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

ROLL CALL:
Members Present: Joe Fleischner, Brian Schaechter, Robert Greenbaum, John Mania, Dan Nelsen, Henry Fastert, Nelson Russell, Howie Weiss**,** Frank Wilpert, Jr., Kim Mott

Members Excused: David Koptyra

Members Absent:

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

Professionals Excused: Edward Buzak, Esq., Chuck McGroarty, Planning Consultant

MR. WEISS: Thank you. Tonight we have a series of six resolutions for approval. The first one is PB 11-27 Tomasa Jallad, Extension Request. I will entertain a motion on that resolution.

MR. FLEISCHNER: I'll move we approve PB 11-27 Tomasa Jallad.

MR. MANIA: I'll second it.

MR. WEISS: Joe, thank you John. Any questions, comments? Seeing none. Roll call.

Roll Call:

Joe Fleischner	- yes
Brian Schaechter	- yes
John Mania	- yes
Nelson Russell	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MR. WEISS: Second resolution is PB 14-24 Luis Garzon, Extension Request, again I'll take a motion…

MR. SCHAECHTER: I'll make that motion to approve PB 14-24.

MR. MANIA: Second.

MR. WEISS: Thank you, Brian and John, thank you. Any comments? Questions? Seeing none. Roll call.

Roll Call:

Joe Fleischner	- yes
Brian Schaechter	- yes
John Mania	- yes
Nelson Russell	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MR. WEISS: Third one is PB 15-15 Robert Katchen, Jr.

MR. MANIA: Mr. Chairman, I'll move for approval of PB 15-15, Robert Katchen, Jr.

MR. FLEISCHNER: I'll second it.

MR. WEISS: Thank you John and thank you Joe. Any other comments? Seeing none. Roll call.

Roll Call:

Joe Fleischner	- yes
Brian Schaechter	- yes
John Mania	- yes
Nelson Russell	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MR. WEISS: We move to PB 15-16, Yau-Ting Lam someone please make a…

MR. SCHAECHTER: I'll move PB 15-16, Yau-Ting Lam.

MR. MANIA: Second.

MR. WEISS: Brian, John, thank you very much. Any comments? Questions? Seeing none.

MR. BUCZYNSKI: Just one quick thing if you remember that application, there was a concern the owner brought up about drainage. I went out there that following week and met with the super from Lakeview and we walked over there. There is no problem whatsoever. They have (inaudible)inlets in Mr. Lam's back yard that collects all the drainage. Nothing really goes down towards the other man's house. I don't see why…what problem he's talking about.

MR. WEISS: Gene, I did see your report. Thank you. Did you share that with the Planning Board or was that just your report?

MR. BUCZYNSKI: I'm not sure. Did you send that to the Planning Board or just?

MRS. NATAFALUSY: I don't think I did.

MR. BUCZYNSKI: Ok.

MR. WEISS: Ok. I saw it. Well thank you for doing that. I suppose that if he has a concern I suppose Mr. Lam can hire his own engineer at this point. Any other questions? Comments? Seeing none. It's been seconded. It's been moved and seconded. Catherine, roll call.

Roll Call:

Joe Fleischner	- yes
Brian Schaechter	- yes
John Mania	- yes
Nelson Russell	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MR. WEISS: Application PB 15-17, Debeck Associates

MR. MANIA: Mr. Chairman, I move for approval of PB 15-17, Debeck Associates.

MR. WEISS: Thank you, John.

MR. SCHAECHTER: I'll second that.

MR. WEISS: Brian, thank you very much. Any comments?

MRS. NATAFALUSY: Just for the record, Mr. Nelsen just came and he would be eligible to vote on this as well.

MR. WEISS: Perfect. Welcome, Dan.

MR. NELSEN: Thank you.

MR. WEISS: Ok, that being said, roll call, Catherine.

Roll Call:

Joe Fleischner	- yes
Brian Schaechter	- yes
John Mania	- yes
Dan Nelsen	- yes
Nelson Russell	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MR. WEISS: Our final resolution, it appears to be numbered incorrectly on mine.

MS. COFONI: Oh, I think you're right. I'll correct that. I have a couple other, well I'll let you introduce it. Go ahead.

MR. WEISS: Ok, so let me introduce PB 15-23, Todd Novaky.

MS. COFONI: Oh, you know what…that's the original application number. That's why it's 0126.

MRS. NATAFALUSY: But I gave it a new application number when he applied this year.

MS. COFONI: Oh you did. Ok. That's why I didn't catch that. Ok. I'll put 15-23 is the one. Right?

MR. WEISS: I guess we can just change the first page, right?

MS. COFONI: Yup.

MR. WEISS: Ok and you had some other changes? Actually, first, let me, someone please move to accept 15-23.

MR. MANIA: Mr. Chairman, I move PB 15-23, Todd Novaky, settlement of litigation.

MR. WEISS: Thank you, John.

MR. SCHAECHTER: I'll second that.

MR. WEISS: Brian, thank you very much. And we have some comments from Tiena.

MS. COFONI: Yes, in response to the applicant's attorney's comments I spoke to him today. He had some concerns regarding timing of some of the conditions. He just wanted to make sure it was clear that several of them would not be until….would not be required to be approved until after the subdivision was perfected. So I'll tell you the changes. Condition I, and I'll read it and we've added some language to the end. It says, "The applicant shall obtain approval pursuant to Highlands Act in connection with the development of proposed Lot 1.01 and we've added "Prior to issuance of a building permit for the construction of the new dwelling on proposed Lot 1.01." Condition J, we added, it reads already "The proposed well location on Lot 1.01 shall be modified to comply with the minimum distance requirement from the proposed sanitary sewer lines as set forth in the application's regulations." and we add this, "said modifications shall be set forth on plans to be reviewed and approved by the Township engineer prior to issuance of a building permit for the construction of the new dwelling on proposed Lot 1.01." That same language was added to the end of L and N as well. L says "The water line from the proposed well of the proposed dwelling on Lot 1.01 must be in compliance with the distance separation from the sewer line as required under the applicable regulations" and N "the applicant shall show their location of dry wells to be utilized to receive water from any roof drainage systems. Said dry well shall comply with the separation requirements from the proposed well." Both of those have that ending sentence about "modifications shall be set forth on plans to be reviewed and approved by the Township engineer prior to issuance of a building permit for the construction of the new dwelling on proposed Lot 1.01."

MR. WEISS: There was something…a problem with that?

MS. COFONI: No, the applicant's attorney requested those additions and I didn't have a problem with it so those are….

MR. WEISS: I don't have a problem with that at all either.

MS. COFONI: Yup.

MR. WEISS: Ok. So with Tiena's comments, John. Brian, I believe you seconded it. No problem. Catherine. Any other questions? Seeing none. Catherine, roll call.

Roll Call:

Joe Fleischner	- yes
Brian Schaechter	- yes
John Mania	- yes
Nelson Russell	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MR. WEISS: Ok, that is the extent of our resolutions. You know, Mr. Mania, I'm looking here. For a guy that has had to sit away from all these applications, you've been there for all of these. It seems like it's been a while since you've been here.

MR. GREENBAUM: Henry as well.

MR. WEISS: Henry as well. But Henry too; that's right. Well, ok let's move on. We have Committee Reports and probably for the first time in how many years has it been, Mayor…you've been physically here to give a report directly. We'll start with you.

COMMITTEE REPORTS

MAYOR GREENBAUM: Three minor things. First of all I expect that the horse farm which has been rented out, that was part of the Marveland Farms application/donation should be operational with the company that ultimately is running the operation within the next week to two weeks which is pretty exciting for the Township. He's been doing some renovation work down there and ultimately that operation will benefit not only the residents of Mount Olive but generally the residents of Morris County who are into equestrian events. Secondly, I'm pleased to advise that the splash pad, Gene, should be getting going relatively soon, correct?

MR. BUCZYNSKI: Yes, correct.

MAYOR GREENBAUM: And hopefully will be operational for the winter months in terms of ice skating and then again in the spring for its main purpose of water amusement so…

MR. BUCZYNSKI: Correct, Mayor. They're just waiting for the contracts to get back from the contractor.

MAYOR GREENBAUM: We're pretty excited about that. The third thing is that currently in the process of interviewing for a replacement for Sean Canning who will be leaving us at some point likely before the end of the year. I interviewed four candidates and have additional interviews scheduled so hopefully we'll have somebody in place who will be guiding the Township on a daily basis relatively soon.

MR. WEISS: Thank you.

MAYOR GREENBAUM: You're welcome.

MR. WEISS: John, again welcome back and so let's hear…

MR. MANIA: Just to add on to the Mayor's comment about that property. I was fortunate to walk it. What a piece of property. We are very, very fortunate.

MR. WEISS: Beautiful. John was that your first time there?

MR. MANIA: Yes.

MR. WEISS: Yeah, we walked that property for the Planning Board. It was wonderful years ago when we walked it. That's kudos to the Township. Anything else, John?

MR. MANIA: That's it.

MR. WEISS: Nelson, Environmental Commission.

MR. RUSSELL: We discussed weed control on Budd Lake and we discussed the lack of sidewalks at Marveland Farms.

MR. WEISS: Ok. Joe, Ordinance Committee.

MR. FLEISCHNER: No report.

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

MS. MOTT: I have no report.

MR. WEISS: Ok. Before we get into our developmental matter, I have two announcements. I have two announcements. The first one, although not noted but listed on our agenda, PB 15-20, Leonard Cholish, is not going to be heard tonight. That will be heard on October 15th. It was insufficient notice so we pulled it from the agenda tonight. As we look at our agenda, the last three applications for PB 14-21, 14-22, and 14-23 are going to be carried until October 8th. So those three applications will not be heard tonight. Leaves us with one application which is PB 15-21, Segal Realty Associates of New Jersey, LLC requesting a minor subdivision with variances and waivers. Property located at 100 Route 46, Block 102, Lot 4. Tonight the applicant is being represented by Mr. Richard Stewart. If you would, sir.

MR. MANIA: Mr. Chairman, I need to step down. I'm within 200 feet of that property.

MR. WEISS: Ok. Thank you, John. You finally get a chance to show up and…. Ok.

MR. MANIA: The story of my life.

MR. WEISS: I can tell you, John, there's no other application if you wanted to get home early….

MR. MANIA: I thought I'd stay for those last three but they're not going to be heard.

MR. WEISS: They're not going to be heard. You can't hear those anyway. Those are use variances, John.

MAYOR GREENBAUM: You might want to take your keys.

MR. MANIA: You're absolutely right.

MAYOR GREENBAUM: You would have realized it at some point before you left the parking lot.

MR. MANIA: Thank you.

MR. WEISS: Mr. Stewart, welcome.

MR. STEWART: Thank you very much. And good evening. My name is Richard Stewart. I'm a member of the law firm Lasser Hochman. I'm here this evening on behalf of the applicant, Segal Realty Associates of New Jersey, LLC. This application involves the applicant's property that I'm sure everyone has heard of and knows of…the Village Green Apartments in the Village Green Shopping Center on Route 46. The applicant seeks a three lot subdivision to separate the residential and commercial portions of the property. For many years I believe the Tax Assessor has treated the residential portion and the retail portion for tax purposes under a pencil assessment but we never had a formal subdivision of the property. That's why we're here tonight seeking that minor subdivision approval. I have with me this evening, the project engineer, a professional planner who will present some brief testimony regarding the two variances which we are seeking and I also have representatives of the applicant to

answer any questions that the Board members may have. So if I may proceed, I'd like to call Jim Glasson who is the project engineer.

MR. WEISS: We will begin by swearing in Mr. Glasson. Tiena, he's all yours. Go get him.

(MR. JAMES GLASSON IS SWORN IN FOR THE RECORD)

MR. GLASSON: James Glasson, G-L-A-S-S-O-N, Civil Engineering Inc., 1 Cove Street, Budd Lake, NJ

MS. COFONI: Thank you.

MR. STEWART: Now it's my understanding that Mr. Glasson has appeared before this Board on a number of occasions.

MR. WEISS: Anybody ever see the guy? Mr. Stewart we will accept Mr. Glasson as an engineer, as an expert engineer and we have seen him many times and we know he will give us a very good explanation of the project.

MR. STEWART: Great. Thank you. Then I'll let Mr. Glasson tell the Board what's being proposed.

MR. GLASSON: The first plan I would like to talk about, my sheet, Sheet 2 of 3, Existing Conditions. Do you want to mark that?

MS. COFONI: Yes, please.

MR. WEISS: Mark that A-1. It's Sheet 2 of 3.

MR. GLASSON: Sheet 2 of 3, Existing Conditions Plan.

MR. WEISS: Ok.

MS. COFONI: And what is it dated?

MR. GLASSON: August 15, 2015 last revised June 15, 2015. I'm sorry. Dated 5/15/15 last revised 6/15/15.

MR. WEISS: Ok.

MR. GLASSON: Alright. Village Green Shopping Center is known as Lot 4, Block 102. It's shown on Sheet 1.01 of the Township Tax Maps. As was stated, the Village Green Shopping Center is located in the west bound direction of Route 46. This portion being the International Trade Zone. Traveling in the west bound direction it would be on your right hand side. Somewhat irregular-shaped parcel. It's 114.65 acres. It has 1,790 feet of frontage directly on 46 although it's broken up….separated by a house in this position and also separated by the Indian Trading Post sign. (Inaudible) It's made up of two components; a commercial component, The Village Green Shopping Center and a residential component, the Village Green Apartment Complex over here. The yellow line that you see here represents the boundary of the property. The blue line represents the existing zoning line. It's separated by two zones to a lower portion in the semi-circle area in this area and in this area over here. Those portions are located in the C-1 Zone. The upper area, above the blue line is the portion of the property located in the R-5 Zone. This zone line basically bisects a portion of the apartment complex area then travels through an internal roadway, Village Way, and then travels along another component of a commercial portion of the property. The commercial portion, Village Green Shopping Center, is made up of three buildings. The commercial portion, Village Green Shopping Center, is made up of three buildings. The center area of the commercial portion is a semi-circular, Village Way. It travels in and out of Route 46 provides circulation to the apartments in the rear. That semi-circle area has two buildings. There's a 50,160 square foot building that contains Home Goods, various other retail stores. Then there's a second building with only a slight separation between them….36,840 square feet which contains the PNC Bank, Dunkin Donuts, liquor stores and various other retail. That entire area is surrounded by a parking lot, parking access to the bank, a drive-thru for the bank of 232,860 square feet of paved area encompassing parking in the front and rear. The area to the right of what is known as Village Way and by the way Village Way is a lighted intersection opposite Old Budd Lake Road but the portion to the right of Village Way is another small commercial building of 13,313 square feet. That contains professional office and I believe some minor retail. And that also has a paved and curbed parking lot around it….32,995 square feet. That's in your C-1. Your C-1 Zone requires a minimum lot size of one acre. The maximum lot width

of 200. Lot depth requirement of 150. Maximum impervious coverage of 60%. Front setback, 75; side setback 25; and rear setback 20. In the rear of this or beyond Village Way, which is the semi-circular road that you see here, is the apartment portion of the Village Green containing 73 two-story residential apartments. It also has a six hole golf course. It also has…just name some of the items that are located…. I didn't know there were so many things when we did the survey. Volleyball, basketball, pool…various pools, playgrounds, horseshoes. There's miscellaneous recreational facilities throughout the entire complex. And there are internal roadways to provide circulation to parking areas at each of these buildings, 73 two-story buildings. There's a small portion of the, what I'll call the Village Green residential component that is located in the C-1 Zone. It's the area below here. It does not contain any of the buildings but it does contain some of the circulation roadways, what's called Golf Edge Circle. It's partially in that C-1 Zoned area. That's probably the only area that overlaps from the residential portion of the property. The other portion that does overlap from the commercial portion is the slight portion of back corner of the parking lot for this commercial building in the front is actually in the R-5 Zone. It's pointed out in Mr. McGroarty's report. I believe one of his last comments he notes that they should look into changing the zone line with the future a change to the…a change in the Master Plan for this zone line right here to kind of make it include that commercial parking area in the commercial portion of the lot. The combination of the…because this is one lot…the combination of the coverages on both lots presently equals about 45.87 percent . In the R-5 Zone that's non-conforming because the R-5 requires 45 percent. In the C-1 Zone the combination of the two is conforming because the C-1 allows for 60 percent. Your R-5 has a minimum lot size of five acres. Lot width and depth of 300. Everything that we have on the property presently is compliant. We will have two non-compliant issues with the exception of that impervious coverage which is a combination of both. We will have two non-compliant issues and what we're looking to do to subdivide only with the inherent improvements around the commercial property. We are not proposing any improvements whatsoever. This is a strict subdivision so you'll see as I show you. I'm going to now turn to my Sheet 3 of 3, A-2.

MR. WEISS: (Inaudible) today's date. Sheet 3 of 3 which according to my notes here it is your proposed subdivision plan.

MR. GLASSON: Proposed subdivision plan. Again, dated 5/15/15, last revised 6/15/15. Our proposal is to perform a minor subdivision. It almost is in keeping with the zoning on this property with the exception of the fact that the zone line actually travels down almost the center of Village Way. We intend to leave Village Way entirely in the residential portion maintained by the apartment complex. Access to the apartment complex, Village Way is a private road. These are all private, internal roads. It's not a Township road. What we intend to subdivide off first, this center portion or the semi-circular area on new Lot 4.01. It's 8.07 acres and would comply with all of your zoning in your C-1 with regard to your setbacks. The rear property line what would be known as the right-of-way of the 60 foot wide Village Way. Again, there's a slight discrepancy in the zone line here because the zone line doesn't hug where the actual, what would be termed the right-of-way of the Village Way. All the improvements on the property are located in the C-1 Zone. We do end up in this case with a coverage of 91.75 percent because as I said earlier this contains an area of the paved parking lot and two buildings. This portion now, which as an overall lot was 45.87 when we subdivide this out without doing any improvements to that area our impervious coverage goes to 91.75 strictly based upon the fact that now we're dividing it by an 8 acre parcel as opposed to dividing it by 114 acres. The second portion that we're looking to subdivide out is this other commercial component in the corner here with that 13,000 square foot commercial building and that would be 1.43 acres. Again that would be completely compliant. Again, except for our impervious coverage where we're allowed 60 percent in the C-1 zone; we are now at 75.05 where I said before, as an overall lot we're at 45.87. The good news is, is our remainder portion which is the entire complex including all the roadways with the 72 apartment buildings now becomes compliant with our coverage because we now drop to 41.95. So we eliminate what is an existing variance there but we have created two variances not because of adding any structures but because of the inherent coverage that is on all those portions of the property. It really is, again there's only two portions of this subdivision that would remain in different zones….that being the roadway here…Golf View that provides access would now be on remainder Lot 4, Block 102 which 105.15 acres. So if you add up that 105.15 and 8.02 or 8.07 and the 1.43 to come up with your total lot size. But what we tried to do is leave the maintenance and access and all the internal roadways with the apartment complex. That was our thinking going in. And it basically does follow your zone alignment with minor exceptions. That really is the summation of our subdivision. The only thing I will add is our density. You're allowing our R-5, you're allowed 12 units per acre. We started out at I believe 10.2 and we end up with 11.2 so we still are compliant in the R-5 with the density which is a key with the apartment complex. And that really sums up our (inaudible).

MR. WEISS: Anybody on the Planning Board have any questions for Mr. Glasson? Nelson?

MR. RUSSELL: Why?

MR. GLASSON: Why subdivide it?

MR. WEISS: That was my question.

MR. GLASSON: I'll tell you two reasons. Number one, zoning-wise it should be subdivided because they're in different zones. Number two, there is a possibility if in the future they ever wanted to sell any of these pieces, they would be selling combination pieces as opposed to a commercial piece with a residential piece. If they wanted to sell off the commercial pieces and keep the residential. If they wanted to sell off the residential….so it would be separated.

MR. RUSSELL: Ok.

MR. WEISS: (Inaudible) Jim. Thank you. We have a report. Gene, was there anything?

MR. BUCZYNSKI: Very simple. Just a couple things regarding there were numerous waivers to the checklist items that are requested which I saw no problem with since there's not proposed improvements associated with this minor subdivision. The checklist items on the application, the other item regarding the water system. We have our, the Township water system on those properties. However, whatever deeds are still going to include the fact that the Town has ownership over those facilities. That won't change.

MR. GLASSON: Right.

MR. BUCZYNSKI: Then just submit the deeds to be submitted for review….new deeds. Just make sure that the (inaudible) filed within 190 days just to make that a condition so we don't have a problem like we have some time and that's really it. It's really simple.

MR. WEISS: Mr. Stewart, you have any problem with that?

MR. STEWART: I have no problem with that.

MR. WEISS: Wonderful. Ok. Anybody from the Planning Board have any comments? Gene? Comments? Let me at this point open it to the public. If anybody has any questions for Mr. Glasson based on the testimony given tonight. I see…sir? If you would if you have a comment for Mr. Glasson… I'll help you with the process. What you do is just come up to the podium. That way we'll help you…it'll help hear and…what you'll do is if you'll help us out by stating your name and address.

MR. HAZEN: Name is Richard Hazen, H-A-Z-E-N, Address is 102 Waterloo Road, Budd Lake.

MR. WEISS: Ok, Mr. Hazen, you have a question.

MR. HAZEN: I think it's two. I just want to make sure I understand that…my understanding of what I think I heard tonight. What I saw in the letter is this is being done I guess for tax purposes? And Number two, there's no plan to build on the apartment complex…to add more apartments to that complex as it stands now?

MR. WEISS: That's a fair question. Mr. Glasson why don't explain.

MR. GLASSON: I won't comment on the tax issue. I will leave that to you. I will, there is no plans to add anything to the apartment complex. None.

MR. HAZEN: Alright.

MR. STEWART: And the answer, Mr. Glasson gave previously for the reason why we're doing it…tax reasons is one of the considerations but as Mr. Glasson also indicated potential future sale for ease of that and just because it's meant to be subdivided because you do have commercial, residential aspects of the property.

MR. HAZEN: I understand that.

MAYOR GREENBAUM: Is there a pending sale contemplated? Is that what the impetus for this application was?

MR. STEWART: No, that wasn't the impetus but the applicant is entertaining offers to sell the property and I guess when we first met with members of the Township at that point we were contemplating and just thinking of what might facilitate a potential sale in the future and this is what we came up with.

MAYOR GREENBAUM: Seems to me that unless I misunderstood the opening discussion that it's already being treated by the Tax Assessor as separate properties so it's really not an impending tax issue. The real justification for the proposed subdivision is the potential for a sale down the road and it seems likely to me that there has at least been some discussion with the property owner with other entities to sell off either a piece or the entire property, piecemeal. And that is the most likely impetus for the application at this point….not that that's an improper impetus but I don't understand why from a tax perspective that was given as a justification if it's already being treated as separate entities to start with.

MR. STEWART: Well, we didn't give that as an explanation in either the notice or the application. The resident asked the question…is that one of the reasons and quite frankly it is. I mean it's one of the reasons, it may not be the main reason or the most important reason but we never really said that it was.

MAYOR GREENBAUM: Can I follow up on a question (inaudible)?

MR. WEISS: Please go ahead, Mr. Mayor.

MAYOR GREENBAUM: Does the subdivision of the property increase the ability of whoever will ultimately own the apartment complex piece of the property to further develop that property?

MR. GLASSON: No, it actually reduces it because it gets closer to the maximum density. You're allowed 12 and we're at 10.1 right and it's going to 11.2. So it actually lessens the ability to by reducing the…

MAYOR GREENBAUM: Do you understand that?

MR. HAZEN: Yes.

MAYOR GREENBAUM: Ok. I thought that was important to your question. There is no proposal at the current time to do anything with the property other than to subdivide it.

MR. HAZEN: Alright.

MR. WEISS: And the fact that the Planning Board has an opportunity to clean up something that's not proper in this case, although very minor we have kind of imperfections if you will in the lines here on this property. It's kind of the direction of the Planning Board to clean these things up so it's a two-fold thing. They have every right if they wanted to sell it. Now it's selling a property that's cleaner it just makes the world a little easier. Your question about future…when I first saw it I went to our planner and asked him the same question. There's no plan for further development and this approval if they so get it doesn't give them the right to just slide something in.

MAYOR GREENBAUM: Doesn't mean they couldn't come though with a proposal.

MR. HAZEN: I'm more or less trying to understand what the reasons behind it are. That's…

MR. WEISS: That was Mr. Nelson's question to start.

MR. HAZEN: His question half answered I think one of mine and I was just trying to understand what it is. So, I don't have objection to it.

MR. WEISS: We sometimes sit up and wonder what the questions are ourselves. But in this one it's more of a legal, technical…kind of minor in the whole scope of things. Joe?

MR. FLEISCHNER: Mr. Chairman, this apartment complex has been here longer than you and I.

MR. WEISS: I would say every bit of 45 years.

MR. FLEISCHNER: It's been here a long time.

MR. FASTERT: I think it's just about 45 years. 1970, I believe.

MR. FLEISCHNER: Probably when the Master Plan was redone the last time it would have been a good idea to adjust this anyway because one is residential and one is commercial. Probably at that time it should have been addressed but obviously wasn't.

MRS. NATAFALUSY: It was missed.

MR. FLEISCHNER: But now we're looking as the discussion from last week was…

MRS. NATAFALUSY: It's on the list.

MR. FLEISCHNER: Yeah, it's on the list. It was on the list anyway for later in the year for us to adjust.

MR. WEISS: Thanks, Joe. Anybody else? Mr. Hazen, anything else?

MR. HAZEN: No.

MR. WEISS: Ok, well thank you.

MR. HAZEN: Thank you.

MR. WEISS: Any other questions from the audience for Glasson? And I see none so I'll close it to the public. Mr. Stewart, I'll turn it back over to you.

MR. STEWART: I'd like to now call our planner for this evening. Mr. Jerome Eben.

MR. WEISS: Jim, thanks.

(MR. EBEN IS SWORN IN FOR THE RECORD)

MR. EBEN: Jerome Eben, EBEN, my address is 26 Walker Road, West Orange, New Jersey 07052

MR. STEWART: Mr. Eben can you just briefly indicate for the Board your professional and educational background in terms of your qualifications to appear this evening and testify as a professional planner?

MR. EBEN: Yes. I'm a licensed professional planner. I'm also an architect and I think I testified here about a decade ago. I'm a member of my own planning board in West Orange and also a member of the Downtown Alliance in West Orange. I have extensive experience in planning and I've testified over a hundred times in various boards and I've even testified in front of Congress which is really a trip.

MR. WEISS: Kind of the same pressure you're feeling tonight?

MR. EBEN: Same pressure. I had a seven minute speech and the Congresswoman said "No you have to cut that down to three and a half". I was the third person to go and it worked. Somehow I did it. I don't know I did it.

MR. WEISS: So obviously, Mr. Eben, you're here tonight as a planner not an architect.

MR. EBEN: As a planner. I just like to always say I'm an architect.

MR. WEISS: Anybody have any questions for Mr. Eben? We certainly welcome you as an expert planner for the evening.

MR. EBEN: Thank you very much. This is pretty simple. The engineer actually did most of the testimony. I'm just here to kind of tie it all together. I did look at your Master Plan which is dated late 2003. I do know that you're in the process of updating that. I didn't read all 94 pages but I read a lot of it last night. Just to get a focus on what the Township is like and what it's like since I last came here. I may have been before the Zoning Board, I don't remember. In any case, I looked mostly at your goals and the encouragement of balancing the land uses and this is really what this is all about is balancing the land uses. This subdivision is really what it is…to enhance the community's appearance and encouraging good design and renovating buildings. We're not doing anything like that here but obviously this is a great little center. I went to the site earlier today. I spent over an hour on the site and during the rainstorm, even though we have a coverage variance it drains very fast….no problem. So whoever engineered it originally did a great job and really the Master Plan outlines the goals to make good

architecture and have a good tax base and to have people working and living together. I think that's what this…I'm surprised that the center is 45 years old. I had no idea. I looked at the buildings. I drove around the site and I thought this thing was about 10 or 15 years old. I had no idea. So, it's well-maintained. I studied all of the documents that you have, Planning Secretary got and really the Municipal Land Use states that there is little of any specific authority on this subject. However, the Master Plan speaks of orderly development and I think you just really spoke of that in terms of answering the resident's question and really to do the subdivision and keep the commercial property in with the commercial zone and the residential property in the residential zone and that's really what this subdivision is creating here and the variances are just for the coverage because of the change in the acreage of the properties and splitting up of one property into three properties. I think the variance can be granted without any detriment to the Zone Plan. There's no problem here for the public. No impact on the surrounding properties and it really is no changes at all….and that's really my testimony. Any questions, I'll be happy to answer those questions.

MR. WEISS: Does anybody have any questions for Mr. Eben? I know we have a report from Chuck. I did speak with Chuck about his report. His report just kind of points out the obvious. I don't think Chuck and Mr. Stewart you could agree with me or not….I think he doesn't make any recommendations. Kind of point out what we've already spoke about. Has Chuck spoken to you at all, Catherine?

MRS. NATAFALUSY: Yeah, we talked about the zoning because the annex is split in two zone districts. Like I said, most of what is in his report was addressed by Jim tonight as well. And there is one issue…that he speaks in here about the five acre minimum. The bulk…this is another mistake we found…the bulk regulations call five acres but the ordinance says ten acres. And I did a little research and it was ten acres always and I don't know where it went to five at some point but it should have just been ten in both sections. But there isn't an issue with it at that point.

MR. WEISS: My take from my conversation with Chuck is that our comments as we briefly discussed are Chuck's sentiments as well so I don't think we're missing anything from Chuck's lack of attendance or anything that you're not seeing in his report. I don't think I opened it to the public. If anybody from the public has any questions for Mr. Eben? Seeing none. I'll close it to the public. And I thank you for your testimony this evening.

MR. EBEN: Thank you very much for listening.

MR. STEWART: Thank you. As I said, I do have representatives from the applicant I did not intend to have testify unless there were questions. Otherwise, I would just ask that the Board look favorably upon this application.

MR. WEISS: Perfect. Would anybody like to speak with the applicant? Ok. Seeing none.

MAYOR GREENBAUM: I have a question for Gene actually.

MR. WEISS: Go ahead.

MAYOR GREENBAUM: Gene, assuming that one or several of the parcels ultimately are sold off at some point in the future. Is there any shared infrastructure issues that would occur…stormwater management or any other…

MR. BUCZYNSKI: I think the Town's main concern would be the water system because you have the water tanks there. As long as they're preserved and assignment in the deeds I don't think we'd have a problem.

MAYOR GREENBAUM: Do the lots…will the new lots at all share the same stormwater management system and will there be an issue with respect to maintenance of that stormwater management system if at some point it's sold after subdivided?

MR. GLASSON: They definitely share.

MR. BUCZYNSKI: Pardon?

MR. GLASSON: They definitely share.

MR. BUCZYNSKI: They share. Right now…just as it is now we'd have to share it.

MR. WEISS: Sorry, Gene, make sure that the record picked that up. That was Mr. Glasson affirmatively said that the stormwater management systems are shared.

MR. GLASSON: Yeah, the stormwater…

MR. BUCZYNSKI: So the design is one large lot so any separation of that we'd have to make sure that's covered in the deeds.

MS. COFONI: Are there existing easements do you know Mr. Glasson?

MR. GLASSON: There are not easements.

MS. COFONI: I wouldn't think so since it was all….

MR. GLASSON: No easements, no; but their storm system it runs in a topography wise it runs from the commercial back to the apartments. So, I know from doing the retaining wall a number of years ago we had storm drainage in the shopping center that went down through storm structures through the apartment there.

MR. BUCZYNSKI: The question that's going to come up is maintenance of that system if it's subdivided.

MR. GLASSON: I'm sure you can handle it in easement language.

MR. BUCZYNSKI: When it's sold, I'm sorry.

MR. WEISS: Mayor you look like you have something else.

MAYOR GREENBAUM: No, that was it. I just wanted to make sure that that got covered. I mean it obviously it's an application which is should be granted as long all the I's are dotted and the….

MR. BUCZYNSKI: All private stormwater system. It's not Town so…

MAYOR GREENBAUM: It's got to be spelled out in the deeds in terms of who is responsible. Are there any other infrastructure issues like (inaudible).

MR. BUCZYNSKI: Well the water system is important because there are water tanks there which is the Town's tank. There's also wells on their property too.

MAYOR GREENBAUM: That's all going to have to be dealt with in terms of the deeds that are ultimately approved for filing.

MR. WEISS: Ok, anybody else have any questions? Ok. Open to the public. Closed to the public. Does anybody on the Planning Board like to make a motion? Mr. Stewart you were done I assume because of our last…

MR. STEWART: Yes, thank you.

MR. NELSEN: I'll make a motion to accept Planning Board 15-21 (inaudible) with the conditions Rob mentioned for the infrastructure.

MR. WEISS: I believe that the conditions were not given by the Mayor. They were listed by Tiena and maybe we should review that (inaudible), Dan. Good point. Any conditions? I know there weren't many but…

MS. COFONI: You said there were many?

MR. WEISS: No, there were not many.

MS. COFONI: Ok, good because I only have one. I just have that the applicant to provide cross easement between the lots for shared stormwater management facilities.

MR. BUCZYNSKI: (Inaudible) stormwater management it's also for the water system.

MS. COFONI: But the water system you said is the subject of an easement already obtained by the Town, right?

MR. BUCZYNSKI: I'm not sure if there's actually easements for that water system.

MR. GLASSON: The water system has the….the Township has the right to….

MR. BUCZYNSKI: The right but…

MR GLASSON: The way it's stated I believe the Township has the right to come onto the property to maintain the system…to do whatever they have to do with the system. But I don't think…

MR. BUCZYNSKI: (Inaudible) that was addressed years ago with the deeds, I guess. No specific easements.

MS. COFONI: So what do you mean? There's like a well there or something?

MR. BUCZYNSKI: No specific easements. Wells…there's five wells on-site.

MS. COFONI: The Township doesn't have easements over those wells?

MR. GLASSON: No, no formal easements.

MR. BUCZYNSKI: Nothing. Nope.

MR. GLASSON: But it's written that the Township has the right to maintain to….

MS. COFONI: Where is it written?

MR. BUCZYNSKI: It's in the deeds. We just have to look at it.

MS. COFONI: Alright. I'll have to take a look.

MR. GLASSON: But there were no formal easements written around… I thought when we first started when I was getting the title work I was going to see easements. There may be dedicated easements (inaudible). There was wording (inaudible).

MS. COFONI: What I'll do is… Mr. Stewart if you could provide me with a copy of the deed. I don't think I have it in my….and I can take a look at that and what I'll do is word the resolution that if not already…if we don't already have them the applicant to provide the Township with easements over the public water facilities….obviously subject to approval by the Town. If they don't want them they don't have to take them.

MAYOR GREENBAUM: Part of the Budd Lake Sewer System?

MR. BUCZYNSKI: It connects them to the Budd Lake Sewer System. I think it's their own sewer system but connects them to Wills Brook sewer.

MAYOR GREENBAUM: Ok, is the maintenance of the sewer system also going to be affected by the subdivision?

MR. BUCZYNSKI: I don't believe it's a Town maintenance. That's private maintenance of the system.

MAYOR GREENBAUM: But if the maintenance of the system as it is currently situated is done by one entity because it's one lot. Is it going to be affected by the subdivision which now is going to create three lots that are going to all be responsible for their own maintenance of the sewer system that's part of their property.

MR. BUCZYNSKI: That's a good question because the concern is if it's one of the three pieces that are sold off who's going to maintain it? I hear you. Maybe they should address that.

MS. COFONI: Ok. Jim, what about septic. I'm sorry septic?

MAYOR GREENBAUM: No, it's sewer.

MS. COFONI: Sewer.

MR. GLASSON: I actually…if they wouldn't mind….just because I went through (inaudible) this. You may want to look at this because I have this labeled with regard to the water broken down and it tells you the water sections and the sewer sections so if you wanted to go through this you can easily see. There are easements by…not by description.

MR. BUCZYNSKI: The concern is what happens when the property is a separate (inaudible).

MR. GLASSON: Right.

MR. BUCZYNSKI: There's going to have be something done…and the problem is if it's not addressed now once they sell it they're not going to come to the Board when they sell it. So the deeds have to be pretty clear for each of the properties.

MS. COFONI: We can probably do that in the subdivision deeds, Mr. Stewart. Ok, so we'll do stormwater and sewer easement between lots.

MAYOR GREENBAUM: And any other shared infrastructure

MR. BUCZYNSKI: And storm sewer and water. You still have to get the water easement.

MS. COFONI: The water's a little different because that would be not between the lots but between the Township and the property owner, right?

MR. BUCZYNSKI: Well, I think yes because all the wells and the tank are on the apartment complex lot.

MS. COFONI: Would there need to be easements between…like do the commercial rely upon the wells that are in the residential?

MR. BUCZYNSKI: Yes.

MS. COFONI: Ok, so it would be both.

MAYOR GREENBAUM: But that's the Township. With the issue with respect to water is that the Township has the easement over the water system.

MR. GLASSON: Which they do not have.

MAYOR GREENBAUM: It's not…right….it's not a what happens one it's subdivided as differentiated from the stormwater and the sewer.

MR. STEWART: I agree.

MS. COFONI: Right. Ok.

MR. WEISS: And that's the extent of your conditions.

MS. COFONI: Correct.

MR. WEISS: So, Dan, if you would still make the motion?

MR. NELSEN: Yes.

MR. WEISS: Ok and that needs to be seconded.

MR. RUSSELL: I'll second it.

MR. WEISS: Nelson, thank you very much. So we have a motion and second. Does anybody have any comments?

MR. NELSEN: Seems to make perfect sense.

MR. WEISS: Yeah, I tend to agree, Dan. And I think the fact that we're being fairly thorough for obvious reason is very smart. I have just one comment. To the applicant in that having nothing really to do with what you're asking for we have in Mount Olive a handful of apartment complexes and who knows…countless number of commercial properties. And I think when we look at Village Green, it's kind of something that we're proud of. I know that the homes in Village Green, it seems like your residents are long term. They become, and I don't want to slight anybody but the folks that live in Village Green seem to be productive members of the Township in that they seem to be there a long time which means it's a nice place to live. It seems to be a real nice community rather than a transient community which is really an asset to you. I think the fact that your commercial properties seem to be always full. Your occupancy always seems to be there. And I'll use that mall. It's clean. It's well-lit. We hear complaints all the time about lighting not being in and everything that you can imagine. I don't ever really hear complaints about the Village Green. So to you, I thank you for really a fine job and something that we're proud of to have in Mount Olive. Anybody else? Roll call, Catherine.

Roll Call:

Joe Fleischner	- yes
Brian Schaechter	- yes
Mayor Greenbaum	- yes
Dan Nelson	- yes
Nelson Russell	- yes
Frank Wilpert	- yes
Kim Mott	- yes
Henry Fastert	- yes
Howie Weiss	- yes

MR. WEISS: Gentlemen, good luck.

MR. STEWART: Thank you very much.

MR. GLASSON: Thank you.

MR. WEISS: With the end of this application I have nothing else on our agenda. If anybody has anything to add I think one other thing, Joe.

MR. FLEISCHNER: I have a question. What is the status of Roadranger? Because my Wednesday morning breakfast club said someone was at Council meeting said that Roadranger is not going to pursue a gas station.

MRS. NATAFALUSY: They have filed an application (inaudible). Mr. Selvaggi filed the amended application this week.

MAYOR GREENBAUM: (Inaudible) percent.

MR. FLEISCHNER: That's why I'm like…

MAYOR GREENBAUM: We're supposed to come back in…

MRS. NATAFALUSY: September 10th. Yeah.

MR. FLEISCHNER: I won't be here.

MRS. NATAFALUSY: Right. You told me that. I thought (inaudible).

MR. WEISS: Let's not talk about it till we hear (inaudible). They made a slight revision. We'll hear about it when we see it.

MR. FASTERT: Ok.

MR. WEISS: Or we'll see it when we hear them. I have one open issue and I know I'm going to throw it back at you Tiena. It goes back to the sign. I don't even remember exactly… We had that outdoor sign

on the New Jersey Transit property issue. I'm not sure if there's a deadline on this? I know it goes back to June. Perhaps we still need to talk about that.

MS. COFONI: Yes. If you recall Mr. Canning had in his memo asked Mr. Semrau's office to research the issue and as a result I didn't also want to research the issue. But I have contacted Mr. Semrau's office repeatedly to get an update because I know the Board's interested and to be honest I haven't heard back. So I don't know. Today I also talked to Catherine to see if maybe she had heard things from her side internally and she hadn't heard anything on it either. So unfortunately, I don't have an update for you.

MR. WEISS: If it wasn't for the tone of that letter we'd probably drop it but I don't like a letter like that.

MS. MOTT: It was aggressive.

MR. WEISS: And I think we should at least prepare an answer whether it's a meaningless answer or not so I trust that Mr. Semrau will be working on it. Mayor, I know you're looking at it. If you'd like that letter…

MAYOR GREENBAUM: I've seen it before.

MR. WEISS: You have.

MS. COFONI: I think it's probably going to end up coming from Mr. Semrau's office I would assume. I don't know anything more than you do at this point, unfortunately but I'll continue to pursue finding something out.

MR. WEISS: So Mayor, perhaps you can….you'll be the person to keep us posted on that issue.

MAYOR GREENBAUM: I'll follow up.

MR. WEISS: I'll make it an action item. Anybody else have anything else? I will then entertain a motion to adjourn.

MR. RUSSELL: So move.

MR. WEISS: That was Nelson. Second?

MR. FASTERT: Second.

MR. WEISS: All in favor?

THE BOARD: Aye.

(MEETING ADJOURNED AT 7:51 P.M.)

Transcribed by:
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