS. COFONI: Perfect. That's what I would ask.

MR. WEISS: Now he doesn't mind.

MR. DUNNE: He'll stay all night.

MR. WEISS: If anybody on the Planning Board has any additional questions for Mr. Neuffer? I see none and so I'll open it to the public. If anyone from the public has any questions from the testimony given this evening for Mr. Neuffer? I see none from the public. So I'll close it to the public. Oh, I was too quick.

MR. SELVAGGI: Good evening. Michael Selvaggi from Lavery, Selvaggi, Abromitis & Cohen. I don't know if I really have a question. I represent the Rockefeller Group. We're not necessarily concerned about the wellhead protection. We're worried about, obviously, the operation and the environmental impact it may have on the joint properties, which includes ours. I would respectfully request that the

environmental, Mr. Neuffer, comes back. Because I think, we're concerned about the spillover effect of this recycling operation. And I don't want to disrupt Mr. Dunne's order of presentation but.

MR. DUNNE: That ship has sailed.

MR. SELVAGGI: Otherwise, look, if he doesn't want to bring him back. I'll go into the questions that my client has concerning this operation. It may be a little disjointed because I think Mr. Allen may have to testify for you guys to get a better handle on the operation. And then Mr. Neuffer may have to come in and comment on it. But there's issues, again forgetting, we're not concerned about wellhead protection, odor, seepage, runoff, traffic, things of that nature, regardless of the quantity of the material that may be stored on site. Those are our concerns. So, I don't know if it's really a question at this point, as much as it's just kind of a feeling out. Cause I don't want to not see Mr. Neuffer come back, if in fact there are questions related to those topics.

MR. WEISS: Michael, I think what you did is you kind of pointed out, you summarized the open issues that would remain, as I turned to my planner a second ago, as to those items we might want to consider to complete the EIS open issues. So I think we're probably on the same page, although, we're going to wait for the testimony to see what happens. Obviously, we're at a very early stage in this and so, as the experts have brought up, and perhaps somebody will talk about, you mentioned odor, seepage and traffic and noise and dust. Perhaps, through the process we'll get those questions answered, and if not, then we already have the right to come back to Mr. Dunne and say we're not satisfied, provide the report please.

MR. SELVAGGI: Ok. Alright. Thank you.

MR. WEISS: Ok. Anybody else from the public? Ok. Seeing none from the public, I'll close it to the public. Mr. Dunne, I'll turn it back to you.

MR. DUNNE: Thank you very much. Would you like to swear all our witnesses at once?

MS. COFONI: We can do that. It's up to you.

MR. WEISS: No. Because it might be lengthy testimony and I think we'll. Let's go through a process, one at a time.

MR. DUNNE: Ok. Very good. I'm going to call on Mr. Ploussas, (inaudible). Just so it's clear to the Board, my plan of presentation is general testimony from Mr. Ploussas, Mr. Kaplan, Mr. Allen, and our planner as well as our environmental expert will be back, followed by detailed responses to letters of Mr. Buczynski and Mr. McGroarty so that it's a comprehensive presentation.

MR. BUCZYNSKI: Just one thing, we're going to be addressing, Mr. Ploussas will be addressing the site plan, as well as the subdivision, correct?

MR. DUNNE: Yes. Yes, he will. He will prove an overview of all of that and ultimately we'll get to your

MR. WEISS: Mr. Dunne, with all due respect. I would just think that the next natural witness would be Mr. Allen based on the path we just went down. I'm going to leave it up to you. I just think a lot of people on the Planning Board probably are, they're eyes are open for some follow up questions that Mr. Neuffer talked about but it's your application. I'm just surprised, happy to see Mr. Ploussas, but surprised.

MR. DUNNE: We think that a comprehensive approach to this is better than piecemeal presentation of witnesses out of order. If you want the Board to understand the whole site, we want the Board to know what's going on here. Just like you asked

MR. WEISS: I'm not going to challenge your process. It was just a comment. Perhaps unnecessary but I shared my feeling with you.

MR. DUNNE: I appreciate it.

MR. WEISS: No problem.

MR. DUNNE: Ordinarily I'd go along with that but I think we are going to do it this way.

MR. WEISS: That's ok.

MS. COFONI: And Mr. Ploussas is going to be testifying as the engineer, right?

MR. DUNNE: Yes.

MS. COFONI: Ok.

(MR. PLOUSSAS IS SWORN IN FOR THE RECORD)

MR. PLOUSSAS: As the Board knows, I'm a licensed Professional Engineer in the State of New Jersey

MR. WEISS: Yeah. I think we all know who you are, Mr. Ploussas. We've seen his work, we're always pleased to see him in front of us. We know his work is very thorough and his presentations to the Planning Board you've given have been

MR. PLOUSSAS: I hope I can live up to the (inaudible).

MR. WEISS: Putting pressure on you. Just to confirm you're here as the engineer, not the planner.

MR. DUNNE: He's also a professional planner but he's not here as our planner.

MR. WEISS: That's why I asked the question. I know Greg is also a planner but tonight you're testifying as the engineer?

MR. PLOUSSAS: Yes.

MR. WEISS: And so,

MR. DUNNE: (Inaudible) out of the planning test then we'll allow him to testify.

MR. WEISS: I will make the corporate decision that we're going to accept Mr. Ploussas as an expert.

MR. DUNNE: We have a few panels (inaudible) for testimony purposes which we'd like to mark as A-2,3 and 4. First we're going to mark the site plan, as approved, map will be A-2. Do you want me to mark it, Counsel?

MS. COFONI: Yes, please, with today's date. And it's Site Plan, as approved. And what is the date of that plan?

MR. DUNNE: The revised date was March 24, 2015.

MS. COFONI: And that's A-2.

MR. DUNNE: A-2 and the Existing Conditions Map would be A-3 and that was revised as of March 24, 2015. And the Site Plan Proposal, limited final site plan, Phase 1. March 24, 2015 would be A-4; and the Minor Subdivision Map, which is dated November 17, 2014 would be marked as A-5 over in the left hand corner of the document. We're going to be referring to A-2 first; which is the site plan map approved by this Board. Mr. Ploussas, you were the engineer (inaudible) this matter before the Board for the last approval, is that correct?

MR. PLOUSSAS: Yes.

MR. DUNNE: Can you explain to the Board the approvals that were in place as of this time?

MR. PLOUSSAS: Yes. First, the site is known as Lot 1, Block 106 which is the larger parcel consisting of 29.93 acres and is located in the G-I zone. Looking on your Existing Conditions map, the vast majority of the property, except for a 100-foot wide sliver, which has frontage on Continental Drive that's known as Lot 1, Block 7 which is 2.78 acres. That is in the FTZ-4 zone. It has been there since the last rezoning as well as part of the previous applications. So that gives us in total of 32.71 acres. The portion of the property that's in the FTZ-4 zone does not contain any buildings, either existing or proposed. It contains a loading and parking facilities for the New Jersey Folding Box building. And I guess we, the Board has continued to give us variances and waivers for that condition, and I believe, in Chuck's report he

recommends that the Planning Board consider, in the upcoming revisions to the Master Plan/Land Use Plan, to rezone that little sliver to G-I, so we don't continually have this minor problem. On existing Lot 1, Block 106, we have the larger building, which is sort of in the middle of it...right about there....consisting of 95,000.... 96,536 square feet of warehouse, assembly, office space, as well as, the Red Shed Personal Training facility down in the northwest corner of the building, which was approved by this Board back in October, 2012. They approved the Red Shed Personal Training facility occupying the corner of the main warehouse building, as well as about 442 square feet of the office building. In addition, we have a small existing warehouse to the east side of the main building consisting of 9,180 square feet. We have the existing, vacant office building to the east of the site, consisting of 15,768 square feet and although it's not shown on this map, all the way in the north portion of the project, next to the Stanhope properties, there is an existing 5,656 square foot building which is very close to the side yard and rear yard....which will be seeking continuing variances for. So that's what was out there, in the form of buildings. Of course, the required parking and loading that goes with the buildings is also there. Back in October 11, 2012, we appeared before this Board and asked permission for the (inaudible) to have an area for storage of clean fill and top soil of approximately 0.83 acres. We were granted permission for stipulation that a 2 foot berm be provided along the Continental Drive (inaudible). In addition, there are some other outside storage areas, specifically the storage area for landscape vehicles and other construction vehicles on the south side of the main building on the east side of the main building we requested and the Board approved 1.48 acre for outside storage and to the east of the main building there is a small area, approximately 15,000 square feet which was to be used for additional truck parking and storage. As part of the approval, in the year 2012, we were to restripe the front of the building to provide seven parking spaces and an additional ten for a total of 17 and we were going to extend the pavement from the office building to provide an additional seven.

MR. WEISS: Greg, was that done?

MR. PLOUSSAS: The parking here?

MR. WEISS: Yes.

MR. PLOUSSAS: I believe the base has been put in...the QP. But I'm not sure if it was ever paved. You can ask Mr. Kaplan that. He's here tonight. That's what was covered by the approval back in 2012.

MS. COFONI: Were any of the other things completed as part of the 2012, like the storage areas and all that stuff? That's all being used?

MR. PLOUSSAS: Well, the storage areas are out there.

MS. COFONI: Ok.

MR. PLOUSSAS: Whether they're currently being used or not, you'll have to ask Mr. Kaplan.

MS. COFONI: OK. Intermittently.

MR. PLOUSSAS: The paving was out there. It was left over from the previous Dynapac operation. So there was really nothing to do. I do not believe the parking spaces to the rear have been striped yet. I'm incorrect. The parking spaces to the rear have been striped. So the only real work that hasn't been done is this seven spaces may have not have been paved.

MS. COFONI: Ok.

MR. PLOUSSAS: But as the Board knows there's been an encroachment in the front yard setback of Waterloo Road which is one of the reasons we're here.

MR. DUNNE: Let's take a look at the existing conditions then if we can Mr. Ploussas to show the Board what is there now.

MR. PLOUSSAS: I'm referring to Exhibit A-3 now, which is the Existing Conditions Map that's in your package. (Inaudible) Simply, what was done, is we're taking the previous site plan from out there and updated with topographic information in the area where Kirk Allen has been stockpiling dirt. The plan shows probably half a dozen areas of stockpiled dirt. It shows that along the Waterloo Road side the actual toe of the stockpile comes to within 35 feet of new right of way line on the west side and on the east side within 48 feet of the new right of way line. And again as Mr. Dunne said, (inaudible) from the end of the pavement that's about 15 additional feet so it looks like 50 feet. Also there's a slight

encroachment on the front yard setback along Continental Drive to 84 feet in the most southerly location and about 50 northly of that there's another very slight encroachment where it's 98 feet where 100 is required. Just so it more clearly illustrates to the Board, the amount of the encroachment, in orange, that I've put on the hundred foot front yard setback on both Continental Drive and Waterloo Road. The limit in the peak area is (inaudible) slope of the stockpile as it exists now. The stockpile on the easterly side is approximately 15 foot high and on the westerly side is approximately 29 foot high. So from the existing conditions, beyond the approved site plan, those are the changes.

MR. DUNNE: Alright. Let's go to the proposed site plan. Now, Mr. Ploussas the approved plan consists, also consists of three phases. Is that correct?

MR. PLOUSSAS: Yes.

MR. DUNNE: What are the (inaudible)

MR. PLOUSSAS: That is correct.

MR. DUNNE: So now this proposal reorganizes the phases. Is that correct?

MR. PLOUSSAS: Yes.

MR. DUNNE: Can you explain what the reorganization of phases is?

MR. PLOUSSAS: Yes. Phase 1 still remains Phase 1 which is the larger warehouse area which is occupied by New York Folding Box, the building to the east and the existing office building to the north as well as the storage area to the east. That continues to be Phase 1. The previously abandoned office building was Phase 2. That is now Phase 3. And the vacant land which will now be present a minor subdivision is proposed lot 122 was Phase 3...which is now Phase 2. The proposed site plan requests permission to allow the soil to be stockpiled to within 50 feet of the Waterloo Road front yard setback and 100 feet of the Continental setback.....which doesn't require a variance.

MR. WEISS: Greg, what sheet number is that?

MR. PLOUSSAS: Sheet 5 of 7.

MR. WEISS: Got it. And we're calling that A-4.

MR. PLOUSSAS: As Mr. Dunne said, the front yard setback for Waterloo Road is 100 feet and the layman's error was done by Mr. Kirk...where he put it was in 35 feet of the right of way. We're requesting a variance with the Board to allow the dirt to be maintained 50 foot off of the Waterloo Road right of way and, again, 100 feet off Continental Drive which doesn't require any variances...and so we don't make the mistake again we're proposing along the Waterloo Road frontage to install an intermittent boulder barrier with a silt fence in front of it so it clearly delineates the limits of the 50 foot setback if that was (inaudible) by the Board and along Continental Drive we would put wooden post markers every 50 feet and a silt fence again to delineate the 100 feet (inaudible).

MR. DUNNE: So that any encroachment into the 50 foot setback would be observable easily from the road and from the site, correct?

MR. PLOUSSAS: Yes, but more importantly than the machine operators would know the limits of where they could stockpile their dirt, as I'm sure Mr. Allen's not there 24 hours a day.

MR. DUNNE: Other changes with the proposal from what was previously approved, I think you said, road dedications.

MR. PLOUSSAS: Yes. The Township Master Plan requires a road dedication along Continental Drive of, I think approximately 6 feet...and along Waterloo Road, I think of approximately 8 feet. The plans do show the right of way dedication, or the proposed right of way dedication. And should the Board grant the site or the minor subdivision, we will prepare the necessary description, in deed and forward them to the Planning Board engineer and attorney for review prior to file.

MR. DUNNE: I believe the County also had a requirement regarding a bridge maintenance agreement. Is that correct?

MR. PLOUSSAS: Yes, the County has requested a 50 foot wide, 300 foot long bridge maintenance agreement. Again, we are deferring doing that pending the outcome of the site plan and minor subdivision. But should the Board approve those, we will be in a position to grant the County the easement that they are requesting.

MR. DUNNE: We're also proposing a minor subdivision, is that correct Mr. Ploussas?

MR. PLOUSSAS: Yes, but also on the main site there we are proposing some, I guess additional outdoor uses. Ok. I'll try to go through them quickly. I don't want to bore the Board with them but...

MR. WEISS: Don't go through too quickly though. Don't go too quickly. I'd like to take notes of what's there.

MR. PLOUSSAS: Most of them have been caught, I believe, in either Gene's or Chuck's reports. Ok. But, one obviously, the previously approved 2 foot high earth berm around the soil storage area will be removed. It'll be replaced with the intermittent boulder fence and silt fence. Previously, there were areas within, I guess, the Kirk Allen stockpile area where it was designated for a certain area was going to be a compost area, certain area was for brush storage, a certain area was for proposed wood chips. OK. Those specific areas and notes have been eliminated and there been a note added to the plan for the area of storage of clean fill, topsoil, tree parts, leaf and yard clippings waiting to be composted. A compost area, brush, chips, portable top soil screener and tub screener in an area of 0.93 acres. And the reason for that is it's really not practical to delineate the specific uses right down to the nearest foot or 10 foot. The operator needs the flexibility to move it around, again, within the approved area where it fits and where it's not in the way of his operation. He's not asking to expand it beyond the area which is basically at the intersection of Continental Drive and Waterloo Road. He's asking for an area of 0.93 acres but, quite frankly, it's tight....ok.....to get all that done. Again, we're trying to minimize the disturbances to the site. We want to keep it as far away as possible from the Musconetcong River, the Stanhope wells, and that's why that location was chosen. The next note is that to the east of the outdoor storage area we provided a note in between the bins that are used now for landscape material to allow for the storage of overflow trucks and equipment parking. Again, that is shown on the Site Plan Sheet 5. On the south side of the existing warehouse, a note that was there previously, which indicated we could use it for landscape/construction equipment has been changed to allow, it could be a flex storage space, allowing landscaping, construction equipment, truck parking and equipment storage. And that is the area, right here, immediately south of the building. That area was previously approved for outdoor storage. We've shown the proposed lot lines on the plans that we are proposing for the minor subdivision as well as the proposed lot numbers have been assigned by the Township Tax Assessor, so they are different from the maps that you saw previously, back in August and November. These are the numbers that the Tax Assessor has assigned. We've shown the approximate location of the recently-installed water main on Continental Drive and Waterloo Road. I'm not sure the Planning Board is aware but, recently, water mains were installed by the Borough of Stanhope in Continental Drive from their well down Continental Drive down Waterloo Road and a new crossing of the river about 50 feet downstream of the bridge allowing them to (inaudible) the previous connection under the river which they were having continual maintenance problems with. The overflow parking area adjacent to the outdoor storage area on the east side of the warehouse has been eliminated and added to the general outdoor storage. The storage area on the easterly side of the warehouse building has been removed from Phase 2 and added to Phase 1, again, that's just because we flipped the phase numbers. The existing steel warehouse building to the east of the main building has been relabeled to allow for an existing steel warehouse and allow for minor vehicle repair as well as for storage of trucks and equipment directly in front of it. The area in and around the tennis court, which is east of the existing building and east of the smaller steel warehouse and adjacent areas, we're requesting permission from the Board to grade it with 4" gravel or QP and use it for truck and equipment storage. Lastly,

MR. MCGROARTY: I'm sorry. What was that one, please?

MR. PLOUSSAS: The area immediately to the north and east of the existing warehouse building

MR. WEISS: Over the former tennis courts

MR. PLOUSSAS: I'm sorry, there's two areas. I mixed them up.

MR. MCGROARTY: Yes, I see it but is that new on this plan?

MR. PLOUSSAS: Yes.

MR. MCGROARTY: So outdoor storage, flex parking/storage, is new.

MR. PLOUSSAS: In where?

MR. MCGROARTY: In the back parking lot area, or what was the parking lot area, is that?

MR. PLOUSSAS: All the way in the back, to the east?

MR. MCGROARTY: Is that where you were just referring to?

MR. BUCZYNSKI: He was referring to this area. The tennis courts.

MR. MCGROARTY: Oh the tennis court. I'm sorry.

MR. PLOUSSAS: Yeah. In the tennis court area and immediately around it we're requesting permission from the Board to grade it with QP and use it for truck and equipment storage and also directly to the east of the existing 96,000 square foot warehouse building where we were, where we had approval to extend the outdoor truck parking and storage area of approximately 15,000 square feet, we're asking to enlarge that and we'll bring it around to the north end of the building. Those are the major changes for the site plan. They are noted on the site plan. I have provided the professionals with a detailed letter explaining their locations.

MR. WEISS: Is there any detail to go over with us or is this just going to be QP on the ground. That's it. There's no screening. There's no proposed fencing. It's just

MR. PLOUSSAS: No. We are proposing this to grade it level and put QP over it. Again, it's not to be used as a formal parking area where there's going to be a lot of traffic in and out. It's just with the storage and you'll hear from the applicants exactly what they're going to be storing....but basically, trucks, construction equipment, landscaping equipment and things like that.

MR. WEISS: I was going to ask if there's going to be testimony as to what's going to be stored there so I'll defer my questions to that point. Ok.

MR. DUNNE: Just one second.

MR. PLOUSSAS: The storage area to the east of the building, which is here, ok. Is now being included in Phase 1. Previously, it was in Phase 2 and it's also been expanded slightly. It is now 1.83 acres. Also, while I'm up here, the existing office building, which is abandoned, we're requesting permission to turn it into a flex warehouse. A flex warehouse requires a lot less parking than an office building. Ok. An office building, as you know is 1 per 200 or 250 square feet, where warehousing is 1 per 5,000 square feet, assembly is 1 per 800 square feet. So there is an existing parking lot in front of it, which has approximately 21 spaces, and we believe if additional parking is required, we can expand that parking lot to the east for another 20 or 25 spaces which will allow more than ample parking for a flex warehouse. Previously, in the storage area, which is now in Phase 1, we had an additional, I believe, 57 parking spaces to be dedicated to the office building. Again, since we're not proposing use as an office building, we've eliminated those and put the lot line between the two uses.

MR. WEISS: Greg, I have a question. It was approximately 6 minutes ago, you made a comment, and you said, quite frankly the area of operations is tight. You said about Kirk Allen. In the existing area it's tight, the .93 acres. It's tight. And, I just have to throw out the question, we're looking up there in the eastern section, that north eastern section, right about there. There is right now, I believe there's nothing there. Correct (inaudible) former parking lot, looks like the grass is growing through.

MR. PLOUSSAS: Yeah. That's the former parking lot. I think years ago.

MR. WEISS: (inaudible) It was. So my question is, has there ever been consideration to take this operation now that's tight and move it somewhere else on this property? And why not?

MR. PLOUSSAS: Although I said the operation is tight, it is certainly workable. Ok. And this is the general area where Kirk Allen has his operations. Ok.

MR. WEISS: And so my question is

MR. PLOUSSAS: Now the other issue is we have the Morris Canal right here and we have the Musconetcong River right here. In this parking lot, drains directly down the slope into those resources. So, the engineer is looking to protect it? Of course. But if we don't have to use that area for Kirk Allen's operation, I think we're better served not to.

MR. WEISS: Ok.

MR. PLOUSSAS: Tight doesn't mean it's not workable, but....

MR. WEISS: Well, I just think, you know, we're seeing encroachment on setbacks and a request coming soon for a waiver from that setback and I just think that, I'm asking if there's been other considerations, if there's a better place to have this operation on the property. If the answer is no, Greg, then the answer is no. I just....

MR. PLOUSSAS: I don't think so. As long as it's workable, ok. I'd rather keep it there than move it closer. There's a steep slope, I'd rather not be that close to the steep slope. I know there's a drainage that goes under here, again, that ties out into the canal. So, I think we're better off in the location that it's at....as long as it's properly controlled.

MR. BUCZYNSKI: Just one question, when you say it's tight and it's workable. Is it workable based on a 50 foot setback or 100 foot setback?

MR. PLOUSSAS: It would be workable on both.

MR. BUCZYNSKI: It would be?

MR. PLOUSSAS: It's just a matter of, your backhoes, your loaders, your dump trucks being able to load, unload and maneuver.

MR. WEISS: Joe's got a question for you Greg.

MR. FLEISCHNER: Greg, I have a question with regard to this 50 foot setback with the boulder and silt fence. How many feet from that 50 foot line is the peak of the pile of dirt going to be? Because the

MR. PLOUSSES: The new pile?

MR. FLEISCHNER: The new pile. If you were to get approval for a 50 foot. Obviously, as they build the mound of dirt, gravity does, it doesn't go straight down. It goes at an angle....so how far from the 50 feet is the center line, going back to my college physics, going to be the peak of that dirt pile....to allow for the rundown to get to 50 feet?

MR. PLOUSSES: Right now from the toe of the slope of the existing pile, to the center, the peak as you called it, one area it's 30 feet and in another area it's 45 feet. So it will be the same from the toe of slope, which will be the silt fence, which will be inside the intermittent boulder barrier, you'd be talking 15 to 45 feet depending how high the pile is. You know, the pile would have to be stabilized (inaudible). If it's there any considerable length of time, one of the questions in Gene's report was what is the status with the Morris County Soil Conservation District? But we haven't applied yet because we're waiting to see the reaction from this Board. As soon as we get approval from this Board, we'd request that it be subject to the approval of Morris County Soil Conservation District and we go back there and show what the necessary stabilization on the slope.

MR. FLEISHNER: Ok.

MR. WEISS: Is it stabilized now?

MR. PLOUSSES: You have to ask Mr. Allen. The other aspect of our application for a minor subdivision is being submitted as Sheet 1 of 1. It's Exhibit A-5. What we're doing is taking the site and subdividing it into 3 lots. The pink area that I've outlined, to the south of the project, is proposed lot 1, Lot 1.06 and it's 11.24 acres. The other lot that we're proposing, I've outlined in blue, is proposed to be Lot 1.01 is 7.38 acres. That has on it the abandoned office building, we're requesting be a flex building. The previous lot, the pink lot, has the New York Folding Box building, the Red Shed Fitness Center, the new office building as well as the small steel warehouse to the east. The proposed Lot 1.02, we're proposing is currently vacant with the exception of the existing steel building to the northeast which requires some variances....and I'll get into that. And we're requesting a zero lot line of setback between Lots 1.02 and

Lot 1. Part of the reason for this is to minimize the disturbance of the site. It is the intention of the applicant to continue with his New York Folding Box business and he needs expansion. And he wants to expand by adding to the existing building. What I've shown in green is an approximately 60,000 square foot addition. Not saying it's going to be 60,000 but just so the Board can get an idea of why we're doing this because we want to attach it to the building, go out, I think it's about 300 feet to get an addition so that it's employees and people can go through the building to get from one area of the factory to the other.

MR. WEISS: We have a question.

MS. COFONI: Am I to understand that the green there is an expansion of the building that's proposed on the other lot?

MR. PLOUSSES: The green there is an expansion of the existing building that's on Lot 1.

MR. MCGROARTY: But that's not part of this application?

MR. PLOUSSES: No. It's just there to give the Board an idea of what we're planning. We would of course have to come back.

MS. COFONI: Oh, that's not part of this? Oh. Ok. I'm glad you... I just can't... My thought was why in the world would you expand a building that's going to be on two different lots? But ok.

MR. PLOUSSES: The minor subdivision requires certain bulk variances. Ok. The front yard setback. We're building on Lot 1.01 ok. Now Lot 1. Is going to be reduced from 105.83 feet to 98.78 feet. That's the distance from the building to Continental Drive. And that is simply due to the road widening, the dedication....that the applicant is giving to the Town. The other things that we're asking for, zero side yard between Lot 1, the pink lot and Lot 1.02, the orange lot...so that we are allowed to put an addition right next to the existing building. And where the required setbacks for the side yard is 50 feet for either lot....so basically we're saving 100 feet of disturbance there. As I said, the side yard setback for the existing...

MR. WEISS: Greg, hold on one second. Nelson, you had a question...

MR. RUSSELL: Why are you subdividing it?

MR. PLOUSSES: One of the reasons we're subdividing it is enable to comply with treatment works approval regulations for individual subsurface septic systems. Currently, the maximum flow or gallonage on one property is 2,000 feet, 2,000 gallons. By subdividing into 3 lots, we're allowed to get 2,000 gallons per lot. And the difference is, if it was all on one lot and we exceeded 2,000 gallons we have to go down to the DEP to obtain what is called an njped's permit. The cost to obtaining that permit is very, very high. It takes several years because it's part of the permitting process, you have to dig monitoring wells and they have to be monitored and then also there's the follow up. There's the monitoring wells that you have to dig and you have to send in a report to the DEP every quarter or every year. So, that is the reason for the subdivided...as well as I'm sure it would help with the financing. And lastly, for the building to the north, the existing small, 5,202 foot building, no that's the wrong square footage. The 5,656 square foot building, the side yard setback existing is 11.53 feet and that will not change. It will also be 11.53 feet and a (inaudible) setback is 6.55 feet and again, that will not change. It will continue to be 6.55 feet where in both conditions 50 foot is required. So those are the variances we are seeking for the minor subdivision.

MR. WEISS: You know what I want to do real quick. Let's just take a 5 minute break. Catch a breath. It's 5 after. We're going to bring the meeting back at 10 after 9. Take a 5 minute break.

RECONVENE

MR. WEISS: Ok. Let's just give Mr. Russell a second to get seated. And I know, Greg, you just finished up identifying the variances that are requested.

MR. PLOUSSES: For the minor subdivision.

MR. WEISS: For the minor subdivision, right. So, I'll turn it back. Let's continue.

MR. DUNNE: Greg, thank you. That's the extent of questions that I have for Mr. Ploussas at this stage. (inaudible) to call him back to detail review with Mr. Buczynski and Mr. McGroarty reports but at this point I don't have any (inaudible).

MR. WEISS: Ok. I have a question, then. I know that early on in your testimony this evening, you briefly highlighted existing conditions, and I understand it was with limited detail but I think it was your goal, as in the back of all our minds, we're trying to determine the need for this EIS and so every one of us is taking bits of information that you give us....including my comment earlier about what's going on on the site. And I believe that you went through an exercise to tell us about the activities in the front and you went through a whole thing and I wanted to make sure that you were accurate in your review of everything that's going on on this property. And I think you missed one and I want to make sure that there wasn't more than one that you missed. As far as what's going on on this site.

MR. DUNNE: I'm not sure my testimony really detailed this to what's going on on the site in these existing buildings which, I have no knowledge of. I tried to give you an overview of what's going on outside.

MR. WEISS: Ok. So, that kind of helps me with my point. I know if you refer to Exhibit A-3 and you told us about the Red Barn and the New York Folding Box and the training facility and that's helpful because that helps us get an idea of what's going on and you talked about the warehouse in the back. And so, what's going on outside, based on my observation, is also a car repo business, that's outside and we didn't hear anything about that and so I don't know what's going on there and I'm relying on you to tell me. And yet, through your testimony, you didn't tell me about it....and what else didn't you tell me about it?

MR. DUNNE: We're going to present the owner of the property to testify to the details of what's going on on the site not the engineer.

MR. WEISS: I understand that. I do....and I'm assuming that's going to happen but I'm wondering why when we went over everything that's going on and the outside conditions. That's a condition that's going on outside.

MR. DUNNE: But it's just a user. The space was identified as parking area, which is what it's being used for. So that's occupied by a particular tenant that happens to be using it as a parking area. I think maybe as a (inaudible).

MR. WEISS: We're trying to get a very clear picture of what's going on on this site.

MR. DUNNE: I have a witness for that purpose. I wasn't going to use Mr. Ploussas for that purpose.

MR. WEISS: I only brought it up because Mr. Ploussas talked to us about the New York Folding Box and the personal training facility. And you omitted something that is potentially, I think potentially, and I say it before I hear anything, that this is potentially damaging to the request of the EIS when we talk about what's detrimental to the area. So, we just did talk about it and it needs to be talked about.

MR. DUNNE: We'll bring it up.

MR. WEISS: Ok.

MR. DUNNE: It's not part of this testimony.

MR. WEISS: Anybody else have any questions for Greg? Chuck? Anything?

MR. MCGROARTY: Well, you know, maybe Mr. Dunne said that Greg was going to go through reports later. I guess, right?

MR. DUNNE: That's correct. That's my plan. If you want to do it now, it will be out of order, but my plan was to bring all the experts up at one time. Answer stuff one item at a time to get it over.

MR. BUCZYNSKI: I don't want to mess you up any more. That's fine. We don't want to mess you up any more than....

MR. DUNNE: I'm good. I can bounce.

MR. WEISS: I'm going to leave it in the hands of Mr. Dunne....that's his request and I don't have a problem with it.

MR. DUNNE: We're going to give you all the information that you need.

MR. WEISS: Perfect. We're waiting. So let me do this, before (inaudible). Anybody from the public have any questions for Mr. Ploussas based on the testimony? We have Mr. Selvaggi coming up again representing... your client?

MR. SELVAGGI: Hi. Mike Selvaggi again. Hey, Greg. Just a couple of quick questions. The total amount of the outdoor storage going to be .93 acres?

MR. PLOUSSAS: No, that's the total amount of the outdoor storage area and soil stockpile area for Kirk Allen Trucking. There are other outdoor storage areas proposed by the applicant.

MR. SELVAGGI: If you were to avoid the 50 foot setback variance that you're looking for on Waterloo Road, how much would that reduce that .93 acres? Do you know?

MR. PLOUSSAS: It would reduce back to .83 which was previously approved by the Board.

MR. SELVAGGI: At .83 acres, do you know how many cubic yards of material could be stored there?

MR. PLOUSSAS: No because it's a definition of the height. And it's how high. It's 10 foot high....20 foot high....30 foot high.

MR. SELVAGGI: Could it potentially be more than 7,500 cubic yards of material?

MR. PLOUSSAS: I really don't know without running the numbers.

MR. SELVAGGI: Did, when you were laying the site plan out, were you given any parameters as to, from the applicant or Kirk Allen as to the volume of material that he wanted to store there?

MR. PLOUSSAS: The volume you said?

MR. SELVAGGI: Yeah.

MR. PLOUSSAS: No.

MR. SELVAGGI: And do you know if this is going to be a use where consumers would be able to come on-site?

MR. PLOUSSAS: You would have to ask the applicant.

MR. SELVAGGI: Alright. That was all I have. Thank you.

MR. WEISS: Ok. Thank you, Michael.

MR. RUSSELL: Mr. Ploussas, can you just tell me one more time, so I'm clear, as why you want to subdivide...specifically going toward the septic regulation?

MR. PLOUSSAS: Currently, on one piece of property, you're allowed a maximum gallonage of 2,000 gallons per day for a septic system or individual subsurface disposal system. You can exceed that by applying to the DEP for what's called a njped's permit. New Jersey Pollution Elimination Discharge Permit. It's called njped's for short. The issue with that is it takes, it can take up to two years to get the permit and because of the testing requirements, and the fact that you have to draw or dig wells as part of the application, test wells, so they can monitor the ground water and other resources it becomes prohibitively expensive for a site like this. So, in order to avoid that, we're subdividing the site into 3 and each parcel will have its own individual subsurface disposal system, each under 2,000 gallons per day.

MR. DUNNE: So the creation of this lot at this location helps us legally avoid the need to have the expanded septic system and (inaudible) the njped's permit and avoid all of that cost?

MR. PLOUSSAS: Yes.

MR. DUNNE: If the building is built as is, without the lot line, the building would be built as permissible but we still have to get the njped's permit if we expand the septic system. Is that right?

MR. PLOUSSAS: Yes, as long as it was one property.

MR. DUNNE: As long as it was one property, that building would be part of that. And these lots that are now (inaudible) three lots. Every one of them is a conforming lot, in itself, right?

MR. PLOUSSAS: Yes.

MR. DUNNE: On both sides.

MR. PLOUSSAS: Yes. The lot area, yes.

MR. DUNNE: Whatever preexisting structures (inaudible). They're all conforming.

MR. PLOUSSAS: Well, technically, yes, except the New York Folding Box lot. The front yard setback will require a variance because of the dedication.

MR. DUNNE: Because of the dedication that's required by this application.

MR. PLOUSSAS: Yes.

MR. RUSSELL: And what is it you're asking for is a waiver of the Environmental Impact Study and you're telling us that you don't want to go through septic permitting, so you're going to go through the process of subdividing the lot? I'm just trying to get this straight in my head because...

MR. PLOUSSAS: The individual subsurface disposal systems will be approved by the Board of Health at the appropriate time. We've asked for a waiver to submitting the soil logs and perc test. The Board was gracious enough to give us but as we come back there will certainly be site plans for each of the lots where at that point we have to provide the soil log and permeability test required by your ordinance but beyond that we have to go to the Board of Health and get their approval.

MS. COFONI: So, none of the proposals that you have now require....let me say it a different way. The existing improvements are ok with the septic system as they are, it's just the addition of that one building that's going to then trigger your need for that njped's?

MR. DUNNE: We expand the building without having a lot line, we'll be required to have a njped's permit and go through a treatment works approval through DEP which will delay the application for more than 2 years and cost approximately \$250,000.

MS. COFONI: So all the other buildings are less than 2,000 gallons per day?

MR. DUNNE: Those buildings that are separated will each be able to have their own individual septic system with less than 2,000 gallons per day.

MR. PLOUSSAS: And those buildings that are out there now and are serviced by septic's total is less than 2,000 gallons per day.

MS. COFONI: Ok.

MR. DUNNE: In fact, one of the existing septic systems that services the larger building now would have to be destroyed, I believe, and be replaced by the new njped's approved treatment waste facility septic system if this is not granted. So we're not going to be able to put in a new system we lose the structure in the system that's already working on the site, as far as the impact.

MS. COFONI: But my point is, it's that green box, that proposed future expansion that's to be over the 2,000 gallons now.

MR. PLOUSSAS: Well, no. If there was a change in use, say, in any one of the buildings where it went from warehouse to assembly or an office and that's what happened when Red Shed got in there. The applicant had to go to the Board of Health. He had to have the rear septic system redesigned because

the gallonage was over because of the change in use. It's not only just an addition, but a change in use on the site.

MS. COFONI: But as it is now, you're ok within the 2,000.

MR. PLOUSSAS: Yes.

MS. COFONI: Right. Ok.

MR. DUNNE: That's part of the hardship argument in this case. If that law impacts, unnecessarily harshly, on this applicant we have to proceed to (inaudible).

MR. WEISS: Ok. No other questions for Greg? Greg, thanks.

MR. PLOUSSAS: Thank you.

MR. DUNNE: Mr. Kaplan, please.

(MR. KAPLAN IS SWORN IN FOR THE RECORD)

MR. DUNNE: This property is owned by Waterloo Development Company?

MR. KAPLAN: Correct.

MR. DUNNE: What is your relationship with Waterloo Development Company?

MR. KAPLAN: My brother and I own it.

MR. DUNNE: And the buildings occupied by what company? Primarily.

MR. KAPLAN: The large building?

MR. DUNNE: The large, improved building.

MR. KAPLAN: It's owned by Waterloo Development. It's occupied by New York Folding.

MR. DUNNE: What's your relationship with New York Folding Box Company?

MR. KAPLAN: That's a family business that started back in 1918. My grandfather started it and then my father and uncle took over and now my brother and I run it.

MR. DUNNE: When did you acquire the site?

MR. KAPLAN: About 10 years ago.

MR. DUNNE: When you acquired the site, what condition was the site in?

MR. KAPLAN: Oh, it had been abandoned for 16 years. There was, the roof was caved in in spots. There was tree growing inside the building and on the roof and everything was in disarray. The whole site was just a mess.

MR. DUNNE: Were the outside buildings, aside from the main building, all abandoned at that time?

MR. KAPLAN: Everything was abandoned. Yep.

MR. DUNNE: And when you bought the property, you must have expended considerable sums just to make the main building on Lot 1 occupyable by New York Folding Box.

MR. KAPLAN: Yeah we had to spend millions of dollars to get it to the point where it is now and we're still improving it. We'll be painting it this year. The whole thing will be one color. We want to keep improving the site.

MR. DUNNE: Ok. And you've been to the Board several times and have several different modifications over the course of time, is that right?

MR. KAPLAN: Yes.

MR. DUNNE: And you also leased some of this property out to a company called Kirk Allen Trucking?

MR. KAPLAN: Correct.

MR. DUNNE: Could you step up to the map? If we could use this map, page 5 and point out to the Board the area that is leased, approximately, to Kirk Allen Trucking.

MR. KAPLAN: This area here is leased to Kirk.

MR. DUNNE: You're basically circling on the Exhibit right over the corner, property that's proposed Lot 1, Block 106 on that particular map. Is that right?

MR. KAPLAN: Yes.

MR. DUNNE: Alright. In his operation that you leased for him to use, it was approved by this Board, was it not?

MR. KAPLAN: Yes it was.

MR. DUNNE: Do you remember what that consisted of?

MR. KAPLAN: Yeah it was for him to be able to bring in soil and mulch and stone and the things that his clients need.

MR. DUNNE: And vehicles?

MR. KAPLAN: Right and some storage, vehicle storage and his, I think he had a screener at the time. That type of thing.

MR. DUNNE: A silt screener?

MR. KAPLAN: Right.

MR. DUNNE: Ok. And there's been some upsetness about the encroachment of the soil pile onto an area that's not supposed to be (inaudible). Do you remember the issue?

MR. KAPLAN: Yes.

MR. DUNNE: This is not something that you granted permission for, is that correct?

MR. KAPLAN: Correct.

MR. DUNNE: Do you even know that there was an encroachment going on until it was brought to your attention?

MR. KAPLAN: No.

MR. DUNNE: And there are other uses on the property, is that not true?

MR. KAPLAN: Yes.

MR. DUNNE: Can you describe, what Mr. McGroarty wanted to know, what the extent of the various uses are on the property. If you want to step up to the map and show the Board what uses and who are using them on this property?

MR. KAPLAN: Well, you know there's the Red Shed is over this small section right here, this is basically that little tiny section here and they have a bathroom that goes into the office building over here.

MR. DUNNE: That's an athletic training program?

MR. KAPLAN: Correct. They don't require too much space.

MR. DUNNE: That was approved as a use variance, I believe? Is that true?

MR. KAPLAN: Correct.

MR. DUNNE: Alright. And the office building is part of what operation?

MR. KAPLAN: That's New York Folding Box.

MR. DUNNE: Isn't there an attorney in there as well?

MR. KAPLAN: Yeah, my brother. My older brother.

MR. DUNNE: He's an attorney.

MR. KAPLAN: Correct.

MR. DUNNE: Ok. And does Kirk Allen has an office in there?

MR. KAPLAN: And Kirk Allen has an office in the building.

MR. DUNNE: Anybody else have offices in there?

MR. KAPLAN: No.

MR. DUNNE: Ok. And how many square feet is the office area? Do you remember that?

MR. KAPLAN: Yeah. The whole thing is about 5,000 square foot.

MR. DUNNE: What other uses are there in, on that particular Lot 1?

MR. KAPLAN: Over here on the back we have the repo man who we came in for approval for as well.

MR. DUNNE: So that's an approved use? You have to answer orally. And how did that become approved?

MR. KAPLAN: Well, I mean, I came in, I filled out an application for you, for him to park his cars there and we delineated a fence line and that where he kind of keeps his stuff.

MR. DUNNE: And that was administratively approved by the Town?

MR. KAPLAN: Well, you know, I went in to Catherine and I...

MR. DUNNE: You got a zoning permit.

MR. KAPLAN: Correct.

MR. DUNNE: Ok.

MR. KAPLAN: We didn't come in front of the Board.

MR. DUNNE: Ok.

MR. KAPLAN: Originally, Kirk Allen was in here. That was his original (inaudible) for him to do his repairs.

MR. DUNNE: Can you describe....

MR. KAPLAN: In the south end of the long steel building. He was in part of that in order to do repairs to his truck. And that was all part of the first approval. And then Kirk (inaudible) didn't want it anymore. He says he wanted to save some money or whatnot. So he pulled out and SMA Trucking came in and they parked their trucks here and he does his, they have one mechanic in there that services their trucks only.

MR. DUNNE: That was not a change of use but a change of tenant?

MR. KAPLAN: Yeah.

MR. DUNNE: Was there any submission to the Township as a result of that change? Did you do that?

MR. KAPLAN: No.

MR. DUNNE: So those trucks or whatever are the same type of vehicles that were stored there by Kirk Allen Trucking but now it's by SMA or whatever you call the.....

MR. KAPLAN: We're going into the Town for that.

MR. DUNNE: Ok. Oh, you are going to the Town?

MR. KAPLAN: Yeah.

MR. DUNNE: So there's certification?

MR. KAPLAN: Like I did with the repo guy.

MR. DUNNE: Is there a zoning application pending?

MR. KAPLAN: No.

MR. DUNNE: Alright. What else is being done with that particular building?

MR. KAPLAN: To this building?

MR. DUNNE: Yeah.

MR. KAPLAN: Right now it's just vacant from here down. I'm just fixing it up since it's vacant. I'm actually painting inside and (inaudible).

MR. DUNNE: It's approved for storage of trucks, is it not?

MR. KAPLAN: It is. It's approved for storage of trucks. Right now from here down there's just nothing.

MR. DUNNE: Half of it roughly is not being used now but it's intended to be used.

MR. KAPLAN: More like two thirds (inaudible) three quarters.

MR. DUNNE: Alright. So other uses that are currently going on on that property at this time? Anything else going on?

MR. KAPLAN: No. This building back here is vacant.

MR. DUNNE: And the building on the other phase?

MR. KAPLAN: And that building is vacant too. Except for the occasional kid that goes in there and breaks out windows.

MR. DUNNE: Ok. Alright. Now, let's talk about the proposal. What do you propose to do to change?

MR. KAPLAN: Well, what we want to do is eventually we'd like to use the site fully....in that we'd like to put an addition on to this building here for future expansion of New York Folding Box. We also would like to be able to utilize our space more as far as, because we have 33 acres so there's a lot of acreage there and we certainly don't want to fill all up but we want to use parts of it for parking and trucking because there's a tremendous need for it. I can't tell you how many truckers come over and ask to park their trucks. Like for example, UPS came in this year and wanted to rent this whole space and I told them they couldn't yet cause I don't have the approval on it. But they wanted to just park for a period of time, 50 semis or whatever they are....tractor trailers. And then numerous landscapers and whatnot, they just need a place to park their trucks at night and come in and go out in the morning and they're basically out all day and they would come in at night.

MR. DUNNE: So you want to expand the, I call it, general parking, in that property to include the back area. Extend the area behind the main building on Lot 1?

MR. KAPLAN: Right. And honestly, you know, the reason that some of this is kind of temporary is because with the expansion of this building and hopefully the approval of the Board, to allow us to do that, is that a lot of this is going to change as far as the flow. It's eventually going to....there's going to be a road coming through here rather than jogging all around and this whole general area is going to change and the site is going to change differently as well because it will be paved all the way around and it will look like a different site. For now, we can still utilize it until we get some of these things done in the future (inaudible). Being able to allow people to come in here and park and it would help further the site along. Eventually we want to be able to put a small addition onto this and make the rest of this into a warehouse and a small bit of office here and make some parking here...kind of work that out preliminarily with the engineer and architect but for right now that is the last phase, Phase 3. That's our intent.

MR. DUNNE: If the traffic did come into this site, where would it come in from?

MR. KAPLAN: Right now it comes in here and eventually we'd like to expand this down, somewhere down the road have another entrance so, it's not just a single entrance. Certainly this entrance over here we don't use at all. We keep that locked because there's residential down here and there's that bridge you're not supposed to go across so I keep everybody coming out here...they don't go that way.

MR. DUNNE: So the additional traffic or truck traffic or whatever it is will not go through Waterloo Road and (inaudible) at all.

MR. KAPLAN: No. We actually tell all the tenants don't use that if you have a big truck

MR. DUNNE: Have you had any difficulty maintaining control of that?

MR. KAPLAN: No. I mean I haven't heard any complaints about it at all. I haven't seen it cause I'm (inaudible) all the time and I haven't seen the guys who use it.

MR. DUNNE: I assume that'd be a condition of any permission to use your property, is that they don't exit off of (inaudible) road.

MR. KAPLAN: Yeah.

MR. DUNNE: And from there, again on Continental Drive there's easy access to the state highway.

MR. KAPLAN: Yeah just go up 46 to 206.

MR. DUNNE: Now there's no particular organization on your map to the parking or equipment storage or whatever you're planning on putting there, which may be of some concern to the Planner and the Board. Is there a rationale for your decision, hope to have it be flexible space for the ability to move things wherever it is more convenient to keep it?

MR. KAPLAN: Yeah. The rationale is that we had originally, we're kind of new at this stuff. We got the property and we were normally just Folding Box guys and we pulled into the site and had all of this room so tried to make some money in order to pay for some of the things so started moving trucks around here and there and then all of a sudden the Township came in and said hey you're not supposed to have a truck there because we never denoted that the first time we came through because really we didn't know...that that's how it's supposed to be so... Now that I look back look let's make it a little more comprehensive that we can have trucks and there's a lot of guys that have equipment because we're an unusual site. We're General-Industrial. We're allowed to park outside and store outside. This is even zoned for a small airport. At least, I mean it is but we sold off some of the acreage over time over to the Rockefeller Group the back 7 acres. It's not really feasible to have an airport but it's also for lumber and whatnot or a lumber yard I mean. So with that, we have a lot of people that say hey you know this would be a great spot for me. I can leave my trucks outside or I can have a little bit of space in here to work on my truck so I'm not working in the snow. The winter when these guys are doing their plowing and whatnot and their plow breaks or something like that so it's an ideal site for construction guys or landscaper people to park and keep their stuff so that's why we want to have all these different areas in order to put different people and different groups and eventually, after the site gets filled up with building and parking going around we will address this further and we can try to make the site a lot nicer

as well. And that's what we're slowly doing, it's just that we can't (inaudible). We were actually pushed out of our building in Newark. The building was condemned there and they said you got to go and we basically had a year to go because of our lease there and that's how we ended up here. Kind of fast track getting this building going so (inaudible) to do that. But now we have this property and we're just trying to figure out how to make it right and make it nice.

MR. DUNNE: And the business is growing, right?

MR. KAPLAN: Yes.

MR. DUNNE: So have you thought about the need to expand your main building of operation?

MR. KAPLAN: Correct. You know my grandfather started the company in New York. That's the name, New York Folding in 1918 and then he eventually moved to Jersey City and then he moved three times in Jersey City, larger each time and then they moved to Newark and that's when my father and my uncle jumped in and actually my father and uncle were in the last place in Jersey City and they moved on to Newark. They were in Newark for 30 years and that's when the State came in and said you got to go and my brother and I, at that point, were in and we found this building and each time we got larger and larger and I have kids now, one just graduated college and my brother has them just going in to college so we're just trying to keep it going.

MR. DUNNE: It's really a four generation business?

MR. KAPLAN: Yeah. Why not? It's going good.

MR. DUNNE: Good. Good. So the need for this zero lot line which is it's part of the variance application. Explain to the Board why you need that.

MR. KAPLAN: The reason we need it is because we, of course, want to attach the building to this building so when the time comes that New York Folding needs to expand into here....cause right now we do take up the whole building. The only thing we don't take up is this 3,000 square foot where Red Shed is, right here. So we come across into here and we build this way. After the architects get done with what they have to do. The reason we have to do that is because, what Mr. Ploussas had explained, about the NJPED's permit in that it's so costly to put that in. We put this septic in just recently and it was a \$40,000 septic and they're looking at having to abandon a \$40,000 septic and then put in a \$250,000 septic, have it monitored all the time and it just would not be....how do you afford that kind of stuff? This is a good business but it's not that good of a business.....to be able to do that and besides it's going to take years to do that. They're talking 3 years to get through all of that and if you get through all of that. So by breaking up the property we have these smaller septics around the site and it allows us to put this on here and what'll happen is there's a septic that's on this piece.....these are not the subdivision lines, these are the phase lines so it comes over like this. That septic is right here that would....that now services these...this building right here. So by putting the building on over here, all we would do is divert the pipe that comes through here like that. We would just, grab the pipe over here from this building and that would serve as this building, this building then....there is a septic over here so we would just redo this septic to accommodate what we have...basically what we already did over here for this one. It would just move over to this section and now all this stuff would be on here and then this building would eventually have its own septic where there is a septic right now we would just have to redo that septic as well and that would have that septic and that way the whole septic could work. The only reason that we're having all this problem is because there is no sewer on the street. If there was sewer on the street there would be no...we wouldn't have this problem at all. There would be no subdivision whatsoever. It's really just to accommodate this crazy site because of the fact there's no sewer and there has to be a NJ ptese permit. So...

MR. DUNNE: So the mere placement of a lot line in that location enables you to save 200 and some thousand dollars and avoid all the work that that law would impact upon you. Is that right?

MR. KAPLAN: Correct. And the years....

MR. DUNNE: And the lot sizes are all conforming. So it's perfectly legal to have the subdivisions.

MR. KAPLAN: Correct.

MR. DUNNE: And the septic systems that you're proposing within the lots is all perfectly legal....to have those septic systems on a smaller size....and that would all be permissible to avoid the impact of that law on you as a property owner because of the size of your property and the existence of the (inaudible).

MR. KAPLAN: Correct. It just happens to be that the hardship of no sewer and the size of the property.

MR. DUNNE: What's important about the (inaudible) is you want to allow access to...I'm not sure what you had in mind, but can you describe for the Board, you say storage of equipment in the back (inaudible) not to limit you so much but an idea...

MR. KAPLAN: Of course there's going to be trucks, whether the straight jobs or a tractor trailer or landscape trailer. I've had people come to me and say they use those....they're like parking things that you put a couple cars up above, they come in in kits and he goes, I don't need to put them inside, I just put them outside. Take them in, take them out. Then they assemble at the site where they go and stuff like that. These landscapers they have the chippers or something like that....of course you have the repo guy and those are just cars, people getting repo'd and they come in and they pick them up or they send them out to the auctions...one or the other.

MR. DUNNE: You're not permitting any car repairs or work on vehicles in these locations that are on the site?

MR. KAPLAN: No. Nothing outside. No. Nothing like that or even any type of oil drums or anything like that.

MR. DUNNE: You don't have construction material stored there? Blocks of wood or stuff like that?

MR. KAPLAN: Blocks of wood are allowed on this site. You know it's a G-1 zone. I mean, you know. I don't want to pollute my site so I'm not going to allow a lot of things on my site. Things that the Town, since it's already approved, would allow as well.

MR. DUNNE: Are you planning on having a specific area where these materials, the potential materials would be stored or do you need to have that be flexible as well?

MR. KAPLAN: Well, I mean, certainly, it serves in my best interest to have it flexible in that if I say this is only going to be for trucks and then all of a sudden I meet a guy that says well I want to put my chipper of there or put something that's not a truck or some block over there next to his trucks if he happens to be a mason or something like that. You know. I say this is your area to be kind of bound by this is only for semis or this is only for straight jobs. It's just easier to have it...everything just be that you can put anything anywhere but of course, I would keep it organized because it's my site and I want it to move a certain way.

MR. DUNNE: So I assume that if people came in with certain types of vehicles or certain kinds of equipment you would have designated those locations that are a rational use of the site.

MR. KAPLAN: Correct. Each person usually says well this is how much space I need and then I can say, well, I have this area over here and I have this area over here.

MR. DUNNE: I have no other questions of Mr. Kaplan.

MR. WEISS: Members of the Planning Board have any questions for Mr. Kaplan?

MR. MCGROARTY: Could I, before the Board asks questions....

MR. WEISS: Sure.

MR. MCGROARTY: Two things that I just want to be sure....maybe I'm misunderstanding the way our ordinance works but. The repo business, I disagree that the Town should have given a zoning permit but if it was issued, it was issued. And the reason why is, the way I understand from what Mr. Kaplan is telling us there's....it's not exactly defined yet what business or businesses will be in these various locations. Let me also back up for one second. Just on the Kirk Allen use of the existing steel warehouse building...I disagree that, and again I hope we can work this out, (inaudible) active issue that because Kirk Allen was in there (inaudible) the approvals....and I don't remember that but I have no reason to doubt it if that's what you told us. I don't believe that you have the right for the owner that has the right to just move a new business in there because I would argue that Kirk Allen used it as

accessory to the business that he was approved for. What it comes down to, and this is the way I read the ordinance any way, in the General Industrial zone you can have more than one principal use on a lot whereas, elsewhere in the Township, you cannot...except shopping centers and certain other things but they have to be approved as part of a comprehensive plan and that's....we're here now, so that's a good thing. But I don't know what other businesses we're talking about. It sounds like, it sounds unclear to me anyway as to the number and the type and....

MR. KAPLAN: You mean..would I come in each time that I have a new tenant and go through Zoning and pull a permit?

MR. MCGROARTY: I would say no....and here's why....if the Board approves, especially now, because now you're not dealing with one lot, you would be dealing with three separate lots and so again, the ordinance says one principal use per lot except as part of a comprehensive site plan. A comprehensive site plan is exactly the term the ordinance says. So now for the three separate lots, now's a good opportunity to do that comprehensive site plan since you're here and I know you're going to work towards that but I don't think we know enough yet to, I'm not sure the Board knows enough yet to grant comprehensive site plan for three separate lots without knowing what businesses they're talking about or how many. I mean, if there's lots of flex parking area but that could be for maybe one, two, a dozen landscape businesses. It could be, you mentioned the trucking stuff, and so on. It seems to me, it's not clear yet what kind of site plan approval you're asking for.

MR. KAPLAN: See, now that's the problem I ran into before and that is that if I ask for one then I have to come back in front of the Board.

MR. MCGROARTY: That's why in New Jersey there's a municipal land use law that requires site plan approval. That's why there's zoning.

MR. KAPLAN: I understand that.

MR. MCGROARTY: For better or worse.

MR. KAPLAN: But it's prohibitive. If I'm getting \$450 a month from one guy and I'm going to come in here and I'm going to bring my lawyer and I'm going to bring my planner and I'm going to bring my....

MR. MCGROARTY: Well, Mr. Kaplan

MR. KAPLAN: I won't ever make a dime. I'll be paying you guys. I got to pay you guys too. It doesn't make any sense. That's what I'm saying.

MR. MCGROARTY: Well, it always makes sense to pay me. I wanted to just say, I think (inaudible) interesting testimony earlier and that not that I necessarily disagree but you're going for a zero lot line variance to avoid dealing with a law (inaudible). I'm not sure that that a bad, I think the rationale that you offered makes a lot of sense to me anyway, but the Board will decide. But what I'm saying is, you're in, you're here now, you have an application now with the Board, you have your attorney, your professionals, everybody's here. Now is the time, I think, to be clear about what you want to do definitively on each of these lots, including the fact you're converting, wish to convert that existing office building which has been empty for many years to a warehouse building. So that changes the use, it does resolve the parking problem, apparently, that I noted. There's lots of different things going on but it sounds like you're asking for, to a certain extent, flexibility is good but I think you're asking for, pardon the cliché, a blank check. You're asking for sort of areas just to be used and we'll figure out later who is going to use them, how many and to what degree. I don't believe the ordinance allows for that is what I'm saying.

MR. KAPLAN: Let me just say something. The reason that we're here now is really because we want to get a feel for the Board because if I were to get my site plan from Mr. Ploussas and get the architects involved and all that....it's going to cost me probably \$40,000-\$50,000 to get all those plans ready and then come to the Board and then have the Board say, you know what, we're not going to allow you to put the building next to the building. So now I go back to the drawing board, I have to move this, with the architects, the engineer, I have to move everything over. So the reason we came here the way we are now, is because we want to get approval for the zero lot line knowing that we're going to be coming in front of the Board and for the fact that we want to expand the building because of what you had just said that is....

MR. MCGROARTY: That's not what I'm talking about. I'm not talking about that. And Mr. Kirk Allen from Kirk Allen Trucking here also for the issues that they wish to raise. What I'm saying, and perhaps the best way for you to do it, is, I would think, at best, is get preliminary site plan approval for all the rest of this stuff and then subject to final site plan approval as it occurs. That's normal. I appreciate it costs you money but every applicant that comes in front of this Board has to go through the same process. If you're coming in and getting preliminary and final site plan approval and with the understanding that it's very nebulous and I'll figure out, you'll figure out as time goes on, who will use that property as the need arises, then this Board has really no control, has surrendered its jurisdiction in terms of the site plan. I believe...

MR. KAPLAN: I believe...

MR. DUNNE: Could I just, here for a second, the zoning regulation is supposed to address uses of property and what difference does it make if A comes in with a truck or B comes in with a truck if it's a truck? And what he's saying is, look, I have this large piece of property, I want to use it for parking of vehicles and trucks and equipment and I don't know yet whose going to be coming in there but I'm, I don't want to come in here every time one guy with a truck comes in and wants to store it on my property. It doesn't make any sense for me to do that if the use is the same.

MR. MCGROARTY: But to the use...the use...any zone district has a multiple number of uses...it doesn't mean you get to do them with outside (inaudible),

MR. DUNNE: But this parking of trucks on this site is a permitted use...as is the equipment, as is the storage of materials.

MR. MCGROARTY: But you have to get some kind of approval for it.

MR. DUNNE: Well, sure. We're asking you for flexible space at this location to bring in trucks and materials and equipment and store them in that location. Why do we need to come in every time one person wants to change a tenant. Suppose a tenant wants to sell his business to another guy, will we need to come in to have that guy get approvals to do it cause he changed his name? That's not a zoning issue.

MR. MCGROARTY: I think the way you're characterizing is incorrect. I mean, the use of that steel building for auto, for the repair, as I mentioned before, I don't believe there's the authority to move a new occupant in there if Kirk Allen was using it as accessory to the business. But more generally, every zone has a list of uses, it doesn't mean you can just come in and say they're permitted uses, therefore, I get to use them. If the Board is comfortable, saying under the ordinance, the General Industrial zone allows more than one principal use per lot subject to comprehensive site plan approval. If they're comfortable with this as comprehensive site plan approval, it's their call. I just want to raise that as a concern before we got too far along.

MS. COFONI: I think, if I may, just so I understand Chuck's concern. My understanding is Chuck may not be as concerned with ABC Company in the northwest corner and DEF Company in the east side of the property. It's more, so this is all going to be trucks, this all going to be materials, this all going to be ...

MR. MCGROARTY: I guess the question is, each lot has a principal use. Will each lot have 2 principal uses? Will each lot have 5 principal uses? Just because you bring different trucks in, to me that's a separate principal use if it's a landscaping business, if it's a car repo business, if it's a whatever else kind of business.

MR. WILPERT, JR.: But it's parking, there's storage.

MR. MCGROARTY: Yeah, it's use. Parking is not the use. The use of the property then is...you have to be...you're either principal use or accessory.

MR. WILPERT, JR.: Right.

MR. MCGROARTY: And if someone's parking their trucks, if UPS is parking their trucks, if Mr. Kaplan said they wanted to or if a landscape guy is parking his truck...they're not accessory then to anybody else on the site...unless they are. Unless, like Kirk Allen Trucking, had more trucks, ok? They're accessory to him...but if I come in with a landscape business, I'm not accessory to anybody else. I have to be classified as a new principal use. There's no other way to classify it.

MR. WILPERT, JR.: Then it should have been clear on the plan when this Board approved it when they had additional truck parking and storage area...it should have only been for Kirk Allen Trucking at the time.....and that's not what happened. So what happened when the repo company came in, ok, they were in without a zoning permit. We went out. We took a look at it. We noticed that they were there. And on the site plan it wasn't specific to who could park there.

MR. MCGROARTY: I think your point, Frank, and now's the time

MR. WILPERT, JR: To address it

MR. MCGROARTY: It's very easy for me to look back and say I should have...things could have been done differently. If the site plan was unclear then I think it underscores the point I'm making now....that it'd be better to be...now if the Board says....the Board says we've got on one of the 3 lots, we've got the big building, it's got Folding Box, etc. and a lot of other area in the back, we're going to approve it as a general area for parking and we're not going to put a restriction on the number users as long as it stays within there. If you do that, that's fine. But what's unclear is what kind of trucks come in or what kind of businesses come in or what kind of outdoor assembly takes place and so on.

MR. DUNNE: Are we subject to a zoning permit when we bring in a new tenant anyway? Subject to some preliminary, administrative approval and they do that anyway? Subject to the determination of the types of trucks...

MR. MCGROARTY: First and foremost, you're subject to site plan approval.

MR. DUNNE: Well, we're getting site plan approval or we're trying to get site plan approval for those particular uses. What if we just say it's a parking lot?

MR. FLEISCHNER: That was going to be my question.

MR. MCGROARTY: A parking lot for who?

MR. FLEISCHNER: It doesn't matter.

MR. MCGROARTY: It does matter.

MR. WILPERT, JR.: Go up to Wal-Mart.

(Inaudible)

MR. FLEISCHNER: Wait, wait, wait a minute. If somebody goes to park there, whether it be a landscape vehicle or it be a tractor trailer. I'm just trying to understand this....they're not the business. They park it there and they take it the next day or they take it three days from now. That's not a business that's there. The business is Mr. Kaplan's parking lot. That's the business.

MR. MCGROARTY: No. No.

MR. FLEISCHNER: Because how can that be the business?

MR. MCGROARTY: Because that would be analogous to A&P or a shopping center having...

MR. FLEISCHNER: Then you have to close down Wal-Mart because tractor trailers park there....RVs park there....

(Inaudible)

MR. WILPERT, JR.: Then our ordinance is wrong

MR. FLEISCHNER: Then our ordinance is wrong.

MR. MCGROARTY: It's not that the ordinance is wrong, the question is, if you're establishing a parking lot here for outside uses then you need to be clear about that when you're approving it tonight or whenever.

MR. FLEISCHNER: Right that it says it's a parking lot for any number of tractor trailers or whatever you want. The same thing applies, if I recall, Mr. Kaplan, where, and again I'm relying on an old memory here, where Mr. Allen does working at building that was for storage of antique fire trucks that occasionally you said the gentlemen worked on those antique trucks.

MR. KAPLAN: Correct.

MR. FLEISHNER: Ok. So there were actually two different....

MR. MCGROARTY: He wasn't in there with any approvals either though.

MR. FLEISCHNER: Well, no, we gave him the approval. We sat here and we approved it. We approved it. I sat on this Board then. We can go back to the minutes. We sat there and we asked you, I asked you exactly what it was and you said it was antique fire trucks in one part and the gentlemen would work on his trucks if they needed repair, etc. That was clearly stated in the...and I'm not taking sides on any...but that's what occurred and Mr. Allen had that other portion of that building and I think everyone on the Board that sat there at that time...I think Nelson you were on the Board....we all shook our head and we said ok.

MR. WEISS: Nelson, you had a question.

MR. RUSSELL: Yeah if Mr. Kaplan were to construct a parking garage there, like they have in New York City, you wouldn't have to get approvals every time a new car came in.

MR. MCGROARTY: Well, you know, I made my point...if the Board agrees or not, that's the way I read the ordinance an when you approve a parking lot for a shopping center or whether it's Wal-Mart or any other place, it's clear on the plans, the spaces that are designated in the parking lot are predicated on the square footage of the retail space or the office space or what have you. It's not just (inaudible) so that it's open to general parking. If that occurs it may be an enforcement question.

MR. DUNNE: There's no business of these operations taking place on this site. It's just parking and storage.

MR. WEISS: Here's what we need to do because of the late hour. We're going to table this conversation. I'm going to finish with Mr. Kaplan. If anybody else on the Planning Board has any questions for Mr. Allen. I can certainly open it to the public if anybody from the public has any questions...and I see none so I'm going to close it to the public. I'm going to make a couple suggestions that we continue this conversation when we meet again. I want to make a suggestion and, Mr. Dunne, tell me if this is a realistic suggestion, we have a very complex site, lots of things going on. I'm going to recommend a site visit. Perhaps Mr. Kaplan can host the Planning Board. We would note it. We would notice that the Planning Board is having a meeting and I suggest we do it on a Saturday morning if it works. What I'd like you, Mr. Kaplan, to walk the Planning Board around the site. Some of us have been there. I can't speak for the entire Planning Board. It's a complicated site there's lots of things going on. I think it would be helpful. The Planning Board can get a good picture of what's going on there.

MR. DUNNE: (inaudible) Mr. Allen as well? At the same time?

MR. WEISS: I think that certainly if Mr. Allen wants to be there but as the owner of the property, Mr. Kaplan might want to host this event and bring anybody he'd like to help us understand what's going on. What I'd like us to look at perhaps a week from Saturday? I would like the conversation to continue. Mr. Kaplan, if you'd be so kind as to work with Catherine, maybe as early as next week. She can use the email system to find some dates that work for all of us.

MR. KAPLAN: Ok.

MR. WEISS: We don't have to do it now. I don't think we can sit here for an hour and come up with a date. We all don't have to be there but we're going to note it. Notice it as a public meeting. Just a suggestion....if it doesn't work, it doesn't work. Though, I'd like you to work through that with Catherine.

MR. KAPLAN: Ok.

MR. WEISS: One of the problems I have and I don't want to be negative but you're painting a very rosy picture of what's going on. You're doing your best to tell us what's here and what you're saying and

what I'm seeing are two different things. And so you're talking about this business and that business but I see abandoned vehicles. I don't want to call it a junk yard but to me, I see a lot of junk. On your property I see a school bus. Where does this school bus work into this...

MR. KAPLAN: No, it's not actually abandoned. That's the repo man's. That's in his fence...in his area...that's designated for him. And that is a working school bus, as far, I know that they repossess them. I don't know his business that well.

MR. WEISS: I've seen that particular.... I mentioned the school bus because I've seen it there since November....and so.

MR. KAPLAN: I mean, is there a problem with that though?

MR. WEISS: Not a problem, per se...but I think when you look at the overall property and drove around...and I saw car bumpers over in the woods, I saw car tires, you mentioned oil drums....55 gallon drums. I shouldn't say it's oil. What's in those drums? Why are there metal drums?

MR. WILPERT, JR.: It was in the report from the environmental...it's...

(Inaudible)

MR. KAPLAN: You know there's the wells on site. The environmental people come. ELM comes over and they draw water out of the wells and they put it into the drums and then what happens is....it takes about a month after they fill up a bunch of them then they truck them all out of there, they whatever, if there's contaminants in them that's why they have to truck them out. They bring them to the proper facility then they bring the empty drums back and they put them there and they fill them again and it's an ongoing clean up. It's from when Dynapac owned the property. There was a huge spill on site.

MR. WEISS: I think if you take the road and I don't know if it even has a name that goes in front of the abandoned office building you're going to see bumpers to cars, you'll see tires. I saw it. And so, why is this stuff there? It's only complicating what you're saying and what you're going to do. It confuses us.

MR. KAPLAN: Honestly, with all that's happened and the money that we put out, you know we have been strapped for money and this past March our mortgage has finalized. That's why now we're moving ahead and now we are going to be getting some more money because we're not paying the mortgage company for all those tens of thousands of dollars a month for the mortgage. We're going to be using that money now to promote the site and there is more money loosened up and that's how we're able to pay the lawyers and everybody and the planning. So, it honestly, is just something that just opened up in March.

MR. WEISS: So, that's a good thing but I don't know if that's an acceptable answer because lack of money shouldn't equate to debris.

MR. DUNNE: Whatever debris is there will be cleaned up. I think they...

MR. WEISS: I think you made progress since my visit there in November to my visit there as of today. I just think that there's questionable things which is why site....I don't mind asking you the question "What is this and why is it here"? I don't want to generalize here because it would be nothing but a generalization but that's why I suggested a site.....where we can answer these questions. You're trying to tell the Planning Board exactly what's going on and my mind is telling me something different. So I want you to tell me and satisfy me that this is where you're going and you're not just saying it but you're going to show it to us.

MR. KAPLAN: Ok.

MR. WEISS: So the first thing we'll do is reschedule the second, let's schedule the second hearing. What do we have?

MS. PERKINS: May 14 I have one application on that evening so we can put it on for that evening.

MR. WEISS: We actually have an applicant that came off of that last, that evening. Does May 14th, Mr. Dunne work for you and your (inaudible)?

MR. DUNNE: Yep. We'll make it work.

MR. WEISS: Ok. So let's move, let's....we're going to carry this application until May 14th. There will be no further notice.

MS. COFONI: So it continues to May 14th?

MR. WEISS: Continued to May 14th. There will be no further notice and what is the other application?

MS. PERKINS: It's Toll, an amended subdivision.

MR. WEISS: That should be pretty quick. Ok. So we'll put you on right after that application. We won't schedule anything else. We'll continue with (inaudible). Mr. Kaplan, it would be my intention to work real hard to try to get us out to your site before May 14th.

MR. KAPLAN: Ok.

MR. WEISS: So if you could, work with Catherine, starting Monday. Catherine will be back on Monday Lauren?

MS. PERKINS: I believe so.

MR. WEISS: So if you would do that favor for me. Just work with Catherine.

MR. KAPLAN: I will. I'll definitely....

MR. WEISS: We'll work out a date when most of us can be there.

MS. MOTT: We're not here on the 25th either. There's like four of us....

MR. WEISS: I don't think we can do the 25th. We have to notice....

MR. FLEISCHNER: We can't do the 25th.

MR. WEISS: It wouldn't work anyway today's the 16th. We need ten days.

MR. WEISS: We have restrictions on that. I think, that being said, let's adjourn this session until May 14th. Thank you everyone this evening.

ADJOURN

