

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, David Koptyra, Dan Nelsen, Nelson Russell, Frank Wilpert, Jr., Howie Weiss, Kim Mott

Members Excused, Henry Fastert, John Mania, Sandra Stotler, Brian Schaechter

Members Absent:

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

Professionals Excused: Edward Buzak, Esq.,

Roll Call:

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

MR. WEISS: Thank you. The first item on the agenda is the approval of the minutes of April 16, 2015. We all have a copy of that. Anybody has any questions we can discuss it. Otherwise, I'll entertain a motion.

MR. FLEISCHNER: I'll move we approve the minutes of April 16.

MR. WILPERT: I'll second it.

MR. WEISS: Thank you, Joe. Thank you, Frank. Any questions? Seeing none. Catherine, roll call.

Roll Call:

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

COMMITTEE REPORTS

MR. WEISS: Committee reports. Nothing from the Mayor. Nothing from Council unless anybody was given a report. I was not. Environmental Commission? Nelson?

MR. RUSSELL: No, the Chairman and Vice Chairman failed to show up for the third month in a row. We're going to ask for their resignation and ask the Mayor to appoint two new people.

MR. WEISS: Ok. Keep us posted on that. Is there a problem?

MR. RUSSELL: They just don't show up.

MR. WEISS: That's a problem. Into itself. Ok, well thanks for that. Ordinance Committee, Joe?

MR. FLEISCHNER: No report at this time.

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

MS. MOTT: I just got the email a couple days ago and there's a meeting at the end of the month which I will attend.

MR. WEISS: Ok. So tonight's agenda we have one developmental matter which is PB 15-02 Waterloo Road Development Company, LLC. A request of a waiver from a submission of an Environmental Impact Statement, soil logs, percolation test for septic systems, minor subdivision along with a D-1 variance, preliminary and final site plan with variances and waivers located at 20 Continental Drive, Block 106, Lot 1; Block 7, Lot 1. This is an application that's been carried from April 16th. Mr. Dunn, welcome back.

MR. DUNNE: Thank you, Chairman, members of the Board.

MR. WEISS: As you're getting your papers organized, I wanted to just review with you where my notes show we left off and if you have any...

MR. DUNNE: That would be great because the tape recording of the hearing I got, I couldn't produce on my computer for some reason; so I don't have it.

MR. WEISS: Yeah, you have to download that program and...

MR. DUNNE: Yeah I did and it still wouldn't come up. I don't know.

MR. WEISS: On April 16th we heard from your environmentalist, Mr. Neuffer. We saw between Mr. Neuffer and Mr. Ploussas, we had five exhibits which means tonight we'll start with an A-6. You have additional exhibits. We ended the evening with testimony from Mr. Kaplan. I believe that's where we left off. According to my notes Mr. Kaplan should still be on the stand for any additional questions. I don't show that we opened it to the public.

MR. DUNNE: No, I think that Mr. Kaplan is still under oath and on the stand but I don't know where we left off with them. (Inaudible) talking about the uses of the property.

MR. WEISS: I can tell you that we went from Mr. Ploussas giving us an overview of the property to the uses that are there. If you recall, I questioned his missing a couple of them and you corrected me to tell me that it will be Mr. Kaplan that will give us the final, the accurate review of what's going on and so we brought up Mr. Kaplan who identified himself as the property owner and talked about the tenants and the various uses on the property and we questioned things like oil drums and we're really just trying to finalize the final issue of the EIS and I'd like to try to do that as quickly as we can so you can get back on your application to make the proofs that you need. If that's ok with you?

MR. DUNNE: That's fine except I was going to use...keep our environmentalist testimony till the end tonight. My plan was to produce Mr. Kaplan to finish up his testimony. I know that the Board made a site visit in the interim (inaudible) and perhaps I know you were there (inaudible) for the record what it was that you observed or you can have us talk about that. And there have been some preliminary modifications to the plan based upon that site visit and some changes that takes place on the site. I believe they cleaned it up a little bit based upon some recommendations.

MR. WEISS: I think that's a very fine idea. There was a site visit. I don't have the dates. I don't have notes on that in front of me but it was attended by...I know Kim you were there...Dan you were there. Maybe there were six or seven of us at most that took a very nice tour from Mr. Kaplan and his brother and I think it was very good dialogue. He took a lot of time to show us... Obviously when we look at a site of this size, it's overwhelming when you're looking at it just on paper. And so to walk the property from one end to the other, Mr. Kaplan answered every question that we had. Kind of pointed out where the well heads were because I know that seems to be a big issue and I certainly, I'll speak for myself, I was more than satisfied at the distance between the (I'm going off record though) the well head that was out by the parking lot which is the closest of the well heads. And I think at the end of the day, it was beneficial for the members that were there. Mr. Kaplan, I understand you can certainly add to it. And so I think that we're moving in a positive direction as this is a complicated site but not a site that we

certainly can't work together to make better. I know that Mr. Kaplan told me, he might have told everyone else this, his plans to paint the building and to really make it right and at the end of the day, that's what we want. We want this site to be better than it was when we started. I kind of like Mr. Kaplan and everything he said to us so...

MR. DUNNE: I think it's a work in progress and they made a lot of progress there; so we're happy with the progress they've made so far. There are a couple changes that they are seeking to present to the Board. I'm not sure if, Mr. Ploussas by the way could not be here tonight, he's on vacation. And Mr. Allen had surgery last week. He can't be here tonight either because he can't get out of bed. He had major back surgery. I found that out this morning, unfortunately. So he will not be able to testify today, although we will need his testimony. So we're not going to finish this up tonight. But we have a lot of testimony to keep us busy for the evening anyway. The modifications I understand have been submitted and discussed with the experts in this matter, though I'm not clear because Mr. Ploussas and I have not communicated on that yet. Were to add that building, and that's in Phase 2, that small building, it's in Phase 2. That suggestion was made by the Board at the time (inaudible) site visit to add that as an approved building so they could use that building. It's actually in Phase 2. And so our proposal would be to add that particular building and get a final on Phase 2 as well. There are no changes to be proposed.

MR. WEISS: When you say small building are you talking about the building that once was the Dynapac office?

MR. DUNNE: I'm not sure what it was.

MR. NELSEN: No on the other side.

MR. DUNNE: The north end of the property. The small building...

MR. MCGROARTY: We didn't get any paperwork.

MR. BUCZYNSKI: We didn't receive anything.

MR. WEISS: Ok.

MS. COFONI: Yeah I would just mention that since we know this is going to be continued. I think it would be best, and Gene can correct me if I'm wrong, but I think it would be best if at least ten days prior to the next hearing we get those revised plans so that they can review them and make comments on those revised plans.

MR. DUNNE: Certainly we'll abide counsel's ruling on that. It seems like a simple matter to our client so I'm bringing that to your attention tonight. He thought that Mr. Ploussas had already discussed this issue with Mr. Buczynski. I'm not sure if that happened....apparently not.

MR. BUCZYNSKI: Nope. Did not.

MR. DUNNE: Ok. So, that's something I didn't know about.

MS. COFONI: So who do you have? I'm sorry Mr. Chairman. Who do you have tonight?

MR. DUNNE: I have Mr. Kaplan's going to testify. Mr. Nelson, our planner's going to testify and our environmentalist is going to testify.

MS. COFONI: Ok.

MR. DUNNE: So we'll just begin with our testimony then. We'll have Mr. Kaplan come up and testify.

MR. WEISS: And as you did say, Mr. Kaplan is still under oath.

MR. DUNNE: Yes.

MS. COFONI: Did Mr. Allen testify at the last hearing?

MR. DUNNE: No.

MS. COFONI: For some reason I thought he did. (Inaudible) my notes.

MR. DUNNE: He spoke from the audience at one point in time.

MS. COFONI: Maybe that's what it is...

MR. DUNNE: Mr. Kaplan is still under oath and I'd like to refer to the exhibit that you put there. The colorized exhibit. Can you mark that A-6 please? Exhibit number 6 in the upper right hand corner would be fine.

MR. WEISS: And if you would put today's date 7/9 and then explain if you can what is A-6?

MS. COFONI: And can you just tell me the title of that and the date please?

MR. KAPLAN: Sure. It is Preliminary and Final Site Plan, Phase 1 for Lot 1, Block 106 and Lot 1, Block 7.

MRS. NATAFALUSY: What sheet is that?

MR. MCGROARTY: What sheet, Mr. Kaplan?

MR. KAPLAN: (Inaudible)

MR. DUNNE: But this has been changed to address an issue raised by Mr. Buczynski. Having to do an organization of the site.

MS. COFONI: What's the date on the plan?

MR. KAPLAN: March 25, 2014.

MS. COFONI: No that should be a revision date. What's the revision date? Should be kind of...

MR. KAPLAN: March 24, 2015.

MR. BUCZYNSKI: That's an old plan.

MS. COFONI: That's the most recent? That's the latest revision date?

MR. DUNNE: That's an overlay of an existing plan that's being submitted as an exhibit, not part of the application. This is to show a response to the concern about the organization of the site.

MS. COFONI: They didn't re-date it once they revised it?

MR. DUNNE: This is just a colorized exhibit. It's going to be offered as an exhibit.

MS. COFONI: Ok. I'm sorry. You threw me with the date. What's the date again?

MR. MCGROARTY: I have March 24, 2015. But it should be clear though, Tiena, that that's and Mr. Dunne said it's different from the planned sheet of that date.

MR. DUNNE: That is correct. It's just an overlay on an existing submitted exhibit and this shows the response to the question about organization of the parking. Allowed to testify to it in detail that was marked out on the plan. Alright? So, let's look at that and... I apologize. I was under the impression this map was submitted to you.

MR. WEISS: You might want to offer, anybody in the public might want one too. Anybody in the public might want one.

MR. DUNNE: Mr. Kaplan, why don't you step up to the board there describe to the Board what those areas mean. It is color-coded but it would be helpful if you would testify early to what your plan is with regard to these various areas.

MR. KAPLAN: The last time we were here there was a question about the organization which made a lot of sense. We weren't showing any type of organization...where we were going to have these storage areas or truck areas...any of the things that we want to put so we came up with a plan that gives a good

idea of where things are going to be placed. If you refer to the key, it shows what type of things are going to go there.

MR. DUNNE: Why don't you tell us what type of things are going to go there.

MR. KAPLAN: In some of the red areas, I don't understand why he did some of the reds and yellows and greens but in Area 1 it's small trucks and equipment storage. In Area 2 it's fenced area for repo vehicles. That's where the old tennis court area is. He actually colored over it but it is right there. Then you have small trucks and equipment storage, large trucks and equipment storage and it kind of goes the same way....large and small trucks...as you go through the different areas. Then in the yellow he has equipment storage area. The factory is here.

MR. DUNNE: Can you describe for the Board what you mean by "equipment storage areas"? What type of equipment are you thinking about?

MR. KAPLAN: That would be back hoes and that type of equipment. Snow plows or I had at one point had a prospective tenant that used those, ever see in New York City; the lifts that they put in parking lots that you can get double, triple your space. He said they come in in crates and they're banded together and he needed an area to put those but it turned out we couldn't accommodate him in time so he found another place. You saw on our sight how we had the block on the pallets and kept everything neat like that; put maybe some block or that type of stuff. You know, not in piles or anything but just neatly stacked items like that.

MR. BUCZYNSKI: What's the difference between the yellow equipment storage and the green equipment storage?

MR. KAPLAN: There really isn't any. What I had talked to Greg about was that the way it works is people come to me and they say "I need a spot for a couple of trucks and I have some equipment" so I try to accommodate them with these different areas and mark out areas for them and say "this is going to be your area for your four trucks or five trucks" and if they have some trailers with back hoes, track hoes. That seems to be what we seem to attract here because it is a general industrial zone and we are allowed outdoor equipment storage in this zone so they're really not allowed to park anywhere else so they seem to seek us out but that seems to be most of the people that come to the site. They have their various types of trucks and if they have trailers they'll attach them.

MR. DUNNE: Well is it that the large truck areas, the equipment storage there is associated with a large truck that's using the area?

MR. KAPLAN: Well, these large truck areas are for the 18 wheelers because we do also get people that want to park them as well. Right now we do have it approved in this area for that but I don't any more room for anybody else but I would like to have that over here where they could park their 18 wheelers with their trailers.

MR. DUNNE: But you're not planning on having loose auto parts or junk vehicles or things that don't run. Is that correct?

MR. KAPLAN: No.

MR. DUNNE: So it's basically operational equipment and operational trucks, large and small, that you intend to put there?

MR. KAPLAN: Correct.

MR. FLEISCHNER: If I may? If I may? Sorry to interrupt. On a map you delineated, obviously between yellow and green and red. How would you actually delineate those areas in real space?

MR. KAPLAN: What I was thinking about because I have given that some thought...was I would dig in the ground and pour basically monuments that come up as high as a curb to delineate a point here and a point here, like that, and say you're between these two monuments....that type of thing. That's my solution at this point. With this back area, I would try and put lines and say if you have a truck, keep it between these lines, that kind of stuff. Not just put anything willie nillie. I would like to keep it as organized as possible.

MR. DUNNE: Why do you break down the yellow areas into 10, 11, 12, 13 and 14? Why don't they just have one area there? Is that because you intend to lease it to multiple uses or multiple people?

MR. KAPLAN: To tell you the truth, when I talked to Greg I gave him this but I didn't have the color (inaudible). I actually don't know where he came from with that. I just gave him this thing drawn on here and he interpreted the way I guess he saw fit.

MR. DUNNE: So that area that's 10, 11, 12, and 13 is all yellow....

MR. KAPLAN: I would think that's going to be more than one tenant. Most tenants don't have that much equipment...unless I do get somebody who is large then I would say, "You can have 10, 11, and 12" or whatever they want.

MR. DUNNE: I think the point is, but why do you separate those areas...into separate areas...10,11,12,13?

MR. KAPLAN: Well simply because I like to get, if there's different numbers. If they only want a certain amount of space and there's a number of tenants they're going....

MR. DUNNE: You're going to lease out the area separately?

MR. KAPLAN: Correct.

MR. DUNNE: Ok. Alright. And the same would hold true of the red and green areas you have bulked together across the drive?

MR. KAPLAN: Even Area 16. There could be three different companies. There could be one big company with a truck.

MR. WEISS: I have a question. I understand why we're doing this. Are you telling us there's another use that you want for this property? I know what it looks like now. It's the old parking lot where the grass has grown through. Not a lot of use for it; you want to now make this....you're clearly telling us that it's, say Area 15 and 18 for your large trucks. I don't believe on-site you have large trucks parking. Are you looking....

MR. KAPLAN: I (inaudible) parking there right now. (Inaudible).

MR. WEISS: I understand that but are you looking to go out and get business where you can invite tractor trailers to park?

MR. KAPLAN: Correct. Yes.

MR. WEISS: How do we handle that?

MRS. NATAFALUSY: Good question.

MR. WEISS: Every now and then I have one.

MR. MCGROARTY: I can tell you how I would (inaudible). We had this discussion last time and perhaps I was, it was late and I wasn't clear in the way I would think about it. I would treat this as a separate and distinct use on the property from the other uses and I would move away from the fact that they're doing it this way now. Move away from the Town issuing zoning permits henceforth for someone coming in to park a truck....here or there...as was done before. I'm not criticizing the way it was done before because there was no other process I guess. I would say though, quite honestly, it just seems (inaudible) the first time but I have some questions if I may (inaudible) later but I would treat it as a specific area of the site for outdoor storage. Now we have another area for outdoor storage but this is Mr. Kirk Allen's but this would be a separate and distinct principal use and it is permitted that General Industrial Zone permits more than one principal use. It does have to meet the buffer requirements in the ordinance. I did have questions and perhaps I imagine Mr. Kaplan will go through them in the report, the supplemental report about the kinds of vehicles that would be here and what would be in them and that sort of thing. But I wonder just, as a general comment, if this is kind of delineation is going to create more problems than it's worth. And what I mean by that is, if there's going to be an outdoor storage area then it's an outdoor storage area. But if you're going to start saying "here's equipment and here's trucks and here's something else"...what's the point because who's going to know? I think you should

be comfortable as a Board, Kaplan's plan is to have outdoor storage for trucks, equipment and so on as long as we're all clear that the use, the kinds of stuff that's in these vehicles, etc. is in accordance with the ordinance and that's why I asked those questions. So I'm just saying because the kind of precise delineation, as the question just asked, not only in terms of how do you know when you're going from the yellow to the green but how do you know when you're going outside the area anyway cause it's not curbed. It's barely paved so and that's probably a question that we can nail down. I'm sure that's not a big deal but I just don't know why you'd have to distinguish equipment, trucks, etc.

MR. WEISS: Gene?

MR. BUCZYNSKI: I agree. The only separate different use would be the area for the fenced in for the repo vehicles. If that's going to be the area he still keeps....and limit it to that area. And probably what we need to do which we'll (inaudible) later on is maybe the best thing to do is somehow put stakes or monuments or something along the corners so we know where those areas are.

MR. MCGROARTY: Fencing would be probably....

MR. BUCZYNSKI: Fencing would be a good idea too maybe. On all these other areas, outside storage so we know where they're going. How else you going to know if they encroach this way or that way? If you're limiting area, it should be defined somehow.

MR. FLEISCHNER: In that case though you'd have one large fence and wherever Mr. Kaplan wants them to park, that's where they park.

MS. COFONI: Yeah. Right.

MR. BUCZYNSKI: But the difficulty is going to be there, if you have it all fenced, you're going to have large vehicles and trying to get them in and out of those spaces is going to be difficult.

MR. WILPERT: What if you go like a three-sided fence?

MR. KAPLAN: (Inaudible) Fence these all individually?

MR. BUCZYNSKI: No. The whole boundary area.

MR. KAPLAN: There's a fence already around this portion of the... this part. So you're saying fence this?

MR. MCGROARTY: Yeah, maybe if you....if there's a fence there, well it says 6 foot chain link fence (inaudible).

MR. WEISS: There's an area with a guardrail too. Correct?

MR. KAPLAN: There's a guardrail (inaudible).

MR. BUCZYNSKI: Just as long as it's delineated, people will know where it is.

MR. DUNNE: I think we can come up with a reasonable delineation for you if that's your concern. We thought your concern was the organization of the site.

MR. BUCZYNSKI: I don't know what he's thinking. I had that concern because I didn't bring it up.

MR. DUNNE: It just said that the, it appears excessive with no controls on the site. I read in your report and that's what we were thinking; address that issue to put controls on the site. At least that's what Mr. Ploussas was trying to do and I guess we missed the boat on that one.

MR. BUCZYNSKI: No, my concern was where is it? Where's the area so...you need to separate it to 16 distinctive areas though like he has there (inaudible).

MR. DUNNE: We're good with taking out those areas because our original proposal was to have this as a general area for storage of that type of equipment and I think it's not a problem for us to mark that out in a demarcation of something we can agree on. I don't know what type of fencing or markers they could be but something we could clearly use to demark.

MR. MCGROARTY: (Inaudible) if Mr. Dunne would prefer to hold off questions. I was just going to ask though since Mr. Ploussas is not here tonight, they're proposing this storage of vehicles, etc. on a surface (inaudible) for parking, so either going to ask for a waiver or they're going to come back with a modified site plan showing how that broken area back there has been improved to accommodate all these various things and I suggest that, since we don't know yet, what is going to be stored there and because of the proximity of wetlands and also the, further out, the river. Some serious thought be given to containers.

MR. DUNNE: Well we're not doing anything there except parking vehicles and storing equipment that is not anything different than parking construction equipment on any site. So it's not the type of thing that is typically considered hazardous.

MR. MCGROARTY: Let me ask then, I had the questions (inaudible), Mr. Chairman, that this is a good time to (inaudible)?

MR. WEISS: Yeah, absolutely. Just, you're talking about your May 11th report?

MR. MCGROARTY: Right. Right. And I'll just sort of go through them....are they going to be inoperable vehicles with parts stored? We heard about this idea of a lift. Are you turning this into a small...?

MR. DUNNE: No, no, no. I beg your pardon but he testified just a moment ago that there will be no auto parts and all things will be operable, in addressing your comments. What he's talking about about the car lifts, which I cautioned him about bringing this up, because it has nothing to do with the application. He's talking about storing them for another user to use them off-site, not use them on-site.

MR. MCGROARTY: Here's my comments to the Board about (inaudible). If there's the potential for those kinds of lifts, and I realize it sounds like I'm nitpicking, but if there's potential to have those lifts, is there a limit on them? Are you going to have essentially a small parking lot out there with multiple cars lifted up? And...

MR. FLEISCHNER: He didn't say cars. He said (inaudible).

MR. MCGROARTY: He said racks.

MR. FLEISCHNER: No, no, no. Boxed up; ready to be sent somewhere else.

MR. KAPLAN: The gentleman wanted to store those not assemble....

MR. MCGROARTY: Oh, I apologize. I thought you were talking about...

MR. KAPLAN: Then he takes them into the city and assembles them there. He just needed a place to bring them to...that's all.

MR. MCGROARTY: Alright. I apologize. I didn't understand that. Let me ask then, because you may not know yet, what kind of trucks would come in. Let me ask you, there are trucks that haul municipal waste and (inaudible) and in some situations they're looking for locations to park on their way from let's say New York City or points east out to Pennsylvania and they need overnight parking. Is that anticipated here?

MR. KAPLAN: No. And they're not allowed to have waste in their trucks and park overnight anyway as far as I was always told.

MR. MCGROARTY: That's not my understanding. In any event that would be one of the types of trucks that you would not have on your site.

MR. KAPLAN: No, I don't want garbage trucks. I don't want garbage containers.

MR. MCGROARTY: And if the Board would approve this and agree that that would be a condition, you wouldn't have any problem then?

MR. KAPLAN: Correct.

MR. MCGROARTY: What about fuel trucks?

MR. KAPLAN: Fuel trucks aren't dirty, they're just...

MR. MCGROARTY: But you're in a well head protection area. A well head protection area, Tier 1. I know you're environmentalist is here. I don't know if that's an issue or not but we're asking...or I'm asking would you have fuel trucks?

MR. KAPLAN: I never thought about it. (Inaudible)

MR. DUNNE: I think that fuel trucks on site would only be allowed on-site I suspect if they were empty.

MR. KAPLAN: I wouldn't say that but usually the fuel truck goes and gets fuel then they go, like the home heating oil truck that comes to my house.

MR. MCGROARTY: I suppose, I don't want to take up your time and the Board's time but there's a long list probably we can go through all the things.... Since you're the operator there, Mr. Kaplan, what kinds of people have approached you or what kinds of materials would you.... You told us some of the stuff.

MR. KAPLAN: Well, I have actually had people come to me and say they want to put their garbage, the roll off containers and I told them I didn't want that on my site. Because I know that when it rains they leek or they put them this way and there's stuff in them and then they pour out and I've heard from all the guys that they're nasty and they're dirty. I said I don't want that on my site. So I have had a company say they want to bring in 50 or 75 of them and put them in and I said no. I'm not doing it.

MR. MCGROARTY: I don't know if you had a chance...it's cited in the supplemental report, the Appendices A & B in the Town's ordinance. If you had a chance to look through that long list, the long lists of uses which are not permitted. They're considered major pollutant sources in a well head protection area. Had you looked, if you have looked through that list is there anything on that list that you would anticipate having on this site? Because I would say, some of this stuff probably doesn't apply, but that certainly would be I would think condition that none of these kinds of activities would be permitted there.

MR. DUNNE: We think that probably construction equipment which I think is on that list would be something that would be there. Possibly landscape equipment which is on that list would possibly be there. So those items would be part of a variance application that we're going to testify to shortly. So we're going to include those items on there. They don't pose a hazard to the environment and those things are proposed to be there as part of this application.

MR. MCGROARTY: Well, you've amended; I would imagine that we're talking about an additional D-1 variance.

MR. DUNNE: It's included as part of the (inaudible) application for a D-1 variance and it's expanding because this is a new part of this testimony and application, so yes, I guess it is.

MR. MCGROARTY: I think it is because the D-1 variance was for the Kirk Allen Trucking and now we have a D-1 variance for this.

MR. DUNNE: This is a single application.

MR. MCGROARTY: I just want to be clear. I'm not trying...it's not a procedural obstacle as far as I'm concerned. Obviously our attorney would advise. So then at the time, and maybe it's your planner or whoever the expert will be, will identify what items on that list you anticipate having there. And then your environmentalist, I assume, will address.

MR. DUNNE: We will, yes.

MR. WEISS: Tiena?

MS. COFONI: I don't know if it's me but, Chuck would you indulge me for a minute to help me out with....I'm losing track of what our application includes at this point. I don't know if it's me, if I'm just a little sleepy tonight or what. I can't...I don't even know what we have going on here anymore.

MR. DUNNE: You have a minor subdivision application.

MS. COFONI: Ok, that I got.

MR. DUNNE: You have a site plan, amendment application.

MS. COFONI: Amended preliminary and final site plan.

MR. DUNNE: And you have an amendment to the phases which is part of the application. The phasing is changing. If you look at the plans, the phasing of this plan is different than the phasing of the old plan.

MS. COFONI: That's part of the amended preliminary and final?

MR. DUNNE: Yes, exactly. You have some variance applications for existing conditions throughout the site and various set back issues that are there. And you have the use variances for the issue having to do with the Well Head Protection Act.

MS. COFONI: Ok, hold on one second.

MR. MCGROARTY: Tiena, my report, the April 15th report...

MS. COFONI: That's what I was just looking at (inaudible). You've got it in here?

MR. MCGROARTY: Well, I've got some of them and again there's the zero-lot line variance that's been requested with the minor subdivision.

MRS. NATAFALUSY: So you're amending the amendment? You're amending your request for an amended site plan?

MS. COFONI: I'm sorry; say what you just said before...the zero-lot line.

MR. MCGROARTY: Right, with the minor subdivision they're drawing the lot line at the edge of the building so there's no set back, no side yard setback. (Inaudible) that's a bulk variance that's been identified there.

MS. COFONI: Ok.

MR. MCGROARTY: And as I said in the...we know that there's the D-1 variance for the Kirk Allen operation in the well head protection area. It's also, and I went into this in the second report...

MS. COFONI: Hold on one second, Chuck. When you say Kirk Allen, are we specifically talking about the recycling, right?

MR. MCGROARTY: Yes. The Class-B recycling.

MS. COFONI: Right. Class-B recycling.

MR. MCGROARTY: Which I know that the applicant has indicated to us, I guess they will perhaps discuss more and maybe they did enough already, I don't know, that they will have an exemption from this (inaudible) and they won't actually operate as Class-B recycling.

MS. COFONI: Ok.

MR. DUNNE: It will be an exempt operation.

MS. COFONI: Ok. What else?

MRS. NATAFALUSY: I have a question. Are you changing the lot lines with this permit/amendment?

MR. BUCZYNSKI: No.

MRS. NATAFALUSY: Because I don't see...it looks like this is a new lot line.

MS. COFONI: Yeah, I couldn't figure that out either.

MRS. NATAFALUSY: If you look at this it looks like this is a new lot line.

MR. KAPLAN: No those are phase lines.

MR. DUNNE: That's a phase line.

MR. BUCZYNSKI: Phase lines.

MR. KAPLAN: Those are phase lines.

MRS. NATAFALUSY: So this lot is still going to be this Lot 1.

MR. KAPLAN: Yeah, that's a phase. That's all it is.

MR. BUCZYNSKI: The heavy dotted lines is just phase.

MR. KAPLAN: Right. There's the thick one right there is still....

MRS. NATAFALUSY: So this will be a separate lot? The outside storage area...

MR. KAPLAN: No, it will be part of Lot....13 acres.

MR. BUCZYNSKI: Yeah.

MRS. NATAFALUSY: This lot.

MR. MCGROARTY: Yeah. Oh separate lot. One of the three.

MR. KAPLAN: The outdoor storage is also going to be...I lost track of what...

MS. COFONI: So how many more D...

MR. MCGROARTY: Well we have the D-1 variance for the operation in the well head protection area and also as I said in the supplemental report, it's really, unfortunately for Mr. Allen, that kind of operation is not permitted in the (inaudible) area either and I apologize. I should have seen that initially and I didn't so I think it's an expansion of a non-conforming use. But, frankly, that's an expansion of a pre-existing non-conforming use. That is the landscaping business.

MS. COFONI: The landscaping business.

MR. MCGROARTY: But I'll say, in my opinion, and that's a D-2 but if we're waiting for Mr. Nelson this evening will testify. The D-1 variance I think will cover that issue. I would think. I'll defer to Tiena but I think it does. And then there's the subdivision. Do you have that?

MS. COFONI: Got the subdivision.

MR. MCGROARTY: Tonight so if there are, this outdoor storage area as a separate principal use on the property to the extent that they're going to have activity within that area that runs afoul of Appendix A or B. When I say afoul, it's not permitted under Appendix A or B. Going to testify to that and see if you'll grant them approval to allow those kinds of uses. That would be a D-1 variance. Not allowed in a Tier 1 area. That make sense?

MS. COFONI: Yeah, it just took me a second to....

MR. MCGROARTY: It's a lot. I know.

MS. COFONI: Use variance or outdoor storage of vehicles?

MR. MCGROARTY: The outdoor storage is a permitted use if among the things that they intend to place there, if any of them fall under Appendix A or B then it's contrary to the regulations in the well head protection section of the ordinance and they would need a D-1 variance for that. Mr. Dunne said that and I agree.

MR. DUNNE: And counsel you understand that the per-gallon operation was approved as a site plan and the use by this Board previously. And the well head protection ordinance was adopted subsequently. It

now is an overlay ordinance in the zone. And the testimony will indicate that essentially anything that's stored there is not going to affect the wells.

MR. MCGROARTY: And there's another variance, Tiena, also which is one of the original ones, if you will, the Kirk Allen operation contrary to the original approval has now encroached into the setback. Outdoor storage is permitted in the General Industrial but it must adhere to the setbacks that apply to the principal structure. In that case it's 100 feet.

MS. COFONI: Is it front yard?

MR. MCGROARTY: Front yard.

MR. DUNNE: It's a double front yard there counsel because it's a corner lot.

MR. MCGROARTY: So the encroachment is on the Waterloo Road side.

MR. WEISS: Chuck, you just said it's 100 feet. Isn't it 50 feet?

MR. MCGROARTY: No, it's 100 feet.

MR. BUCZYNSKI: One hundred feet.

MR. MCGROARTY: They moved it closer than 50 feet but it's 100.

MR. WEISS: I thought it was 50 and they moved it to 25. So it was 100?

MR. MCGROARTY: One hundred is required. One hundred was shown on the original approved site.

MR. DUNNE: Fifty feet is a side yard setback.

MR. WEISS: I wasn't sure in this zone. Ok.

MR. MCGROARTY: And with that too there's a separate section in the ordinance and it's sort of in addition to the buffer requirements in the ordinance have to be addressed as well. But the variance here is, unless they change things, is to encroach in that front yard setback for outdoor storage.

MS. COFONI: Thank you very much.

MR. MCGROARTY: I think we got them all.

MR. DUNNE: Do we have other questions of Mr. Kaplan regarding the proposed storage on that site?

MR. MCGROARTY: I do.

MR. DUNNE: Go ahead.

MR. MCGROARTY: Mr. Kaplan, how are they going to access the site? Will they come in on that existing driveway on Waterloo Road?

MR. KAPLAN: No, they're going come in through this part over here.

MR. MCGROARTY: And you're pointing....

MR. KAPLAN: I mean in the future we plan on expanding this driveway a little bit but and certainly there's no one on this road anyway. Even this building over here that's, I think that's Timmy Pruden's property. His building is only 50 foot setback on the side.

MR. MCGROARTY: Yeah, that's really not the issue. I'm just asking you about the....

MR. KAPLAN: We're going to instruct everybody right now to come through the front over here and then in the future...

MR. WEISS: And when you say over here, you're talking about the existing entrance now and the road that you reference to "nobody uses this road" you were talking about Waterloo Road?

MR. KAPLAN: Correct.

MR. WEISS: Just for the record.

MR. KAPLAN: (Inaudible)

MR. MCGROARTY: If I may....so they're going to cross and I want to make sure. (Inaudible) get the subdivision plan out because I don't want to use the wrong plot. And by the way, I'm just trying to get this clear... (inaudible). So if access then of vehicles to the storage area will be on proposed Lot 1.02 in the back. I know there's some adjacent (inaudible) but the existing gravel parking. On the right, that's Lot 1.02 in the back. This is with your proposed (inaudible).

MR. DUNNE: You're right, 1.02.

MR. MCGROARTY: So you're going to have vehicles that will go to that area come across proposed Lot 1. Ok. You own the property, so I imagine it's not a problem. You're providing an access easement?

MR. KAPLAN: Yes.

MR. MCGROARTY: Ok, then that's something that Mr. Dunne will provide to the Board attorney. Now if I could though, apart from the legal issue, (inaudible) how do they get back there? Because you got busy and I don't mean that (inaudible) but you got a lot of stuff going on on this front lot, I'll call it, including Kirk Allen's operations so how do they get around the building and into the back?

MR. KAPLAN: Well we have a bunch of trucks that are already over here and we have Kirk's trucks and we have our trucks coming out of here. We really don't have problem with anybody getting in anybody's way. I've never heard anybody...

MR. MCGROARTY: Here's the thing. You want the Board to approve 1.83 acres in the back more or less, that's what was on the plans, as an outdoor storage area. I'm just saying it would seem to me that it would be logical to show on a site plan a clear path of access back there because what you do show on the plan is...we start with Kirk Allen operations on the southerly side and then of course you have the building. Behind the building you've got existing outdoor storage which is now identified with these various areas, red and green. So it seems like, I realize the logistics on site is kind of your headache but to be honest, I think the Board is entitled to know if there are past improvements. How are you going to get all stuff back in the 1.83 acres to a site that's basically spoken for? I mean there's improvements all over the place here.

MR. KAPLAN: There really isn't that much truck traffic. I mean for example, myself, I have one or two (inaudible) trucks a day. When they hook up in there, they're in there for an hour getting unloaded. We don't ever have more than that. My house trucks, I have three house trucks a day. Sometimes they come back for a second load at 4:00 in the afternoon (inaudible) the next morning. So our bale truck sits there for two weeks waiting to get filled up and then it gets picked up and taken out. So as far as my operation, that's all I have. I know Kirk is in and out there. You have this company over here that seems to get along just fine.

MR. BUCZYNSKI: If I could just ask something? Did you say you're going to do the access to the north of that building too? Because that's where you're going to have a storage area, right?

MR. KAPLAN: Eventually, yes.

MR. BUCZYNSKI: Where the green is. I'm sorry. You weren't talking about coming in through there, right because that's going to be storage?

MR. KAPLAN: This way? No. (Inaudible) come in with the next site plan. We're going to have another driveway entrance down here. I just haven't opened this because honestly I had people coming in and dumping on my site. So, recently what I did, actually it's coming in in about two weeks, we have cameras around the site but the cameras aren't good enough to get license plates and in there lies the problem. You see the truck but you don't know who it is. So now we got these license plate readers. We're putting over here and I certainly could put one over here as well because this was the area people were coming and they were just coming into this one area and just throwing garbage. So we'd have to go there. We'd have to pick it up put it in the dumpster and throw it away. After this happened a few times so I wound up closing this fence off. But if you have a problem with me having too much coming

to the site I could open this up; I could put another one of those cameras over here and have it cover me as far as figuring out who's doing this.

MR. WEISS: You could maybe consider a controlled gate of some kind where if you have tenants if you will that are parking in Area 15 maybe they're given a key access.

MR. KAPLAN: I could but people (inaudible) by now. I would feel comfortable putting one of those cameras up.

MR. WEISS: Because to me that is a very natural way to access the site, especially with large 18-wheelers that might be stored in these areas.

MR. KAPLAN: Right. Certainly, I...

MR. MCGROARTY: Mr. Chairman, maybe if they can't get through Mr. Kaplan's site in the front, that's Mr. Kaplan's headache. As long as it's clear that whoever gets, and there will be an easement that'll be provided I assume, they'll either get access through that front lot or from that side road that Mr. Kaplan's talking about. But they won't cut any other driveways in any other places unless they come back and show us on the plan.

MR. DUNNE: That's correct.

MR. MCGROARTY: Seems to me that it's his concern.

MR. BUCZYNSKI: His problem.

MR. DUNNE: Mr. Kaplan do large truck vehicles access the site now through that driveway in the front?

MR. KAPLAN: Through this one?

MR. DUNNE: Yeah.

MR. KAPLAN: Of course.

MR. DUNNE: And how big are they?

MR. KAPLAN: They're the largest ones you can get, the 54 footers.

MR. DUNNE: And they are able to maneuver through that site and get into the back area?

MR. KAPLAN: Oh yeah. They can go back there and turn around.

MR. WILPERT: They go back there and turn around when there's nothing there but now if you start storing things...

MR. KAPLAN: They don't actually go into the parking lot when they do that. They actually just come to here and what they do is they turn here, they back up and then they go around.

MR. WILPERT: Right, but if you have storage, now you're kind of choking that area down, trying to get through it and I have concern. Waterloo Road is not a very wide road and the positioning of this driveway the way that it is, I think you're going to have a major issue with tractor trailers trying to come off onto that and turn into the site. So it's more for the engineer to ask...

MR. BUCZYNSKI: Also even turning right coming out of the site (inaudible).

MR. WILPERT: Exactly. What are the turning radiuses going to be...especially to accommodate a 53 foot trailer or a lowboy.

MR. KAPLAN: When they put the water line in here for us, Stanhope, I asked them to move it. They were originally going to put it right on the corner and I asked them to move it back considerably so what would happen is...eventually I realized I probably will be using this road a little more. I would be able to widen the driveway at this area so trucks coming in and out will certainly have a much easier time.

MR. BUCZYNSKI: It would have to be widened quite a bit around the curb to get a truck out of there, take a right.

MR. WILPERT: You'll also have to look what the weight restrictions are on that road.

MR. BUCZYNSKI: That's why I was concerned.

MS. MOTT: Isn't there a little bridge? Is there a little bridge?

MR. WILPERT: No I know that but still it's an old road and there's probably a weight limit on that road as well.

MR. MCGROARTY: And if you're intention, your thought was at some point to widen the driveway, again, please make sure you do it...either do it as part of this application process so Gene can review it or don't do it until you come back again.

MR. KAPLAN: I'll do it on the site plan when we come in for the site plan approval when we decide what we're doing on the buildings.

MR. BUCZYNSKI: Yeah but you're going to use the driveway now. If it's approved now you're going to use it for vehicles.

MR. KAPLAN: Honestly, the tractor trailers aren't going to come through here. I don't think anyway. But your smaller trucks, your landscape trucks, they can easily go through there.

MR. BUCZYNSKI: I think it's better (inaudible) and not use Waterloo Road myself.

MR. DUNNE: Let's stick with what we have.

MR. BUCZYNSKI: I mean in fact, that's what was stated by Mr. Kaplan at the last meeting that there would be no truck traffic on Waterloo Road.

MR. DUNNE: As we changed that, that's where we are and right now that's not part of our application. He's coming through the main site to get to the back.

MR. KAPLAN: I'll be honest. I don't mind keeping it locked.

MR. MCGROARTY: Mr. Kaplan (inaudible) there's an access easement you'll provide across the front lot to the back lot and whether if you intend to use that driveway for even smaller vehicles, I imagine we'll need another access easement because the storage area in the back does have frontage out that way.

MR. DUNNE: We're aware of that. We're aware of that.

MR. MCGROARTY: Ok. I'm sure you are aware of it but nobody's saying it until we ask the question so it would be helpful if maybe you want to offer that before we ask the question. That would be fine too. I'm glad you guys are aware of it.

MS. COFONI: So what about this, you're not coming for a site plan? I thought part of this was amended preliminary and final site plan.

MR. DUNNE: This is preliminary and final site plan. He's talking about some future concept.

MS. COFONI: Oh, ok.

MR. DUNNE: Let's not mix up the future with the present. I'm looking at Mr. Buczynski's report dated April 13th.....

MR. WEISS: Did we finish with Chuck's?

MR. DUNNE: Chuck are we finished?

MR. WEISS: Did we satisfy your comments? Your questions?

MR. MCGROARTY: On the outdoor storage, I have other questions but on the outdoor storage, tonight or when will we clarify what uses are on those appendices that you will need relief on? Is that going to be part of this hearing tonight? Will Mr. Kaplan tell us that or Mr. Nelson?

MR. DUNNE: We'll tell you what we think we're going to be putting on that property. I think it's already been testified to that he's going to plan to put trucks there, construction equipment, landscape equipment, all operational and in use. There may be other general storage there as well, such as, those containers you were talking about with raising cars up that were there temporarily. But it's a general storage area. It's permitted to have things there, generally. And those things that are in violation of A & B, we'll have to address.

MR. MCGROARTY: I'm just wondering who is going to do that? Will it be Mr. Kaplan, will it be Mr. Nelson?

(Inaudible)

MR. DUNNE: Addressing the engineering report, dated April 13, 2015.

MR. BUCZYNSKI: That's correct.

MR. DUNNE: Mr. Ploussas is not here as you know but I'd like to go through it anyway and go as far as we can.

MR. BUCZYNSKI: I thought we kind of went through some of this with him and his testimony but go ahead.

MR. DUNNE: Yeah, I think we pretty much handled everything but I want to be sure because I don't have a copy of what the testimony was at that time. But 4, 5, and 6 were all agreed, you're referring to your report, Gene.

MR. BUCZYNSKI: Yes and we just need to also add as Chuck had mentioned before about the access easements. We need deeds for that.

MR. DUNNE: This report was prepared before that was (inaudible).

MR. BUCZYNSKI: Correct.

MR. DUNNE: Kirk Allen's going to testify with regard to your amended site plan issue # 1 when he comes in as well as #2. The discussion regarding more specific definitions of equipment I think has been attested to by Mr. Kaplan.

MR. BUCZYNSKI: Correct.

MR. DUNNE: The same with #4, the organization of the site, we talked about. On #4, Mr. Buczynski, is there anything else you had wanted us to address?

MR. BUCZYNSKI: I think we're fine there.

MR. DUNNE: Ok. Number 5

MR. BUCZYNSKI: Just a statement, really.

MR. DUNNE: We agree with that. Six, we agree with that. There was a question about the extent of repair. Mr. Kaplan, please come back. (Inaudible) the amount of repairs that would be done on-site in the vehicle repair area on the existing steel warehouse and vehicle repair building. This was part of a prior approval for Kirk Allen to be using that site for that purpose. It was for minor repairs. Ken?

MS. COFONI: He's not in the room anymore.

MR. DUNNE: The president has left the room.

MRS. NATAFALUSY: So Kirk Allen is going to continue to do minor repairs in that steel building?

MR. DUNNE: No, it's going to be available for minor repairs of vehicles for anybody who is using that building. It's a flex area for storage of vehicles. It's already approved for storage of vehicles and for the minor repairs.

MR. MCGROARTY: See now I have a difference on that and I guess at some point we'll discuss that.

MR. DUNNE: I think we talked about it at the last meeting and several members of the Board actually remembered this as part of the application. And I do too.

MR. MCGROARTY: I remembered. My point though, which I think I probably lost in my haste in trying to explain last time was, my understanding of it was that Mr. Allen had the use of that building for that purpose.

MR. DUNNE: Yes.

MR. MCGROARTY: But that would be, as I take it, accessory or ancillary to his main business and the Board was not approving a separate and independent repair shop.

MR. DUNNE: I understand that but the use is approved for that site and we're suggesting that if there's another tenant in that building then they can use that site themselves. Why would there be a restriction on it? It's a permitted use there.

MR. MCGROARTY: Well, again....

MR. DUNNE: It's a lease, we're allowed...

MS. COFONI: It's a permitted accessory use is your point, Chuck.

MR. MCGROARTY: Yeah.

MR. DUNNE: But we're permitted to have multiple tenants in that location.

MR. MCGROARTY: But I don't know now, are we talking about the extent of repair? And is it, again it comes back to what's permitted in the GI zone, what's permitted under the Tier 1 area? My feeling about it was, if Kirk Allen had the use of that building as accessory to his business, he doesn't get, the applicant doesn't get the option then if Allen was out to convert it to a repair shop for some third or fifth party or whatever...unless it's identified...unless we're cleared. It wasn't going to turn into an auto repair shop.

MR. DUNNE: If Tenant A uses it as accessory for Tenant A or Tenant B uses it as accessory for Tenant B what difference does it really make?

MR. MCGROARTY: It makes a lot of difference.

MR. DUNNE: Why?

MR. MCGROARTY: Well, I'll tell you why....because these are not tenants. These are independent, separate, principal uses. Kirk Allen is a separate principal use on this site.

MR. DUNNE: (Inaudible) permitted.

MR. MCGROARTY: I understand. Well, it was. And what I'm saying is my concern is what's the nature of the repairs that go on there? We knew what they were for Kirk Allen. Is your testimony is it going to be identical to what Kirk Allen did? Are there going to be fuel tanks in there? Is there going to be other kind of work being done?

MR. DUNNE: No fuel tanks. It's going to be similar to what Kirk Allen was doing which basically would be a tire change, an oil change, a minor...

MR. MCGROARTY: Shouldn't Mr. Kaplan testify to that?

MR. DUNNE: Mr. Kaplan can testify to that.

MR. MCGROARTY: Ok.

MR. DUNNE: That's why we called Mr. Kaplan up.

MR. KAPLAN: Want me to come up?

MR. DUNNE: Yeah, come up, please. Come on, sit down. We're talking about the warehouse building where Kirk Allen was doing some minor truck repair work.

MR. KAPLAN: Ok.

MR. DUNNE: And the Board wants to know what use is proposed for that going forward? Is it the same as what Kirk Allen was doing, basically some minor truck repairs and is it intended to be associated with another tenant on the property?

MR. KAPLAN: You mean is he doing for other tenants?

MR. DUNNE: No, no. Is the area, Kirk Allen's not using it anymore, right?

MR. KAPLAN: No, Kirk's in there now.

MR. DUNNE: He is using it?

MR. KAPLAN: Yeah.

MR. DUNNE: So is anybody else using that site?

MR. KAPLAN: Yes, the SMA Trucking uses their...it's broken up into a few sections and SMA is in one and Kirk's in the other. So what they do is, they basically have to repair their trucks to keep them on the road. They don't do transmissions and stuff like that. They don't take them apart. They send them all out but they do repair if something goes bad. They take it apart. They send it out. Just keep their trucks rolling.

MR. DUNNE: Apparently the intention of that use is to be available for people who are renting property from you to store trucks and park trucks. Is that true?

MR. KAPLAN: Yes.

MR. DUNNE: So it doesn't matter whether or not it was Kirk Allen or another tenant on the property in this general location, they can access that to change a tire or change the oil or something like that?

MR. KAPLAN: You mean if they're renting space....yeah....from me.

MR. DUNNE: The proposal is that it's accessible to any other primary parking tenant that you have there for trucks.

MR. KAPLAN: No. If Kirk Allen's space is Kirk Allen's, he's not going to let anybody use his space. Is that what you're saying?

MR. DUNNE: No. The repair area that you have for Kirk Allen is somebody else going to also use that?

MR. KAPLAN: No, just Kirk.

MR. DUNNE: Oh, cause that's not what I thought. Ok.

MR. KAPLAN: Unless Kirk says I don't need the space anymore and then someone else comes in and says I have trucks. I need to change the tire.

MR. BUCZYNSKI: Same for SMA Trucking? Because they have their own spot for repairs.

MR. KAPLAN: Yeah they have their own spot.

MR. BUCZYNSKI: They do. So, same thing with them too then?

MR. KAPLAN: Correct. Yeah they don't anybody else's repairs or anything like that.

MS. COFONI: So would it be safe to say that minor truck repairs conducted inside the steel building, it's called, that would be an accessory use to the storage of their trucks on the site and it would never be a primary, principal use? So you're not going to allow a mechanic to come there?

MR. KAPLAN: I'm not going, I'm mean, yeah they're only going to repair their own trucks. They're not using that like, "Oh come on over and we're doing everybody's trucks"...that type of thing...if that's what you're saying. No that's not what I'm allowing. I'm giving them the courtesy that...ok, you want a space to fix your trucks because you have so many trucks on the road and instead of sending them out to be fixed you have your guy over there changing the brakes, changing the tires, doing an oil change, that kind of stuff. It's only for them. That's the way it's always been. They don't make money off of other people's vehicles. So if in this back area, you have Joe Blow Company comes in and he's got four or five trucks, he's not going to be able to go over to Kirk Allen and say "Hey I want to use your garage." That's not what we're doing.

MRS. NATAFALUSY: So who's in that steel building?

MR. KAPLAN: Kirk Allen and SMA.

MR. DUNNE: Does SMA, Mr. Kaplan, does SMA have a separate area for doing its truck repairs?

MR. KAPLAN: Yep. Yes.

MR. DUNNE: So it's like flex area in there?

MR. KAPLAN: Right. It's flexible. There's actually five divides in there. There's garage doors that go up in between and whoever, 92, 93, whatever it is.

MR. DUNNE: So this is what, indoor parking and for truck repair.

MR. KAPLAN: Correct. If they want to leave them inside, I don't care what they do with them but I just, I know that they don't allow other people trucks to be fixed there. It's only their trucks.

MR. WEISS: I guess the question is what happens if your current tenant, SMA and Kirk Allen tell you they don't need it anymore? You going to go to the open market to find someone to fill it?

MR. KAPLAN: Of course.

MR. WEISS: So we're concerned that, what's going to stop you from having somebody that's going to hire work to bring in? Guys just simply, a truck mechanic. Advertise in the Trucking World...

MR. KAPLAN: A guy at the gas station says "Hey", yeah, no, I...

MR. WEISS: A private mechanic that says "I fix trucks. Come to me. This is where I am."

MR. DUNNE: No. That's not going to be permitted.

MS. COFONI: That's good because I just worded it as a condition....

MR. MCGROARTY: That's what I was trying to get at. A use for the trucks on the site.

MR. DUNNE: For the trucks on the site. Exactly.

MRS. NATAFALUSY: Ok.

MR. KAPLAN: Honestly, that's what makes the property valuable...is that they have a repair center right on site.

MR. BUCZYNSKI: Indoor area.

MR. DUNNE: Indoor area.

MR. KAPLAN: Indoor and then outdoor storage and it works out well.

MR. WEISS: That was definitely a concern is that right now you are telling us what's happening but eight months from now Kirk might not need it, SMA might not need it and then you have a building that you'll go out and get a mechanic.

MR. FLEISCHNER: Except Kirk Allen is still there in two and half years? Their trucks are going to break. They're going to have to fix them somewhere.

MR. WEISS: Let's say Kirk finds something else. My point was, he's not using this space.

MR. KAPLAN: He uses the space for repairs.

MS. COFONI: He's using the tenant space.

MR. WEISS: I'm just saying if he decides not to and now it's vacant. Totally vacant.

MR. MCGROARTY: But it won't be a separate mechanic's shop.

MR. FLEISCHNER: Right. That's what he said right from the beginning.

MS. COFONI: This is what I have just to make sure that I'm covering it. Minor truck repair inside steel building is accessory use for existing tenants storing trucks on-site. No mechanics garage servicing outside vehicles.

MR. DUNNE: Correct.

MS. COFONI: Ok. That covers it?

MR. MCGROARTY: Yeah, I think so.

MR. WEISS: You know, I got to be honest. I'm just going to interjection something. I think the problem, if we have a problem, is that we kind of miscommunicate. Your version of something is different than ours and when I say "you" I do mean you personally. And it's something that I noticed when you and I spoke. I have asked you, there was a truck body at the very end of the steel building towards the Kirk Allen side. I don't know how else to describe it. And I asked you why it's here and you said "well I'm allowed to store trucks outside". And I said to myself, that's not a truck, that's a part of a truck. And I asked you a question about, you were storing aluminum siding. And you said, well I'm allowed to store stuff. And I think that the Planning Board says, no, that's not the intention of storing stuff. Like aluminum siding in a pile, I don't believe is what we're expecting to see on the site. You and I might disagree on it but I think the Planning Board, when we're giving you an approval, you have an approval to store and you start storing "stuff" like siding and trucks parts....I don't think that's what we intend the site to be. And so if we can clean this up and get the commitment from you that that's not how this site is going to be used, I think we can move this along. I just want to make sure that we're not miscommunicating. That it's your opinion therefore, it's right. And it's our opinion and therefore, it's wrong. You understand what I'm saying?

MR. KAPLAN: Yeah, I do.

MR. WEISS: It's like, so you know what I'm talking about, that big gray frame of a truck.

MR. KAPLAN: That's gone already. Oh, you mean the...yeah, but I thought you, actually there was definitely miscommunication because I thought that when you guys had gone out for initial site, you had said to the people who, SMA actually, you could have that but you have to have it up on blocks so it doesn't look like a big pile of junk. Because what they use that for is, their drivers...they get in accidents. They crashed a truck. That cab that they took off....they got rid of....I told them if you're going to get rid of it, just get rid of it or put it inside your shop. So they wound up getting rid of it. But the frame, because they have twisted frames (inaudible), they keep the frame and then if they twist a frame another time with a truck accident, which is what happened, they take that frame and then they switch it out. That's what they do.

MR. WEISS: It's just there comes a point where it starts to look like a junk yard and I once apologized to you for saying it looked like a junk yard.

MR. KAPLAN: And it did before.

MR. WEISS: And it did and it made, just for the record, it's a hundred percent better in my visits over the months but there are still things that are there that I look at and say this is not the intent. My examples, the pile of aluminum siding. You explained to me, that came from there and we're going to fix it. But I don't think that needs to be stored outside. I don't think that's what we're...I don't think that's what this is intended to do.

MS. COFONI: And based on previous testimony, I have a condition here, only operational vehicles and equipment to be stored on-site which is what the testimony was. So a portion of a vehicle that's not operational wouldn't apply to that.

MR. MCGROARTY: And now's the time I think to split hairs if that's what it is so that in the future everybody's comfortable. Mr. Kaplan doesn't have any problems; the Town doesn't have any problems. Because in this outdoor storage area we've discussed tonight, it's equipment storage and we've got some idea and the testimony is to what kind of equipment it is. And we'll go into more detail to the specific stuff that would otherwise be prohibited. Is it to say that the kind of material the Chairman was talking about wouldn't be permitted back in this area?

MR. WEISS: Is it allowed in Appendix A or B?

MR. MCGROARTY: Well, what I'm saying is they will tell us in Appendix A or B what they want to put there and that will require relief. But I'm saying aluminum or other material or construction material or lumber...I don't know. And I'm not saying that any problem with it. I'm just saying if you're approving this as a equipment storage area and vehicle storage area in the back, then I think you want to be clear that you're going to be ok with all sorts of material that's back there assuming it's safe, etc. unless you want to go through a list and tell them you can have this and not that.

MR. WEISS: I kind of like the first part of what you said because it's not fair to Mr. Kaplan to ask him to come up with a list, all encompassing, and if you miss one he can't do it. We should probably agree as a Board that this area that's now tonight highlighted in colors is where he'll store your stuff. I don't have a better word for it.

MR. KAPLAN: Right. Ok.

MR. WEISS: And then we have to either accept it or not. I think it's a lot better than having your stuff all over the perimeter of the building.

MR. DUNNE: Right.

MR. WEISS: That's my personal opinion.

MR. MCGROARTY: It accomplishes what you were saying, Mr. Chairman, that it keeps it in a certain place. The outdoor storage does require adherence with the buffer requirements in the ordinance but back where it's located it's probably, it's shielded anyway. So...

MR. WEISS: I agree a hundred percent and on the site...

MR. MCGROARTY: (Inaudible) and if it's contained within a fenced area and again, the material any hazardous material etc., that's on the Appendix A or B has to be addressed tonight and our Fire Marshall at some point is going to have to look at it. But otherwise, that's where all those incidental, miscellaneous things will go.

MR. WEISS: I could live with that.

MR. DUNNE: And that's fine with us too.

MS. COFONI: You know what I did? And I think my condition was not phrased correctly and I think rephrasing it is any vehicles and equipment stored on site shall be operational so not like only operational vehicles and equipment can be stored there cause there may be things like materials but it's not going to be a junk yard. You're not going to have abandoned vehicles in disrepair. So any vehicles and equipment stored on-site shall be operational.

MR. BUCZYNSKI: A junk yard is not allowed under Appendix A.

MR. FLEISCHNER: It's not allowed. A junk yard's not allowed.

MR. BUCZYNSKI: Junk yard, auto recycling, scrap metal.

MR. WEISS: But this is where we start splitting hairs because although I look at it as scrap metal, Mr. Kaplan gave me a very fine answer that it's not since that's the siding and he's going to fix it. But where do we draw the line? And the truck body, you just explained why they have it. It could be a junk part. So you explained what it is and I'm a lay man and it looks to me like it's junk.

MS. COFONI: Well yeah because if I put

MR. KAPLAN: Well it seemed to me like you guys didn't want it so I told my tenant, "Look you can't leave that outside anymore. You either have to get rid of it or you have to put it inside." And so they did. I wasn't sure they put it inside. I think they actually got rid of it.

MR. WEISS: So going forward. Stop. But going forward we don't have to, as a general rule, you're tenants are going to need to know that their stuff can't just be out on the perimeter of the building.

MR. KAPLAN: That's fine. I can even have him move those frames into his building. He's got...

MR. WEISS: Or if we're having an equipment storage area that seems to be equipment. I suppose you can justify it. Again, I'm a layman. But your answer to me is totally acceptable. But put it where it belongs.

MR. KAPLAN: Ok. I'll tell them.

MR. WEISS: So we might just have to correct your conditions slightly.

MS. COFONI: Yeah, I don't know.

MR. WEISS: Only because in this case, the piece of equipment is not operational but it's equipment none the less.

MS. COFONI: You want him to be able to store that...I would have said no, that's not permitted. That a frame of a vehicle that's not operational can't be stored on-site.

MR. KAPLAN: It'll be used eventually.

MR. WEISS: As long it meets some of the some things that Gene was just reading where you can't have scrap metals and you can't have...

MR. RUSSELL: How about a snow plow?

MR. DUNNE: Yeah, I mean a snow plow...

MR. RUSSELL: It just sits there. It's not necessarily...

MS. COFONI: See but it's operational.

MR. DUNNE: A fully usable (inaudible).

MS. COFONI: It can operate.

MR. DUNNE: A fully usable (inaudible)

MS. COFONI: Oh you mean the actual plow part.

MR. FLEISCHNER: Yeah, it's not attached to the truck.

MR. BUCZYNSKI: That's equipment. That's equipment.

MR. MCGROARTY: I think that that's this general, miscellaneous category which is why I was thinking earlier, forget about the different color scenarios. It'll be a storage area, vehicles, equipment and then they'll as I said, go through the A&B list and tell us what they would like to have that's on that list and

we will decide if that's agreeable. But yes, snow plows. It's equipment. That'll be back there. Backhoes, that'll be back there. I don't know what else.

MR. KAPLAN: Well, what about block that we will eventually use. It's stacked neatly.

MR. MCGROARTY: That's material. I think...

MR. BUCZYNSKI: That's one of the items in Appendix A. Greg will have to address though for a variance.

MR. MCGROARTY: Ok, if it is. But I would think that, as the Chairman said earlier, because we can't make a list or all-inclusive list or it would be a little unfair. It's going to be vehicles, heavy equipment. It's going to be for lack of a better way of saying it, miscellaneous material, as long as it meets the....

MR. KAPLAN: I understand; you don't want to have a junk yard. I don't want to have a junk yard. I don't want to be that site either. I don't want to have waste going on to the site. As it is, they're going through the clean up and I certainly don't want to hinder them.

MR. MCGROARTY: So really anybody that has outside material, other than Kirk Allen, who has the approvals and other than these ones that you've gotten zoning permits before...anyone who has material, equipment or whatever may be outside would be in that back area. Is that fair to say? Is that what you're proposing?

MR. KAPLAN: Yes.

MR. WEISS: That would certainly clean up the site quite a bit.

MR. DUNNE: The rest of it's vehicle storage as I understand. Vehicle and equipment storage. The miscellaneous stuff is in the back.

MR. WEISS: But you expect to see trucks in your loading docks and places where trucks are normally, you expect to see them. I don't know. Is SMA the applicant towards Kirk Allen?

MR. KAPLAN: Correct.

MR. WEISS: You expect to see trucks there. You expect to see trucks in your building. We'll have extras back there. We just don't expect to see a pile of stone and a pile of aluminum and a truck body. And before you know it, at first I was seeing piles of everything. I have certainly vocalized my displeasure with that. This is a very nice way to clean this up. We can go back and ask the question...are we going to delineate the storage area? This general storage area and you as the property owner will decide how you best use it. Is that going to be delineated by a fence? Did we come to an agreement with that? A three-sided fence?

MR. DUNNE: Why don't we come up with a proposal for that as a site plan (inaudible)? It's going to be some type of a permanent demarcation that would be attractive, is what you're looking for....

MR. WEISS: And it's got to be addressed because I think I'm going to use that comment to address another issue that I had and as we're....just making sure we understand each other.... You and I spoke about this repo business and we had a disagreement. I thought it was one thing and you thought other and I ended up pulling the permit to find out. I had said to you that my understanding on your repo business is that all of the vehicles have to be within the fence. You said no, no, this is their area. And I pulled the permit and the permit clearly says that all operation of the repo business is in the fence. So, as the.... Good answer, because you clearly didn't....I don't believe you intentionally lied but as the owner of the property you really need to know what your applicants are allowed to do. Because when a repo business is spilling out into an area that's not theirs, that's another problem. You had said to me on-site that you were going to move it to the tennis court and I think that satisfies everything that I have a problem with now. But my advice is that if you don't know, it's ok to say you don't know but I was concerned enough that I pulled the permit and read it myself. And so, again, I don't believe for one second that you're intentionally lying but it's important that we understand because this is complicated. That we understand fully what's going to happen and what we're going to expect when this all done. And so you're moving the repo business to the tennis court, which is a fenced in area eliminates any doubt of where they can do their business.

MS. COFONI: Can you tell me where the fenced in for the tennis court...

MR. WEISS: Well you can see it here and it's right here. Area 2...

MS. COFONI: That leads me to my other question, so we're talking about the green and yellow storage being demarcated in some way. What about the other storage areas? Are we going to have demarcation of that? Cause it seems to me we would want any storage areas demarcated so that this is where storage is going to be.

MR. BUCZYNSKI: Like I said before (inaudible) storage areas have to be delineated.

MS. COFONI: Not individual spots. Like you can break up the spots by tenant. The green, red and green. That would be one demarcation. The red, green, red.

MR. BUCZYNSKI: No we're not separating red, green, red. It's just that...

MS. COFONI: No I mean that whole block.

MR. WEISS: Tiena's referencing it on the color.

MS. COFONI: I mean the whole block.

MR. WEISS: Because I know the site, the area by the tennis court, we're suggesting there be kind of boundary. A clear mark that this is the area for storage....that's the area for storage and you basically have three pods of storage.

MR. DUNNE: Right.

MR. WEISS: We're asking that you delineate it somehow. Mr. Dunne said you'll have a plan. I think we'd like to see a plan. Just tell us how you can do it. And how you manage that site....not my business. You know that you're the owner. You figure it out the best that you can. The most profitable way, not my business. I think that could work very well.

MR. KAPLAN: Thanks.

MR. DUNNE: Just so the record's clear too and this has been asked. I looked at this list again. On Schedule A and it's basically Number 9 which is some type of...we all have that list. It was in Mr. McCord's report. Number 9 is for truck maintenance. There is some truck maintenance going on on the site.

MR. WEISS: Hold on one second.

MR. FLEISCHNER: It's automotive service center.

MR. DUNNE: Yeah, well it's not an auto....

MR. BUCZYNSKI: It's not an automotive service center.

MR. DUNNE: But it's got some type of truck service. We talked about that. Item Number 16 which is...we have some Class B recycling going on there. Not a recycling center but the materials that are describing Class B, we've talked about that and they're part of what this application is which would be basically the recycling of yard waste from residences...leaves and some grass clippings, tree parts, ground up and some composting of those materials to make the topsoil.

MR. BUCZYNSKI: Your number 12 too. You're missing 12.

MR. DUNNE: Number 12, yes. I beg your pardon. And then we have Number 18, there's some composting going on. And you have, I believe Number...

MS. COFONI: Composting? Did we know that Chuck?

MR. MCGROARTY: Yeah, Mr. Allen.

MR. DUNNE: He's going to be doing some composting.

MS. COFONI: Oh, with the landscaping. Yeah, ok.

MR. DUNNE: Number 40, I believe (inaudible) site for storage and maintenance of equipment and materials for landscaping. And I think that's it.

MS. COFONI: The one thing I want to go back to is Number 9.

MR. DUNNE: Number 9. Yes.

MS. COFONI: Because that's pretty much exactly what I was saying we wouldn't have.

MR. DUNNE: Well, but...

MS. COFONI: Automotive service center, repair and maintenance, car or truck washing facility; truck, bus or locomotive maintenance yard or terminal.

MR. DUNNE: Well, it's not really that. But it's...

MS. COFONI: It's not that, right?

MR. DUNNE: It's not that. No. But there's a component of what we're doing in there.

MS. COFONI: I'm going to specifically set that forth in the resolution but I don't want an approval of 9 to confuse things so, I would not include that.

MR. DUNNE: I would limit 9 to what we're doing.

MS. COFONI: Ok. So I'm not circling it.

MR. DUNNE: Those are the only things that I know of that we're doing there.

MR. MCGROARTY: If I may....Number 10. Again, fuel trucks on-site, it's not what this is but I don't know (Inaudible) station or terminal. I know what that is but you're not going to have any of that on this site, correct? Anything under Number 10; petroleum refining....

MR. DUNNE: We're not doing that. I mean bulk station, no.

MS. COFONI: You're not going to be able to get gas there? You're not going to get gas there...

MR. DUNNE: No.

MR. MCGROARTY: And 13? Junk yard, auto recycling, scrap metal?

MR. DUNNE: No.

MR. MCGROARTY: Ok. And that was A? Is there anything on B that would apply? Appendix B...which are minor potential pollutant sources.

MR. DUNNE: I don't see it.

MR. BUCZYNSKI: No.

MR. DUNNE: I think we hit everything that...

MR. MCGROARTY: I think there's only eleven or twelve, right? Twelve items.

MR. BUCZYNSKI: Right.

MS. COFONI: So Chuck, 12, 16, and what was it? Whatever other numbers...

MR. MCGROARTY: We had 9...

MR. BUCZYNSKI: Fifteen and forty.

MR. MCGROARTY: We had 9, 16, 12, 18 and 40 and you were going to modify 9.

MS. COFONI: No, I'm taking 9 right out. I don't think 9 applies.

MR. MCGROARTY: Well, I think...

MS. COFONI: But this is an automotive service center.

MR. MCGROARTY: I agree that you don't want to say that so that means....I guess you're acknowledging there's going to be minor repairs.

MS. COFONI: Right. So these are things that are prohibited in the waste water....the

MR. BUCZYNSKI: The well head protection area.

MS. COFONI: So this goes under their D-1? No.

MR. MCGROARTY: Yes. Yes, because it's not permitted. It's a prohibited use in the Tier 1 areas.

MS. COFONI: Along with the Class B recycling for Kirk Allen?

MR. MCGROARTY: Correct.

MS. COFONI: So it's kind of all in that....ok.

MR. DUNNE: I don't think there are any uses in the B that are different than what we're talking about.

MR. MCGROARTY: (Inaudible) that under B, Number 6, is that a problem? Septic and (inaudible) fuel?

MR. DUNNE: Well, we have a septic system.

MR. BUCZYNSKI: Septic field.

MR. MCGROARTY: I know. But I'm...

MR. DUNNE: It's existing septic system.

MR. BUCZYNSKI: So really, I think it's a little bit different. A leeching field and a disposal field...little bit different. I think. It's regulated by DEP....septic systems.

MR. DUNNE: Yeah, I don't know what that means but (inaudible) have a septic system on the property. There are no sewers there. We already have existing septic systems.

MR. MCGROARTY: Alright, are you adding new ones by the way...for the office building or the warehouse building?

MR. KAPLAN: There will definitely be two more septic. That's why we broke the property up into three. That was the whole reason for doing this. So you'll have one....well there is one at the office building already. And there is one on this large building so the one over his is going to service the new addition onto the future Phase 2 site.

MR. BUCZYNSKI: I guess we're trying to be conservative and they'll be asking for all these other relief. Adding Number 6, I think part of the argument's going to be the septic system is going to be designed according to DEP regulations (inaudible). (Inaudible) testimony (inaudible). I think that's the way you handle it.

MR. DUNNE: Ok. Acceptable to us. Going down again through your list, I...

MR. BUCZYNSKI: Let's go to 9.

MR. DUNNE: Nine. We talked about phasing here and reversing the phasing numbers. Does it matter to the Board the order of phasing? That was the question on 9, wasn't it?

MR. BUCZYNSKI: Yeah, it was like, you were saying you were going to be moving things around.

MR. DUNNE: We changed the phase.

MR. BUCZYNSKI: (Inaudible) reserves the right to proceed with phases out of numerical order. Does the Board want to have some idea of what they're going to be doing in phases? Rather than saying here. (Inaudible) here's what they're doing but they want to do something different...it's ok.

MR. WEISS: That's the whole concept of phasing, isn't it?

MR. DUNNE: Yeah but we didn't think the numbers mattered that much as far as the order of phasing. I think they changed the phase. The north part of the phase was going to be Number 2 and the....

MR. BUCZYNSKI: They still going to do the same phases but they might be in different order.

MR. DUNNE: Yeah, might be in a different order, yeah. I think that's the idea.

MS. COFONI: As long as one is not dependent upon the other then I guess...

MR. DUNNE: You'll notice that this parking area has been added to Phase 1. I don't think that was part of Phase 1 initially.

MS. COFONI: But you're going to have Mr. Ploussas testify with regards to the phasing and all that when he comes in?

MR. DUNNE: He already did but we're...

MS. COFONI: But you said he just revised it, right?

MR. DUNNE: No, that was part of the revision (inaudible).

MS. COFONI: Oh, ok.

MR. DUNNE: If you're looking at the existing approval versus the proposed, this phase changed slightly.

MR. MCGROARTY: Yeah. I guess my question is, not to get away from (inaudible), why do we care? If they're going to minor subdivision it into three lots and they have site plan approval based on this, do we care what phasing they do?

MR. WEISS: Well, Tiena made an excellent point. As long as one phase is not dependent on the other then we probably don't care.

MR. BUCZYNSKI: Yeah. (Inaudible)

MR. MCGROARTY: So it might be at some point worth just taking phasing off the plans so that down the road no one...

MR. BUCZYNSKI: Gets more confusing.

MR. MCGROARTY: Does the Board care what phase they do? (Inaudible).

MR. WEISS: I don't believe I'm saying that there's....as long as one is not dependent on the other then it shouldn't matter. Right?

MS. COFONI: Any internal phasing you have for your own (inaudible).

MR. BUCZYNSKI: For Phase 3 they really have to come in....Phase 3 they have to come back for a site plan....for Phase 3 for that building in the back.

MR. DUNNE: Yes. Number 10 will defer to Kirk Allen's testimony.

MR. BUCZYNSKI: Yeah we kind of discussed the items too already.

MR. DUNNE: Number 11, I believe we're ok with the coming back for approval for proposed improvements.

MR. MCGROARTY: Could I? Excuse me.

MR. WEISS: Go ahead, Chuck.

MR. MCGROARTY: Probably saves time since I raised it, rather raise it again....If the existing building is going to be leased out as flex office and they would come back for site plan approval, you're asking preliminary and final site approval now....Wouldn't that just get preliminary approval? That lot. Otherwise, what mechanism is there for them to come back if they have final approval?

MR. DUNNE: Which space are you talking about?

MR. MCGROARTY: The office, well Phase 3.

MR. BUCZYNSKI: Phase 3 it was.

MR. MCGROARTY: Proposed Lot 1.01. If the blanket preliminary and final is granted for all three lots, you don't need to come back. As I understand the Act, because all the improvements will have been shown or if they're not shown, the Board is comfortable without them and they would have granted final. I'm just saying and maybe this is a detail to be worked out as it's moved along. Site plan approval for Lot 1.01 perhaps should be preliminary.

MS. COFONI: Is there a reason you're not proceeding with it now?

MR. DUNNE: Not really. Not at this point. It just was something they weren't developing right away. They were holding up on it but we can....we're ok to go ahead with final on that. We're ok to go with final on the entire site.

MR. MCGROARTY: Well, except that we.... Only except for a note on the plan that says it's going to be leased out as flex office but it's an existing office building. Parking is related to that issue and so on... I just think it would be better to get preliminary on that and then when Mr. Kaplan is ready to do something with it, come back for final.

MR. BUCZYNSKI: We never really addressed the parking requirements for that building yet.

MR. DUNNE: We had preliminary approval for that building already.

MR. MCGROARTY: Not as a warehouse.

MR. DUNNE: No, not as a warehouse.

MR. MCGROARTY: I'm seriously not trying to make life difficult for you, Mr. Kaplan. I just think those things like that small building to the opposite end of the property, maybe that gets preliminary now. When you're ready to occupy it, when you have an actual tenant, or whomever is (inaudible) that space and then you come back for an amended preliminary and final site plan approval so that because then you'll know who's going to be in there, what they're going to need in terms of parking, what kind of access and all the other things that go with it...whether lighting is necessary and so on. And so you can get, if the Board is ok with that, get preliminary for those, at least those two and come back when you're ready.

MS. COFONI: And your revised plans need to show what's just getting preliminary and what's getting preliminary and final. We need to have them revise them.

MR. MCGROARTY: I would think the storage area in the back you're looking for a final.

MR. KAPLAN: Correct, because that's basically like this identical building to this long skinny one which is a different shape and it kind of brings the same kind of tenants. They kind of want to have a little bit of outdoor space. They want to be able to fix their (inaudible).

MR. MCGROARTY: What I'm saying is that existing...that building out here today is an office building. I've never been in it but

MR. KAPLAN: I thought you were talking about the smaller one.

MR. MCGROARTY: You're right. I was talking about both. I'm just saying that, as you had said earlier, you would like to amend the plan to have approval for that building cause I said that would just....that's not the principal use. I'm just saying I think, we don't have to do it tonight perhaps because they'll be coming back, but maybe give some thought. Some things are going to, assuming all goes well, they'll get preliminary and final but I think other things are ready just for preliminary at this time.

MR. BUCZYNSKI: Even that building to the north, the one we were just talking about, we haven't addressed parking needs or lighting or anything regarding that building.

MR. WEISS: And none is proposed either.

MR. BUCZYNSKI: No.

MR. MCGROARTY: And understandably because right now they don't know what they want to do with it. Mr. Kaplan doesn't.

MS. COFONI: The building's existing though.

MR. BUCZYNSKI: Yes.

MR. KAPLAN: We do know what we want to do with it.

MR. DUNNE: It's going to be part of an amendment. It's going to be submitted to you (inaudible). Then you'll have it.

MS. COFONI: Ok.

MR. KAPLAN: We couldn't have that just go to the Building Department if, as far as the lighting goes around it?

MR. BUCZYNSKI: No.

MR. MCGROARTY: It's part of site plan. But if between tonight and your next meeting you change things on the plans to show how that can function as a fully operational building, then you go for final if you're ready. I don't think you're ready on the accessory or rather the leased out as flex warehouse space.

MR. DUNNE: No. That's not proposed to be a final right now.

MR. MCGROARTY: Ok. That's all.

MR. DUNNE: Ok.

MR. KAPLAN: That's fine. I mean, I would like to get the parking lot worked out so I could start leasing out the parking lot.

MR. BUCZYNSKI: Which one? The 1.83? The storage area? I've got some comments on that too when we get to that point.

MR. MCGROARTY: I think we agreed that, not agree, suggesting that...

MR. BUCZYNSKI: Not a report but based on discussions.

MR. MCGROARTY: Yeah and something like that, at this time, you're looking for both preliminary and final.

MR. KAPLAN: Correct.

MR. DUNNE: Right.

MR. MCGROARTY: Subject to, as Gene had specific improvements to do there and the fencing and (inaudible).

MR. BUCZYNSKI: Number 12, I guess Kirk Allen is going to address that?

MR. DUNNE: Yeah, I don't think that's part of the proposal anymore.

MR. BUCZYNSKI: Well it's in the letter that we have in the application. Just address whether it's going to happen or it's not going to happen.

MR. DUNNE: Yes, we'll address it.

MR. BUCZYNSKI: And Morris County Soil Conservation District approval. My concern I have too with the storage area. The storage area and also the tennis court area. There are a lot of these areas of broken pavement and on the plan it shows it's going to be repaired and patched with quarry-processed stone. We're in a well head protection area again. Any thoughts of paving these areas? Repaving these areas? They're not in great condition.

MR. KAPLAN: No they're not. I thought that the QP would actually be better because it's not an impervious surface and rain would be able to go through it...for the most part.

MR. BUCZYNSKI: Yeah but you're going to be parking vehicles there too. I'm not sure if anybody's going to have an oil leak or anything like that with the material. It's in a protection area; I think it would be best to at least pave those broken areas.

MR. KAPLAN: I know what you're saying but we addressed that last time with the fact that, with the expert, that even if... We had a 5,000 gallon still on site and it never affected the well heads. I mean that's 5,000 gallons. I mean these trucks have 10 quarts.

MS. COFONI: Does the ordinance require outdoor storage areas to be paved?

MR. MCGROARTY: Using it for parking. We also have, as I said earlier, you've got wetlands in the ...

MR. BUCZYNSKI: We're getting to the point we're just disregarding the well head protection area. I'm sorry but we have six different items in Appendix A and B that we're probably going to look at, we're looking for waivers. Now we have gravel parking areas. They think if they're going to park cars then it should be paved. If they're saying it's too expensive to pave the whole area, they should at least pave the areas that are cracked and broken pavement. I don't think it's proper to just remove those areas and put quarry processed stone. That's my opinion.

MS. COFONI: So you would suggest paving all areas where trucks are being stored?

MR. BUCZYNSKI: All broken paved areas or areas that have stones visible at this point should be removed or repaired and removed and paved.

MS. COFONI: What places they're going to store trucks that aren't paved?

MR. BUCZYNSKI: I think it should be paved.

MR. WEISS: I don't think that's accurate though.

MR. DUNNE: What about truck areas where truck parking is going to take place. We can agree to repair the pavement. That makes good sense but where we're going to store "stuff", does that necessary in those areas because pavement, as you know...

MR. BUCZYNSKI: How are we going to know where you're going to store "stuff"?

MR. DUNNE: We're going to work it out I guess, right? So, it's going to be marked with the stuff that's not....

MR. BUCZYNSKI: And we're going to have the quarry-processed stone in those areas?

MR. DUNNE: Yeah...it's very expensive...

MR. BUCZYNSKI: I think we can go with that if the Board's agreeable.

MR. DUNNE: If the Board's ok with that. This is stuff that's like storage of material that does not have hazardous materials in it. Like oil inside the vehicle could be stored on quarry processed area.

MR. BUCZYNSKI: Well, I think you're going to have to delineate on the plans when you come back for the next time what areas you really want gravel if that's what you want to do.

MR. DUNNE: Yeah.

MR. MCGROARTY: My observation on that is I think it's almost penny-wise and pound-foolish because if you don't do it and you're limiting your areas that you can park certain things and not others, first of all it's going to take a tremendous amount of vigilance on someone's part to make sure it's being done right; and it's only going to take one time for the town to go out and if it does, do an inspection and per Gene's recommendation, to pave the whole thing, and then it's paved and where you store whatever is all in good shape then.

MR. BUCZYNSKI: Because if you have an area that's (inaudible) a truck you got an area that's quarry-processed stone cause you say you're going to store material. What if nobody wants to store material and you got another truck that wants to come and park and that's the only place to park, what are you going to do? You're going to park it on the stones. Let's face it.

MR. WEISS: My advice is that it's rare that our professionals take such a solid stand. I think the Planning Board is hearing our professionals loud and clear. I think your options are limited.

MR. NELSEN: Are we substituting the word "stuff" for equipment?

MR. WEISS: Yeah.

MR. NELSEN: Ok. I just wanted to be clear.

MR. RUSSELL: I have a question, Gene about lot coverage.

MR. WEISS: Hold on one second. Hold on one second.

MR. COFONI: Equipment and materials, Dan.

MR. WEISS: Nelson, hold the phone. Mr. Kaplan was...

MR. KAPLAN: I do recall when the expert came up and was talking about that kind of stuff at the last meeting that he said if there was any type of spills, cause that's what we keep bringing up, that it would no way affect the well heads, be impossible for it, so the only thing that's... I don't have a problem with some of the stuff you guys are saying. I don't, but I think that before any of us jump to conclusions maybe we should talk to the expert. If he says that this is what should be done because that's what he's all about. You're an expert with what you do and he's an expert with what he does so that's all I'm saying.

MR. BUCZYNSKI: Expert with what? With saying it should be paved?

MR. KAPLAN: No, no. I'm not talking about that Gene. I'm talking about, you're saying you're afraid that these could leak a lot of oil and then affect the well heads. Right?

MR. BUCZYNSKI: Right.

MR. KAPLAN: So, I'm saying that the last time he spoke that wasn't really what was brought up at all. He was saying quite the opposite. So, all I'm saying is....

MR. BUCZYNSKI: We all know....go ahead....

MR. WEISS: My advice is I think the Planning Board is going to take the direction of our engineer.

MR. KAPLAN: Ok.

MR. WEISS: It just couldn't be any simpler. We can debate it but the Planning Board is here and our expert...not here. I think there's been lots of concessions; this one doesn't seem to be one. I think your options are limited to be honest with you.

MR. KAPLAN: Ok.

MR. WEISS: So, thank you.

MR. RUSSELL: Gene are they going to need a waiver for maximum impervious lot coverage?

MR. BUCZYNSKI: I didn't look at that portion. I don't think so because it's a big lot and there's not a lot of areas that are going to still have to be paved so...

MS. COFONI: But it's going to be three lots, don't forget.

MR. MCGROARTY: That is going to be 29.9 acres.

MR. BUCZYNSKI: No, 13 isn't it?

MR. MCGROARTY: That's not going to be (inaudible). See, now I'm confused.

MR. BUCZYNSKI: This proposed Lot 1.02 right? Whatever that is.

MR. MCGROARTY: 1.02 will be 13.4 acres. That's a 13 acre lot.

MR. DUNNE: 13.4 acres.

MR. MCGROARTY: So 2 acres of impervious. Although you will on Lot 1.02 in the future if you have intentions of adding to the building so you (inaudible).

MR. DUNNE: That's right. Are there any other questions of Mr. Kaplan at this point because I'd like to get our planner in (inaudible)?

MR. WEISS: I think that's a good suggestion. Gene, Chuck anything?

MR. BUCZYNSKI: Not from (inaudible).

MR. WEISS: Anybody from the Planning Board have any questions for Mr. Kaplan? Let me get this point open to the public. If anybody from the public has any questions for Mr. Kaplan based on the testimony delivered tonight you can come to the podium and ask. If I could get my gavel I would close it to the public so I will close it to the public under the maps. Thank you.

MR. DUNNE: Mr. Nelson, please. Can you swear Mr. Nelson in?

MS. COFONI: Sure.

(MR. NELSON IS SWORN IN FOR THE RECORD)

MR. NELSON: Kenneth Nelson, N-E-L-S-O-N. Number 2 Volcanic Hill Road, Wantage, NJ

MR. DUNNE: Thank you, Mr. Nelson. Would you please tell the Board what your professional qualifications are to testify here tonight before the Board?

MR. NELSON: I'm a licensed planner in the state of New Jersey. I have an undergraduate degree from Texas A&M. I have a master's degree from Rutgers. I currently provide planning services to four municipalities. I testify on a regular basis before planning boards and zoning boards. I'm also a member of the American Institute of Certified Planners.

MR. WEISS: I think that we've seen Mr. Nelson in front of the Planning Board before and we've accepted Mr. Nelson as an expert planner and we certainly welcome you tonight. If anybody has a question. I don't want to stop your thunder but let's take a five minute break. Let's take a quick break. And five minutes will be five minutes. We have a lot to do so it's 8:45. At 8:52 we're starting again. Do what you have to. We'll be here.

MR. WEISS: Mr. Dunne, I just wanted to tell you that we're going to look to wrap up tonight's meeting in about an hour...by 10:00 so use your time as you see fit. Catherine and I already looked at the schedule so we'll have some dates we'll talk about when you're done but try to watch the clock. It's about ten to nine. We'll shoot for another hour if that works for you.

MR. DUNNE: I hope it does.

MR. WEISS: Ok.

MR. DUNNE: Mr. Nelson, you are as an expert here. You've been to the site here?

MR. NELSON: I've been to the site on several occasions, including earlier today.

MR. DUNNE: Are you familiar with the zoning and planning documents here in Mt. Olive Township?

MR. NELSON: Yes, I am. I'm familiar with the General Industrial Zone regulations. The well head protection ordinance. I've looked at the Master Plan documents. The 2003 Master Plan and 2010 Master Plan (inaudible). So, yes, I'm familiar with the (inaudible).

MR. DUNNE: And you're familiar with the application and the site plan maps, the (inaudible) maps, subdivision maps that have been submitted. The application itself. Is that correct?

MR. NELSON: Yes. Including the reports that Envirotactic prepared in connection with this application and of course the municipal reports.

MR. DUNNE: Do you want to give us a little bit of background on this so the Board is familiar with what you've observed so far...the area in question?

MR. NELSON: Yes, given the hour, I am going to try to compress my testimony a little bit partly because a lot of the testimony or some of the testimony I was going to give has already been presented by other witness and of course my testimony is relying on the testimony that was given previously. But there are a couple basic facts that I'd like to get in to in terms of the overall picture. The property is of course located in the northeast corner of the Township. It's a somewhat isolated area but has good access to Route 80 and Route 46. It's also in the portion of the Township that's in the Highlands Planning Area which is a relatively small portion of the Township. As the Board knows, the bulk of the Township is in the Preservation Area so this is an area where, at least the Highlands Council believes more development can occur in other parts of the Township. The site is a relatively large site. It's currently divided into two lots but most of the development on the site is located on one lot...the 21 acre parcel. There of course is substantial amount of floor area already on the site. And as the Board knows without going into the whole history of this site, it's a property that had, that was in a fallow state and is a property that had significant problems associated with it till the current property owner and applicant came along and acquired it and has been attempting to return it to a fully productive condition. And this application is just part of that process. The property is also a corner lot which I think has been mentioned previously but that does come in to play to a certain degree with respect to the setback and the buffering requirements. The General Industrial Zone is and most of the properties in the General Industrial Zone so I'm going to kind of ignore the FTZ-4 Zone and treat the entire site as if it were the General Industrial Zone. It's a zone that the municipality believes should be available for a wide range of industrial-type uses. In fact, in the zoning ordinance, it indicates that the purpose and I quote "is to provide areas where a wide range of industrial uses is permitted and that the district is located where the potential for industrial growth is good." So, what we have here though is a situation where on one hand, and I understand this perfectly from a planning point of view but property owners don't always understand this. The General Industrial Zone gives the property owner a substantial amount of uses that can be located on the property but then the well head protection ordinance takes some of that back. And it's a balancing act that I understand perfectly and which the Board, I think most of the discussion that occurred tonight has to do with that issue. The property is located in the neighborhood that is kind of an interesting neighborhood. It's got a cemetery the opposite side of Continental Drive. Immediately to the south, across Waterloo Road is the Borough of Netcong and there is a commercial building on that corner which is actually set back about 50 feet from Waterloo Road. I understand that that's a separate municipality. It's not Mount Olive but I just wanted to point out what the existing conditions are there. Then of course to the north there's the Stanhope wells that the well head protection ordinance is aimed at protecting. And to the east is the Musconetcong River. The proposal, I was sitting here tonight as the Board was discussing all of these issues and I was trying to come to a decision about how to organize this testimony and yet get everything on the record that I need to without being redundant. I think the place to start is with the subdivision. The applicant is proposing to create three lots where there are now two. And we've heard extensive testimony about the reason why and the reason why has to do with the DEP regulations governing sewerage disposal. If it weren't for those regulations the applicant would probably be very happy to proceed with various site plan proposals for the returning of this property to a full productive condition but in order to deal with the sewerage disposal regulations, it's necessary to divide the property into three lots so that the applicant,

the property owner does not incur onerous costs associated with putting one disposal facility on this property if it were to remain as one lot. So, I won't go into much more testimony about that point because I think the record is clear on that unique condition that is affecting this property. The only other thing I would say related to this is that if there were sewers, if there was a sanitary sewer system in this area, this issue wouldn't be an issue. But for whatever reason, there aren't. So the applicant must determine how he can dispose of the sewerage on site in a manner that's going to be cost effective. So, the end result is the proposed three lots which will each be in substantial compliance with the dimension requirements of the General Industrial Zone does create a situation where we're asking for a zero lot line setback and that's because the applicant in a subsequent phase proposes to add on to the existing 98,000 square foot building that is currently on proposed Lot 1.01. The addition will have to occur on Lot 1.02. And in order for his business operation to function effectively the addition has to be immediately adjacent to the existing building. Now that's a C-variance. I've gone back and forth as to whether or not the variance can be justified based on the C-1 provision of the Municipal Land Use Law and I think you could make the argument that there is a physical constraint as a fiscal hardship associated with this property relative to sewerage disposal. It's not a typical type of hardship but certainly there is a physical issue that is creating the need for the zero setback. But a C-2 argument is also reasonable in this situation because this is a zone that the municipality believes should accommodate additional industrial growth and the best way to do this is for this subdivision to occur; thereby advancing the goal of the municipality of the Master Plan to direct future industrial growth onto this site. In addition to the zero setback variance there's a de minimis front yard setback variance that comes into play because of the right-of-way dedication along Continental Drive and then of course the existing small building on proposed Lot 1.02 has two deficiencies associated with it, side yard and rear yard setback that aren't going to change (inaudible) as a result of this proposed subdivision. So that's the overall picture relative to the dividing of this property into the three lots. With respect to the Waterloo application for the outdoor storage, I believe that, based on the discussion that has occurred here tonight and from discussing with the applicant what his intent is about the storage that will occur there the...I believe that 95% of the storage that will occur there will be in compliance with the municipal regulations, particularly the well head protection regulations. There might be that occasional situation where the, one of the items on the list either A or B comes into play. It would be my argument and then we're dealing with a D-1 variance there; my argument would be there's been sufficient testimony presented about the impact of development on this site and I believe there will be additional testimony tonight which I already discussed with Mr. Neuffer, that the type of development anticipated to occur on this site, the type of activities anticipated to occur on this site will not in any way have an impact on the wells in the immediate area because of their distance from the site as well as their depth. So, I believe the outdoor storage that's proposed to occur on Lots 1.01 and 1.02, not the storage associated with Kirk Allen, I'll come back to that in a minute, but that storage certainly is a use that is particularly suited for this site because it's an industrial site. This is where this type of activity, this type of storage can best be located. If not here, where else in the municipality can it be located? And in terms of negative criteria, as long as the wells are protected, which the testimony has been given and will be given will assure this Board that's it's my contention that both the positive and negative criteria tests are met in connection with the outdoor storage for the Waterloo portion of this application. With respect to the Kirk Allen portion of the application, this one quite frankly got a little confusing as I was getting acclimated to what was being proposed and what had occurred in the past and because at one point I had assumed that Kirk Allen was still considered to be a permitted use. However, I agree with the Board's planner that that is now a preexisting, non-conforming use; although one was approved in 2010. It was permitted. Now, Mr. Allen obviously may have not been as careful as he should have been in conducting his operation and the soil mound grew larger than maybe it should have been and it came closer to the road than it should have and I understand the position of the Board that although the storage of materials was approved in 2010, it may not have been clear that other equipment needed to be at that location in order for this operation to function efficiently. So, what we're asking for here is maybe finally clarify everything that's going to occur in connection with Kirk Allen's application and obviously he has to come back to a future meeting to have you question him in detail about the nature of his application. But basically, it consists of storage of materials and the added function that has been the main focus of this application that's the processing of yard waste and pieces of trees into a material that is a product that is....client's are in need of in which he wants to be able to provide. And by having this additional facility, this additional operation as part of his overall business, it will allow him to be competitive and operate efficiently so that he can continue as a viable business. The issue of whether this is a recycling operation I think has been pretty well clarified. It is exempt from the regulations but it still is, from a planning point of view, a recycling operation which is a plus because that allows me to say allowing this operation to exist on the site advances the purpose of zoning which specifically relates to encouraging recycling. That's Item O under the "Purposes of Zoning". But in addition, Mr. Allen already has this large landscaping operation on the property and so this portion of the site is particularly suited for this processing operation that will be added to his overall operation. It's a logical extension or expansion, if you will, of his operation. I would also suggest that the extent of the expansion is relatively

minor compared to the overall picture and the extent that this operation currently functions on the site. It leads me to the negative criteria, if you will, for this proposal and I think probably what I need to do is talk about the negative criteria about this D-1/D-2 variance at the same time that I talk about the negative criteria for the setback variance that's associated with Mr. Allen's operation. But first let me say in terms of the positive criteria for the setback, it's my opinion based on my discussions with the applicant and I believe he'll provide more detail, more detailed testimony when he comes to the next meeting, in order for the operation to function efficiently and not interfere with the rest of the activities on Lot 1.01 in order to provide for the drive thru area for vehicles to access the back of 1.01 as well as Lot 1.02. It's really necessary for the materials that are being stored on the site to come closer to Waterloo Road than 100 foot setback requirement of the ordinance. Now, I've been out to the site as I have said, several times. Because of the timeframe that this application has gone on, I've been there at different seasons of the year and as I said I was there earlier today. The site as you drive along Continental Drive, the portion of the site where Mr. Allen's operation is located, is located substantially below the level of Continental Drive plus there are existing trees, primarily deciduous trees, along Continental Drive so that the view into the site is obscured....even under winter conditions because of the number of deciduous trees that are located along there. Waterloo Road is a slightly different situation. But my observation based on traveling up and down Waterloo Road several times is that when you're traveling north on what I guess is Love Lane before it becomes Continental Drive and you're turning right into Waterloo Road, that's where you're probably going to have the most visual impact. But as you continue down Waterloo Road, because of the alignment of the road, because of the topography, because of the vegetation that exists on the left hand side of Waterloo Road, your view of the materials that are located on Mr. Allen's portion of the site are substantially blocked from view; not completely and especially under winter conditions there is a greater view towards that material. However, if that material was set back 100 feet from the road the visual impact wouldn't be much less. And as you're coming west on Waterloo Road, my experience is because of the alignment of the road and because of the topography you just don't notice what is happening on the north side of Waterloo Road and so the visual impact is substantially less. But there is no question, as you turn right onto Waterloo Road there is a partial view into that part of the site. And it quite frankly is difficult to mitigate and as I said, even if it was setback 100 feet it would still be visible. Lastly, with respect to that area, as I mentioned earlier in my testimony, there's a building that sits right on the corner of Love Lane and Waterloo Road that is about 50 feet from the right-of-way of Waterloo Road. So, Mr. Allen, I know understands he did not operate as he should of and he will pull the material back to a 50 foot setback from Waterloo Road but to pull it back 100 feet would impose a substantial imposition or would have a substantial impact on how Mr. Allen could operate his business at that location. So, in summary it's my belief that with respect to the special reasons, they are met in this case, because several purposes of zoning are advanced and in terms of the negative impact there are impacts. There's no question about that; but I believe they're within reason and if there were a way to mitigate that visual impact I would be the first to offer some suggestions. But looking at the existing trees as they are now and which are deciduous, I'm not sure that adding evergreen material into that environment would be successful in terms of creating a year round visual screen. So my recommendation would be to demarcate with the large rocks that are being proposed; demarcate how close that material can come to the road but beyond that I don't believe that anything further can or should be done. I think that essentially concludes my testimony and I'm sure the Board planner will have....

MR. DUNNE: Just a quick question from me....but for the Well Head Protection Act ordinance in this town all of the uses on this site aside from the setback we're talking about for Kirk Allen, those are permitted uses in this zone, are they not?

MR. NELSON: That would be my position, although I believe the Board planner believes in case of the processing is not. But....

MR. DUNNE: Processing materials seem to be specifically permitted in the G-1 Zone?

MR. NELSON: Well, I guess the question is whether they're allowed indoors or outdoors.

MR. DUNNE: It doesn't say. It doesn't say that. But anyway, assuming that that's the case, the Town has already said that this property is particularly suitable for these uses but for the Well Head Protection Act. Is that right?

MR. NELSON: Based on the 2010 approval, yes.

MR. DUNNE: So, if there was no impact on the well head protection area, then in effect, this whole use would be particularly suitable based upon the Town's own adoption of its own ordinances.

MR. NELSON: No question, this would be a much simpler application.

MR. DUNNE: I have no further questions of Mr. Nelson but the Board may have questions.

MR. WEISS: Chuck would you like to use the opportunity to go over your report with Mr. Nelson?

MR. MCGROARTY: I would say this...I don't have any disagreement with the analysis that Mr. Nelson has offered for all of the variances except for the setback...I want to talk about for a moment...with respect to the fact that Mr. Allen is now caught as a preexisting, non-conforming use because of the Well Head Protection. I don't disagree with the analysis that subject to the Board being comfortable with the environmentalist testimony that the well heads are not in danger so I don't know if we need to go through the report because I think all the testimony with the variances, the subdivision, the zero lot lines, and so on...I would agree with him. I think he makes a good presentation, a good case for that. Not that he didn't make a good case for the setback but I disagree for this reason...and I mentioned this, Mr. Nelson.... I have talked once about this but they of course had their view, I have mine....which is it's a little tough for me to accept but then as you ladies and gentlemen will vote but it's tough for me to accept that Kirk Allen can now come in and say that it poses a substantial difficulty or challenge or whatever to his business unless he can expand into the setback, the required 100 foot setback in light of the fact that it was only in 2010 he got site plan approval from this Board for the very business that he has out there and with a fully conforming site plan and so if he subsequently realized "I didn't really realize it was a 100 foot setback or whatever". He was represented by counsel. He had a professional engineer. I just can't...I have a difficult time accepting that as a rationale to come back now and say I can't operate my business unless you let me go into the setback. He should have made that argument five years ago, in my opinion. And I guess we'll hear, (inaudible) from Mr. Allen as to maybe something changed that he just wasn't aware of at the time and I don't know. The processing issue I just wanted to mention, I don't think it's the question that it's not permitted, and again I may have inartfully explained that in the past, I'm more comfortable now that the applicant's testifying to the Board on the record. There will be all these other functions which frankly I didn't hear the last time in 2010. Again, the screening and all the rest of the processing....as long as you're comfortable with it....which will play into your decision I think whether you waive the EIS or whether you have some testimony because again the processing of the material may create dust, it may create odor, I'm not sure about the odor but dust perhaps, maybe noise and I think that has to be addressed. Probably Mr. Allen is the appropriate witness for that. So, I get and I have some site plan concerns about the storage but it can wait for Mr. Ploussas when he comes back. I can tell you specifically I mentioned in the report that I don't want to cross into Gene's territory as it were but I am concerned that there are several storm inlets there and they're only proposing hay bale protection measures. These inlets directly drain to the rear of the wetland area and to be charitable I think to put hay bales out there in a very active operation that's going on to say nothing of the fact that there has been some confusion by the applicant in the past as to what the Board allowed. I'm not sure the hay bales are going to stay or last. So something more permanent to protect, especially that's right where all this material is going. I have photographs in the April report. And those of you who have been on the site know what it looks like. If you look on page 6 of my April report that material is sort of right there where these inlets are and I think that is a concern that we don't want to see that material flow downstream into the (inaudible). Frankly, and I'll finish because we got a little time left but I'm not persuaded, myself, that a building in Netcong is closer to the road. That's Netcong's business. Mount Olive has its own ordinance and Mount Olive's General Industrial Zone allows outdoor storage and very explicitly says it has to meet the setbacks for the principal structure and it has to meet the buffer requirements and I mentioned that in my supplemental report. And the buffer requirements in the ordinance are very clear about the kind of screening that is required and I don't know if that was really addressed very clearly this evening but I emphasize that. The problem is here the way I see it as I said earlier, when you have the proposed storage in the back of the site, as we discussed tonight, I don't think the buffer and screening is necessary back there. One might argue well you would need it because you're adjacent to two new lots because you're creating but you won't be visible from the public road and I don't think it will have any adverse impact. Out here I think it's going to be visible for the public road and there are discussions underway about potential changes in the zoning out the Foreign Trade Zone area which this Board will discuss in more detail in months ahead. But even if there were not, I don't see the logic and the rationale for allowing stockpiled material which, if I read the plans correctly, were in excess of 20 feet in height. I was out there and I saw it and I think that's about right and on the plans there's a total on it. That height at...pushed back into the existing vegetation I think it's inappropriate and I think there's no good reason not to adhere to the 100 foot setback. Thank you.

MR. WEISS: And I suppose there's not much we can do till we hear from Mr. Allen...to explain why, what happened and hear from his point of view. Anybody have any comments? Chuck, I do have to agree with you. I, although, Mr. Nelson I do agree with everything you said when it came to Kirk Allen's

operation I do have to agree 100 percent with Chuck. I've been there. I can't imagine that it would affect his business one bit. There's plenty of room. I think this is just an aggressive contractor doing what he wanted but I'll save my opinion till I speak with him.

MR. MCGROARTY: Mr. Chairman, I'm sorry to interrupt. I just made a note and I did want to mention too. I think it's not very persuasive either and to say that you have to push it towards the road to free up space so vehicles can move back and forth to the back property. That's a condition they're creating, not...

MR. WEISS: My only concern....go ahead, Joe.

MR. FLEISCHNER: I'm going to interrupt the two of you because I think everything that Chuck has said is absolutely valid but I don't think this discussion should take place until Mr. Allen is present....just for the record and...

MR. WEISS: I'll agree with that Joe.

MR. FLEISCHNER: Legal issues.

MR. MCGROARTY: Ok.

MR. WEISS: I'll accept that. I agree with you. I do agree with you. We have certain questions and I have an opinion because I stood on top of that 50 foot mountain of dirt or however tall it is. We were up there; so, let's just table the rest of the conversation for Kirk Allen (inaudible). I will open it to the public if anybody from the public has any questions for Mr. Nelson based on the testimony delivered. Looks like we do have Mr. Selvaggi....has a question.

MR. SELVAGGI: A couple. Michael Selvaggi on behalf of the Rockefeller Group. Mr. Nelson, who did you actually speak to concerning Kirk Allen's operations?

MR. NELSON: Kirk Allen himself.

MR. SELVAGGI: Ok.

MR. NELSON: Mr. Kaplan may have also been involved in those discussions in the past.

MR. SELVAGGI: Ok. And in your years of being a professional planner have you ever been involved, either on the applicant's side or from the town's side about or concerning a composting facility, a recycling facility?

MR. NELSON: I'm trying to think, specifically. I can't think of a specific example but I probably have been, yes.

MR. SELVAGGI: Did you have discussions with Mr. Allen, and I don't need you to give me the answer, quite frankly I think it's all hearsay, and I'll even submit that I don't know how a planner can testify as to the criteria of a use variance on an operation where the Board hasn't even heard first hand from the operator but....be that as it may.... Did you talk to him about the hours of operation?

MR. NELSON: We, again this application, I've been involved in this application over a period of six months or more and I believe we did have a discussion about the hours of operation and I'm trying to recall specifically. I believe it's primarily normal business hours. They come in somewhat earlier than normal business hours but my understanding it's not an around-the-clock operation.

MR. DUNNE: I believe that's already part of an approval before the Board that the operation of this use would be during regular Township-regulated hours of operation.

MR. SELVAGGI: Well, there's also part of the record that he was going to adhere to the setbacks so...

MR. DUNNE: You can be argumentative counselor but I think that the ordinance of the town is what governs what the operation will be and that's what the applicant is proposing. So, if that's your....

MR. SELVAGGI: If that was the case, we wouldn't be here worrying about the setbacks, Mr. Dunne, so...

MR. DUNNE: The hours of operation have nothing to do with the setbacks.

MR. SELVAGGI: Well, it goes to the point of what this planner knows when he can come here and testify in support of the justification of a use variance again, when the applicant or the operator of this business hasn't even been before this Board yet.

MR. DUNNE: Well, you've heard of cases where the expert testimony comes in subject to the proof of the facts that are supported therein subsequently when witnesses are not available. You've seen that happen before counselor.

MR. SELVAGGI: I have and I would hope...

MR. DUNNE: Then you know that we can do that here.

MR. SELVAGGI: If I can, my next question is, were you onsite when this facility was actually operating?

MR. NELSON: Yes.

MR. SELVAGGI: What about the noise?

MR. NELSON: It wasn't significant to my point of view. It's an industrial area. There's noise.

MR. SELVAGGI: Where does most of the material come from? Do you know?

MR. NELSON: No, I don't.

MR. SELVAGGI: Well, one of the purposes that you relied upon talks about, and I think it was Purpose O, which is the recycling of recycle materials from municipal solid waste. Do you know if these materials are coming from municipal solid waste?

MR. NELSON: Because I define municipal solid waste, my understanding is that this is yard waste. Whether it's all coming from Mount Olive or areas beyond Mount Olive, I don't know.

MR. SELVAGGI: But if you don't know where it's coming from how can you say that Purpose O is actually being advanced by virtue of this operation?

MR. NELSON: My understanding is that Morris County is actually in support of this because it....

MR. SELVAGGI: I understand that but where is the waste coming from?

MR. NELSON: Well, I don't know that that's completely relevant to my testimony.

MR. SELVAGGI: Well, if your testimony is that this operation promotes Purpose O which says that it's material from municipal solid waste and you don't know where the waste is coming from, how can you say that Purpose O is being advanced?

MR. DUNNE: Every waste comes from a municipality, counsel, so it doesn't have to be this municipality but that's certainly the proposal. It seems obvious to me that waste is going to come from some municipality.

MR. SELVAGGI: Mr. Dunne, unless you're going to testify yourself I don't think your opinion really matters a lot here. I think it's the opinion of your planner because he's the one that has said Purpose O is being advanced. So, I just want to know where the municipal solid waste is coming from.

MR. DUNNE: We intend to produce evidence of that during the testimony of Mr. Allen.

MR. SELVAGGI: Ok. Now, the Purpose N, you also cited. And it talks about renewable energy resource. What's the renewable energy resource?

MR. NELSON: I don't believe I cited that.

MR. DUNNE: Yeah, you said that.

MR. SELVAGGI: Well, it was in the narrative.

MR. NELSON: I indicated that the site, this site is particularly suited for this use.

MR. SELVAGGI: In the Narrative it says the purposes of zoning are being served by Section N.

MR. DUNNE: That wasn't part of his testimony.

MR. SELVAGGI: Ok, so, then we can strike that from the Narrative? That's not one of the purposes that's being sought here.

MR. NELSON: I didn't prepare the Narrative.

MR. SELVAGGI: Ok. Alright.

MS. COFONI: Mr. Selvaggi, what Narrative are you talking about?

MR. SELVAGGI: It was I believe part of the site plan and use variance applications. There's a Narrative.

MR. DUNNE: There's a Narrative as part of the supplement.

MS. COFONI: Oh, ok. In the application.

MR. DUNNE: That was my (inaudible). Mr. Selvaggi, can I ask you a question, please while..?

MR. SELVAGGI: No, you don't. I'm just an objector.

MR. DUNNE: You say who you represent, where's their property located? They have property in the vicinity?

MR. SELVAGGI: Yeah, they're an adjacent property.

MR. DUNNE: Adjacent? What property is it?

MR. SELVAGGI: It's part of the Rockefeller Group has the....basically almost wraps around this property.

MR. DUNNE: Do you have the block and lot number?

MR. SELVAGGI: I can get it. My file's in the back if it's important. I'll get it.

MR. DUNNE: Well, it's important for us to know what property your client is...

MR. MCGROARTY: It's on the 200' list.

MS. COFONI: Mr. Selvaggi, Block 105, Lot 1?

MR. SELVAGGI: Yes, Lot 1. Yes, I'm sorry I was walking...

MR. DUNNE: It's adjacent to this property?

MR. WEISS: I'm going to...

MS. COFONI: You can look on Page 2 of the plans. It's right there. Block 105, Lot 1. It's to the west. Right across Continental Drive I think.

MR. DUNNE: This piece? Across Continental Drive? FTZ4?

MR. SELVAGGI: Yeah.

MS. COFONI: Yeah.

MR. DUNNE: So it's across the street? Not exactly but....

MR. SELVAGGI: Yeah.

MR. SELVAGGI: Now Mr. Nelson, do you know if the stacking of this material to a height of 20 feet will that have any impact on the existing vegetation in that area?

MR. NELSON: Well, it may have already had some impact on the vegetation. Once it's pulled back, it wouldn't.

MR. SELVAGGI: Ok, so if we pull that back to the required setbacks that vegetation should survive?

MR. NELSON: I'm saying if you pull it back to the 50 foot setback. If you pull it back 100 feet there's no vegetation currently between 50 and 100 feet as far as I know.

MR. SELVAGGI: So if you pull it back to 50, there's still vegetation that would be in that area, correct?

MR. NELSON: There's vegetation from that 50 foot line out to the road.

MR. SELVAGGI: Would the material being stored at that height, trees and other things, is there any negative impact that may be exerted on that...those existing trees and other materials out there?

MR. NELSON: Well, I'm not sure I'm understanding your question. The material that's being stored is soil.

MR. SELVAGGI: Yeah, around the trees and...

MR. NELSON: Well, as I said, there may have been some impact already. Once that material is pulled back, from what I can see, based on my visit earlier today, none of the trees seem to have been impacted but certainly if you pile soil against a tree trunk the tree is going to die at some point.

MR. DUNNE: Even if it's a temporary soil (inaudible)?

MR. NELSON: Well, the base of that material might be there for longer than it should be. That's the problem.

MR. SELVAGGI: Have you noticed or detected any odors or anything when you've been out there?

MR. NELSON: Again, nothing that I wouldn't normally expect on an industrial (inaudible).

MR. SELVAGGI: So the odor's from this operation or from just the overall industrial area?

MR. NELSON: Well I...

MR. DUNNE: I think odor is beyond his (inaudible) of testimony.

MR. WEISS: The only reason I'm going to let that go is because I think Mr. Nelson did talk about no odor as part of his talking about the negative...

MR. DUNNE: But he's already answered the question.

MR. NELSON: The only odor I noticed really was from the machinery. Again it wasn't anything more than what you would find in an industrial area.

MR. SELVAGGI: What kind of machinery did you notice as it relates to Mr. Allen's?

MR. NELSON: Well one time I was out there there was the screening equipment. I'm pretty sure it was in operation. There were, of course, trucks moving back and forth. I'm trying to recall if there was a front-end loader at some point that was in operation but basically what I would expect in a business of that type.

MR. SELVAGGI: Do you know how much material? Did Mr. Allen speak to you about the amount of material he's recycling there?

MR. NELSON: The amount?

MR. SELVAGGI: Yeah.

MR. NELSON: My understanding is that it'll be under the limits so that he will be exempt.

MR. SELVAGGI: Do you know what those limits are?

MR. NELSON: I don't know the specific numbers, no.

MR. SELVAGGI: What about....did you notice any runoff of any kind?

MR. NELSON: No. Well, when I was out there, I don't think it was any time that it rained.

MR. SELVAGGI: Are there any mechanisms or procedures in place now to control runoff?

MR. NELSON: That's, I believe, the engineer's (inaudible), not mine.

MR. SELVAGGI: Well, let's assume. I'll give you the hypothetical. Let's assume there was no runoff control. Would that be a negative?

MR. DUNNE: I object to the question. It assumes a fact not in evidence.

MR. SELVAGGI: Well, let me ask you this. In general, if any operation had a negative impact from runoff would that change your opinion as to the negative criteria?

MR. DUNNE: I object to that. It's speculation. It's pure speculation.

MR. SELVAGGI: Look, he doesn't know whether there's any runoff or not. It's a legitimate question.

MR. WEISS: Mr. Selvaggi, can I maybe make a suggestion? Maybe your questions I think are valid but maybe we should wait to hear. These are questions maybe for Mr. Allen.

MR. SELVAGGI: Well, I agree and I would hope that Mr. Nelson may come back after Mr. Allen's testimony because it may very well be that in the course of hearing from Mr. Allen and arguably there could be information that Mr. Nelson hears for the first time that could change his opinion.

MR. WEISS: But the prerogative is up to the applicant. If they're putting their expert up now and so if Mr. Allen happens to say something that the Board doesn't like and Mr. Nelson's not here to amend the testimony, that's their prerogative. I just think you're asking a lot of questions that Mr. Nelson didn't testify to and possibly doesn't know. It's not really fair to ask him those questions.

MR. SELVAGGI: And then I just have...Mr. Nelson, do you have any opinion as to because you've obviously testified in support of this use variance and I guess your opinion is it meets the criteria? Why is this property though particularly suited?

MR. NELSON: For the recycling operation?

MR. SELVAGGI: Yeah.

MR. NELSON: Well, it's a site that this Board has determined is appropriate for a landscape materials operation. The zoning certainly encourages that subject to the criteria established for the well head protection regulations being met. So, it's a sub-use if you will. That would in many cases be found in connection with an operation like this so since this operation was approved in 2010 it's a reasonable expansion of what was approved in 2010.

MR. SELVAGGI: I have nothing further. Thank you.

MR. WEISS: Thank you. Anybody else from the public have any questions for Mr. Nelson? Seeing none, I'll close it to the public.

MR. DUNNE: I've got one witness.

MR. WEISS: And about 12 minutes.

MR. RUSSELL: Are you familiar with Dutch elm disease?

MR. NELSON: Dutch elm disease? Yes. Well, I'm a (inaudible). I don't know all the details associated with it.

MR. RUSSELL: What happens if that gets into the recycle material?

MR. WEISS: Well I don't know if that's a fair question for a planner. I think that's a legitimate question. Maybe Mr. Allen.

MR. RUSSELL: Ok.

MR. WEISS: I'm not sure. It wouldn't be fair to Mr. Nelson to ask him that.

MR. RUSSELL: Ok. I'm open.

MR. DUNNE: This is Christopher Neuffer. He's previously been qualified as an expert in the environmental fields.

MR. WEISS: Before we go forward though I think we have an open issue that's we might want to really talk about. The waiver of the EIS and I'm concerned that if the Board chooses not to grant such a waiver it could be a problem for you versus something we should talk about now being that we're looking at a solid six weeks before we can hear you again. I just want to make sure we address it at least you're aware of the fact that it's not resolved. I don't know if there's a direction but we just want to make sure we're aware that the EIS and waivering is an open issue and how you feel we should proceed.

MR. DUNNE: We testified with regard to the waiver request (inaudible). I don't think there was additional testimony with regard to that but I believe Mr. Neuffer testified already that the issue seemed to be limited to the well head protection issues and no other environmental issues would be impacted by what's being proposed on this property which doesn't really require any substantial improvement to the property. It's already existing so the only thing that's actually going forward is the additional Kirk Allen operation which is what brought about the need for environmental testimony in the first place. So we were talking about limiting it to that. We're asking the Board to give us a waiver of, a limited waiver of the (inaudible) so we can limit our environmental testimony to the Well Head Protection Act issue. So we're asking....

MR. WEISS: Sure.

MR. DUNNE: That's the waiver we're requesting.

MS. COFONI: So you're requesting a limited waiver from the EIS? So you will be submitting an EIS with regard to the recycling facility?

MR. DUNNE: We are testifying to the issues regarding the Well Head Protection Act and the impact of this site on the well head protection area. We're asking for a waiver for any other environmental impact statements because we don't think this property has any environmental impact and testimony has been to that effect. It's fully approved and improved so there's nothing being done here except changing the parking area in the back.

MS. COFONI: Ok, my only concern is that for some reason the Board is not inclined to waive the EIS I would think you would want to know that sooner rather than later so that....

MR. DUNNE: So we should decide that.

MS. COFONI: Yeah, so that you would be able to prepare one if you need to for the next meeting for example which is what I was.....

MR. DUNNE: Exactly right.

MR. WEISS: Thank you. I think you explained it better.

MR. DUNNE: I think that's exactly correct. But I think that that testimony is already before the Board.

MS. COFONI: Right, so your environmental expert is not going to testify to that now.

MR. DUNNE: He's going to testify to the well head protection area issues as the negative criteria on the zoning activity.

MS. COFONI: Ok, so that's something...

MR. DUNNE: It's basically the same testimony.

MR. WEISS: Chuck, go ahead.

MR. MCGROARTY: Just to keep in mind though with an Environmental Impact Statement under Section 400-28 of the ordinance it is required again, unless you waive it, in an area where there are environmental characteristics such as wetlands which are on the property. The question...

MR. RUSSELL: There are trees that are being killed.

MR. MCGROARTY: Well, what you would want to bear in mind is some of the issues that an Environmental Impact Statement would address would be noise, odor, and if you're satisfied that that's addressed by other means....that's your call. But again, the fact that there are fresh water wetlands on the site adjacent to the area, the new outdoor storage area in the back. I don't know if that's of concern there that you want to be.....so it's not just simply impact on the well heads. The Environmental Impact Statement in the ordinance deals with these other issues as well.

MR. FLEISCHNER: And I'd like to remind this Board that we recently waived Environmental Impact Statement for another applicant that's before this Board which deals with a pond, a stream, a noise, lighting, everything else and we waived the EIS.

MS. COFONI: Alright but each application stands on its own.

MR. FLEISCHNER: But the conditions in essence are pretty much the same.

MS. COFONI: I personally would recommend that we get that out of the way so we know whether or not we're going to waive that just so the applicant..... I mean, otherwise you're going to get to the September hearing and then you're going to find out you have to do an EIS and then we're going to have to carry this for that. That seems unfair. I mean if they're going to want it let's hear it now and I would suggest a straw poll vote from the Board.

MR. WEISS: Well, I agree with you and I don't think we need to have any other conversation about it. Catherine would you do roll call? That's actually a good point. Question is, do you feel that this applicant needs to present an EIS?

MR. DUNNE: Beyond the well head protection issue.

MR. WEISS: Beyond the well head protection.

MR. BUCZYNSKI: Can I say one thing before you vote?

MR. WEISS: Sure.

MR. BUCZYNSKI: In all the requirements of the EIS in the ordinance but we should also take into consideration this whole site's already disturbed. It's not like it's a new site they were looking at it and want an EIS for a brand new site. It is an existing site. They're not going any closer to the wetlands. I'm not saying, encouraging the waiver but just bringing that up that the difference between an undeveloped site and a developed site....all this area has already been disturbed.

MR. WILPERT: Alright. Let's just be clear so a "No" vote is saying we're not requiring them to do it.

MR. WEISS: Let's phrase the question differently. How do you vote on off on presenting a waiver? We're asking the Board, are you in favor of granting a waiver to the EIS outside of the well head protection?

MR. MCGROARTY: Can I?

MR. WEISS: Sure.

MR. MCGROARTY: I was wondering, if the witness...if the issues...and I agree with Gene, it is a disturbed site. If they have testimony that addressed the noise or potential noise, potential odor and I don't know what else they would be. And of course I think Mr. Ploussas can address the question I had before about the storm drains with protecting the storm drains from draining back into the wetland area. If they can address that for certain from testimony do you need a full-fledged report or would you be comfortable hearing it from a qualified witness?

MR. WEISS: Does that satisfy the ordinance? If we heard the testimony from the witness...

MR. MCGROARTY: I think it satisfies the ordinance in the sense that if it's a witness who presents that is qualified to give testimony on that point it's your call as a Board if you're comfortable with that. I think it can. I think you have the authority to waive the full requirement. There are certain components of it. For example, the EIS is also calls about traffic and so on. We didn't really talk about that but again, this is a busy site but it's been there for many years. So, I just wondered it's sort of like a meeting in the middle if you were...if you will that you may expect testimony on a couple of those points and the applicant is advised that they need to do that.

MR. RUSSELL: It's thirty acres though Chuck.

MR. MCGROARTY: I agree. I know that there are wetlands in the back. Gene does point out there's no additional disturbance back in that area but it's your call.

MS. COFONI: So perhaps the question is, "Are you in favor of a waiver of the EIS subject to testimony being provided with regard to specific issues of concern by the testimony to be provided by the environmental expert?"

MR. DUNNE: We weren't going to produce testimony by this expert regarding odor and noise. He's here to testify to well head protection.

MR. WEISS: We were alluding to Mr. Allen.

MR. DUNNE: Mr. Allen will testify (inaudible). Mr. Allen has already testified to those issues.

MR. WEISS: (Inaudible) with what our attorney referring to Mr. Allen.

MS. COFONI: Either one. I wasn't really specific.

MR. DUNNE: Ok. Thank you.

MR. NELSEN: Nelson's question, regarding the Elm....

MR. RUSSELL: Dutch elm disease.

MR. NELSEN: Dutch elm disease. Goes back to Mr. Selvaggi's question about where does the material come from?

MR. WEISS: Those are questions for Mr. Allen.

MR. NELSEN: Right but should that be taken into consideration....

MR. WEISS: So question that we're going to propose to the Planning Board is are we in favor of waiving the EIS in lieu of waiting for testimony from somebody.

MR. NELSEN: Right, but would you want to hear the answers to those questions before considering waiving the EIS?

MR. WEISS: I don't think it limits us.

MR. NELSEN: Just a thought.

MR. WEISS: Let's take an unofficial straw poll. Catherine....

MRS. NATAFALUSY:
So the question was...Are you in favor

MR. WEISS: Are you in favor of waiving the EIS in lieu of testimony

MRS. NATAFALUSY: Subject to the testimony being provided by the environmental expert or Mr. Allen.

MS. COFONI: Yes.

MR. FLEISCHNER: At/or/and....and/or.

MS. COFONI: Yeah.

MR. WEISS: I think that's important to say. I think the direction's going to be clear to be honest with you.

Roll Call:

Joe Fleischner	- yes, waive it with their testimony
David Koptyra	- yes
Dan Nelsen	- yes
Nelson Russell	- no
Frank Wilpert	- yes
Kim Mott	- yes
Howie Weiss	- yes

MR. WEISS: Ok.

MR. DUNNE: Alright. Thank you.

MR. WEISS: Unfortunately, we just used the time that I'm sure....

MRS. NATAFALUSY: (Inaudible) Five minutes.

MR. WEISS: We can do it in five minutes?

MS. COFONI: No. I don't know....

MR. WEISS: I don't think that's fair to anybody. We have, we need to end the meeting. We're going to come back again. Catherine had presented a couple dates to me. We can put you on the agenda on September 10th. That is the soonest.

MR. FLEISCHNER: Just so you're aware, I will not be here.

MR. WEISS: Brian with though. Brian will be back.

MRS. NATAFALUSY: Ok.

MR. DUNNE: Will you be back on the 17th?

MR. FLEISCHNER: Yeah, I'll be here on the 17th.

MR. DUNNE: I think we go to the 17th then.

MRS. NATAFALUSY: You want to do the 17th? Ok. We have one other application on that night but....

MS. COFONI: You want to go to the 17th so that Joe's here. Ok. So this hearing will be carried to September 17th. No further notice will be provided.

MR. WEISS: Ok and I think we need an extension if you would.

MR. DUNNE: Of course.

MR. WEISS: Ok. Thank you. So again, as our attorney said, the meeting will be carried to September 17th. No further notice and we will see everyone then. Gentlemen, thank you for your patience. Mr. Neuffer, I apologize for bringing out for all evening. Look forward to seeing you again. Any other business from the Planning Board?

MRS. NATAFALUSY: Just one comment. If the Board can just think about when they're shuffling papers. It's very hard for the secretary to transcribe the minutes when you hear a lot of shuffling and little background noise.

MR. WEISS: Yeah, you can actually prevent it. Just put the microphone up slightly.

MRS. NATAFALUSY: She's having a hard time. Shuffling the papers, the little back conversations and stuff it's a lot.

MR. WEISS: Thank you Catherine. Hopefully we can...

MRS. NATAFALUSY: We appreciate it.

MR. WEISS: Anything else? I will entertain a motion to adjourn.

MR. RUSSELL: So move.

MR. WEISS: Thank you, Nelson. Second? Frank? All in favor?

BOARD: Aye.

MR. WEISS: Good night. Thank you.

(MEETING ADJOURNED AT 9:55 P.M.)

Transcribed by:
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