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ROLL CALL:

Members Present: Joe Fleischner, Brian Schaechter, Nelson Russell, David Koptyra, Henry Fastert, Dan Nelsen, Kim Mott, John Batsch, Howie Weiss

Members Excused: John Mania, Scott Van Ness,

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

Professionals Excused: Eugene Buczynski, Township Engineer, Edward Buzak, Esq.

APPROVAL OF MINUTES

MR. WEISS: Thank you. We have three different sets of minutes for approval. The first one I'd like to move is October 8, 2015. Someone please make a motion to approve the minutes.

MR. FLEISCHNER: I move we approve the minutes from October 8th.

MR. RUSSELL: Second.

MR. WEISS: Thank you, Joe. Nelson, thank you very much. Any questions, comments? Roll call please.

MS. NATAFALUSY: Nelson can't second that.

MR. SCHAECHTER: I will second that.

MR. WEISS: Brian, thank you very much.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Henry Fastert	- yes
Dan Nelsen	- yes
Kim Mott	- yes
Howie Weiss	- yes

MR. WEISS: I'll entertain a motion to move December 10, 2015 Public Meeting.

MR. FLEISCHNER: I'll move December 10 for approval of the meeting.

MR. NELSEN: Second.

MR. WEISS: That was Joe and Dan. Thank you. And comments, conversation? Seeing none, Catherine, roll call.

ROLL CALL:

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

MR. WEISS: You called Nelson, right?

MS. NATAFALUSY: Yes.

MR. WEISS: Final set of minutes is December 17, 2015 Public Meeting.

MR. SCHAECHTER: I will make that motion.

MR. WEISS: Brian, your motion is to approve such minutes?

MR. SCHAECHTER: That's what it is.

MS. MOTT: I'll second it.

MR. WEISS: Thank you very much, Kim, second. Any conversation, comments? Seeing none, Catherine, roll call.

ROLL CALL:

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

APPROVAL OF RESOLUTION

PB 15-27 - PETILLO

MR. WEISS: We have one resolution tonight, PB 15-27 Petillo. We have a copy in our packet. I take it you all reviewed it. Will someone please make a motion to move this resolution? But, before we do so, I'm sorry about that...Tiena...

MS. COFONI: Yes, just there was one revision that was added, I think you got it...the board got it today. And this was added at the request of the applicant's attorney, and that is Paragraph 16, and I will read it into the record. I'm just making sure I'm on the right page here. It says...although there will be a small increase in impervious area in order to allow access to this new overhead door. Overall there will be a reduction in impervious area on the site by 54 square feet and, therefore, would be no effect on drainage nor would there be any other impacts.

MR. WEISS: And what is the language that they want to add?

MS. COFONI: That entire thing.

MR. WEISS: The whole thing?

MS. COFONI: Yes.

MR. WEISS: That seems odd.

MS. NATAFALUSH: She had no problem with that.

MR. WEISS: Ok. It seems odd to be putting into the resolution that says there would be no other impact.

MR. FLEISCHNER: The change was in the coverage.

MS. WEISS: Ok. They are claiming there is no effect under images.

MR. COFONI: Right.

MR. WEISS: Just by their statement.

MS. COFONI: Right.

MR. WEISS: I don't think there is a problem. I just think that's odd to put something like that in your resolution. Gene is Ok with that?

MS. COFONI: Gene is Ok with it, Ed's Ok with it. I apologize but I was not at this hearing so I can't really speak to it personally.

MR. WEISS: Ok, with that addition which is the copy that I have in front of me...

MR. COFONI: Yes.

MR. WEISS: If somebody will please make a motion to approve the...

MR. NELSEN: I'll motion PB 15-27

MR. WEISS: Dan, thank you.

MR. RUSSELL: I'll second it.

MR. WEISS: Nelson, thank you.

MR. NELSEN: With the changes.

MR. RUSSELL: With the changes so read by Tiena.

MR. WEISS: Any other conversation? Any comments? Seeing none, Catherine, roll call.

ROLL CALL:

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

COMMITTEE REPORTS

MR. WEISS: Let's move into Committee Reports. Nelson, anything from the Mayor?

MR. RUSSELL: Nothing.

MR. WEISS: Ok. John's not here. Environmental Commission?

MR. SCHAECHTER: Not at this time.

MR. WEISS: Ok. Ordinance Committee?

MR. FLEISCHNER: Tonight Chuck will discuss letter H.

MR. WEISS: Letter H is all about the Ordinance Committee.

MR. FLEISCHNER: He did an excellent Job.

MR. WEISS: I agree, I don't think you can praise him yet.

MR. FLEISCHNER: No, I have to wait...

MR. WEISS: Till the end.

MR. FLEISCHNER: Sorry, Chuck.

MR. WEISS: Hold praise till the end, please. Street Naming Committee, I have nothing. And Open Space Committee, Kim?

MS. MOTT: I have nothing.

APPLICATION PB 15-30 – PHILLIP & CATHERINE ERRICO – BLOCK 5500, LOT 15

MR. WEISS: Ok. That brings us to our first developmental matter of the evening, PB 15-30, that is Phillip & Catherine Errico, requesting a variance for the encroachment into the front yard setback on 17 Main Street, Block 5500, Lot 15. Mr. & Mrs. Errico if you can, come up to the table. I'm not sure which one of you is going to testify. If you both want to, you both can get sworn in. Why don't we do both. Just in case Mrs. Errico needs to correct Mr. Errico.

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

MR. ERRICO: Phillip Patrick Errico, E R R I C O, 17 Main Street

MRS. ERRICO: I'm Katherine Allen Errico, K A T H A R I N E A L L E N E R R I C O, 17 Main Street.

MR. WEISS: Perfect. Thank you very much. Please be seated. I read into the record the introduction of your application we have a copy of why you are here in front of us. But we need to create a record tonight. So, why don't you, if you would, explain to the Planning Board why you are here. Talk about any exhibits you have given us, give us an overview of the property, what you've been doing, why you're going to do it. And then we will come back and ask more questions.

MR. ERRICO: Ok, so what we did was...what we want to do is...we had an existing porch. It was a three season porch. We wanted to enclose it, to make it part of the house, and we wanted to create an overhang over the steps to protect as people are coming into the house. That overhang over the steps extends 2 ½ feet further and that's why we are here to get that variance. For that 2 ½ feet overhang it extended beyond the soffits 2 ½ feet.

MR. WEISS: When you say extends, it extends into the front yard setback.

MR. ERRICO: Yes, correct, towards the street.

MR. WEISS: What do the stairs do? That they are current...we are looking at photographs...are the stairs encroaching?

MR. ERRICO: Yes.

MR. WEISS: I imagine it would...

MR. ERRICO: Oh no, wait, say that again, sir.

MR. WEISS: The stairs leading into the door...

MR. ERRICO: The stairs...

MS. ERRICO: They already were...

MR. ERRICO: They were there, that's no further... then what we had there before.

MS. NATAFALUSY: The house was built in 1920.

MR. WEISS: No. I see. I just wanted to make sure that it had a real short staircase.

MS. ERRICO: No, they made like a little landing. Because before you had to step back off...

MR. WEISS: Are you going to be increasing the staircase? The two stairs?

MR. ERRICO: It's still two stairs.

MR. WEISS: You're not going to touch that? You're just doing the overhang?

MR. ERRICO: Putting the overhang over that landing area.

MR. WEISS: Sorry to interrupt.

MR. ERRICO: It's Ok. That's about it. I think that's it. I don't know what more I should say.

MR. WEISS: So obviously your home was built before 1950...Catherine is that right?

MS. NATAFALUSY: Yes, it was built in 1928.

MR. WEISS: The home built in 1928 pre-exists current zoning. So it is certainly a pre-existing, non-conforming. Does that work into the positive criteria, Tiena?

MS. COFONI: Yes, I just want to make sure I understand...ok, I think do understand.

MR. WEISS: So the fact that it's pre-existing, non-conforming, that would probably be an exceptional situation unique to this piece of property.

MS. COFONI: And you're not going any further than the existing stairs?

MS. ERRICO: No. There is a picture. See this picture here...on the second page...that shows you where the roof overhang goes.

MR. WEISS: So let's talk a little bit about the neighborhood, the property. Tell us about the neighbor's on both sides. Just an overall...give us an overall snap chat, if you will, of the neighborhood.

MR. ERRICO: It's an older, older, neighborhood. It's on Main Street. The old main road. Many of the homes are actually closer to the road than our home is. It's pretty...quiet...a quiet neighborhood, except around traffic time. Then the road backs up around the stop light there.

MR. WEISS: Your home isn't necessarily bigger or small than the other homes in the area?

MR. ERRICO: No, it fits in very...

MS. ERRICO: It's a craftsman style house...

MR. ERRICO: I think we are going to add to the curb appeal of the neighborhood by doing this. Because it really would make the front of the house look much nicer. It didn't look very nice before.

MS. COFONI: I have something.

MR. WEISS: Go ahead.

MS. COFONI: I'm just trying to understand on the picture that you are telling me to look to that was submitted with the application, it said front of the house and then it does give me a better idea of new gable entry roof so I can see. It says four foot wide porch entry to replace existing porch stairs.

MR. ERRICO: The way the stairs have been just concrete steps leading into the house. So that concrete step area will now be a landing so you are not stepping up into the house where there is actually a landing now and the people can be on the landing because the front door is moved...see the front door used to be inside...

MS. COFONI: Yes.

MR. ERRICO: Now the front door is outside...

MS. COFONI: Yes, I understand.

MR. ERRICO: So we create that thing so that if you are standing at the front door, you have protection from the weather.

MS. COFONI: So what you are proposing...this four foot landing is going to be...you are proposing that because you need approval for that...

MS. NATAFALUSY: Need approval for the roof.

MS. COFONI: Catherine was just explaining to me they don't count steps...as going into the house as something you would need a front yard variance for. It's because of the...new roof over it. I didn't understand that. Now I understand.

MR. WEISS: Mr. Errico, you were just saying that you think the addition of this overhang would actually add to the curb appeal.

MR. ERRICO: Oh, yes, absolutely.

MR. WEISS: On the other perspective, would you think the addition of this overhang would cause any substantial negative impact to the neighborhood? Would it cause any kind of eyesore, deviation from what's there right now?

MR. ERRICO: Absolutely not. In fact, I went around to all the neighbors, not to 200 feet. I mean we sent letters everybody. But, talking to the immediate neighbors they were all into it and all game.

MR. WEISS: We will certainly open this to the public if anybody has an objection so that...that's actually a good testimony...when the neighbors are...obviously we know the neighbors have been notified because you have an obligation to do so. If no one objects, that will certainly weigh in the judgment of the Planning Board. So we have heard the applicant actually jump into some negative criteria. It is my opinion that when I ask the applicant point blank if it will cause any negative substantial impact to the neighborhood, his answer was in the negative and I think that kind of qualifies for negative criteria. Catherine, not Catherine, I'm sorry, Tiena would you agree to that?

MS. COFONI: Sure.

MR. WEISS: Do we think we need any other kind of positive criteria for the record? Is your property otherwise flat? It's not a steep slope...

MR. ERRICO: It's pretty flat.

MR. WEISS: I don't have on the screen. The taxes...it's a fairly rectangular piece of property?

MR. ERRICO: For the most part, yes.

MRS. ERRICO: It's rectangular, but the house sits more on one side. I think it used to be...you used to have more property on the other side...like closer to one house than the other...

MS. COFONI: it seems to me the bottom line is you are putting the roof over what is existing there. So it's not like you're relocated, change where it is, and it doesn't seem very, very deep, I guess that's the right word...

MR. ERRICO: No, it's not.

MR. WEISS: It's not extravagant and I'm not questioning that, I just want to make sure we have the record set. I would say that the fact that your home pre-exists the current zoning, it makes this an exceptional situation that's unique to the property. It qualifies you for the positive criteria. We've discussed the negative criteria. I don't think the applicant needs to make any other proofs. Tiena, would you agree? Catherine, is there anything from your report that you need to know.

MS. NATAFALUSY: No. The building and lot coverages are acceptable.

MR. WEISS: Before I open to the public, Mr. & Mrs. Errico, do you have anything else that you might want to add to the conversation?

MS. ERRICO: Not at this time.

MR. WEISS: Good answer. At this time, nothing else to say. At this point, I would like to open to the public...

MR. BATSCH: Mr. Chairman,

MR. WEISS: John, I'm sorry...

MR. BATSCH: Yes, just for information purposes, what is the front facing on the overhang? Is that going to match the basic house itself?

MR. ERRICO: Yes. It's going to actually compliment...

MS. ERRICO: Yes. It's going to have cedar shakes that are going to meld and blend right it and it will look like it just fits right in with the house. And because our house is sort of craftsman style, it will actually put it a little more into that with the portico and columns. It will like even more fit into that look...

MR. BATSCH: Ok. Thank you.

MS. ERRICO: Then it did before.

MR. WEISS: John, thank you. Anybody else from the Planning Board? Now we will open to the public. If anyone from the public has any questions for the testimony that was heard tonight and would like to speak. Seeing nothing from the public. I will close to the public. And at this point let me ask the Planning Board if someone would move a motion to approve such approve such application.

MR. NELSEN: I will make a motion PB 15-30 be approved.

MR. FASTERT: I'll second.

MR. WEISS: Ok. Dan and Henry. Any conversation, comments? Catherine, roll call.

ROLL CALL:

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

MR. WEISS: Congratulations. What will happen is next month there will be a resolution prepared at that point you can take the resolution to the Building Department, get your permits, and start your project.

MR. ERRICO: Thank you.

MS. ERRICO: Thank you very much.

APPLICATION PB 15-33 – GUENZEL – BLOCK 5000, LOT 3

MR WEISS: I will then introduce our next application which is PB 15-33, Jeffrey and Amy Guenzel, requesting a variance for a rear yard setback located at 271 Flanders Netcong Road, Block 5000, Lot 3. Jeffrey, Amy if you like, please come up to the front. Just give me one second when I switch screens. And we will do the same thing, if you will. We will repeat the process we just did. You'll both raise your right hand and take the direction from our attorney.

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

MS. GUENZEL: Amy A M Y Guenzel G U E N Z E L 271 Flanders Netcong Road.

MR. GUENZEL: Jeffrey Guenzel G U E N Z E L 271 Flanders Netcong Road.

MR. WEISS: Thank you. Please be seated. The process won't change very much from what we just did a minute again. Again, we have copies of photographs, we have reports, we have a summary in front of us. I've introduced the application and request for a variance in rear yard setback. I'm going to ask you to do the same thing. If you have any questions in the process, please feel free to ask. You are going to help us create a record and tell us why you need what you are asking for. And by doing so, you will tell us about the property, existing conditions, and what makes you come before us tonight for a variance.

MR. GUENZEL: Ok.

MR. WEISS: We're ready.

MR. GUENZEL: And, we're ready. As you have in front of you, what we are looking at primarily is the second car garage. All the homes that are around us all have two car garages. We have a one car garage. We have four drivers and four cars. We live on a reasonably busy street. It is a...actually somewhat of a safety issue for us and that even the pizza delivery guy coming, we have to move cars around and make sure he can pull out without having to back out. We would like to be able to get our car in the garage to avoid...actually a few years ago I hit a deer and could not get the hood repaired because the hood of our car was so damaged from the acorns... so we would like to be able to get the car in the garage. And have that as well. The shape of our lot is very odd. We have a 14 foot side yard so it's kind of going up against the side of the yard as much as the back but because our side yard is triangular lot, a very odd lot, we are looking at the rear setback of the property. In looking at the odd shaped lot, we looked at all sorts of different options and alternatives. We don't really have any other options for this. The one spot that clears the front setback and the back/rear setback is actually on top of the leach field, if we are going to try to do some sort of detached building, garage, or something. So there is just really one spot behind the house that we could put a...make all the setbacks and put a small shed, small...but not a garage. We have no place that we could put a garage besides where we are looking to put it. We intentionally went with the 16 foot mark. It hit the fairly narrow garage, a standard garage, because we looked at the only other alternative we would have to get any kind of storage is a 10 foot free standing detached garage and that would end of being 15 foot from the rear so you figure there was some logic in that. That our only alternative would be any kind of storage and that really would not be a garage it would be more storage would be 15 foot from the rear setback as is. The back property is owned by the town. When we moved in, it was owned by Toll Brothers, I was actually in front of this board 21 years ago with a discussion about that. The property was then essentially given to the

town following that whole process. We are not encroaching upon on any neighbors per se in the sense of the rear setback. The closest neighbor to that point of the yard is at least 100 feet away just by the nature of the way the properties are designed and that property being owned by the town. So, I guess in summary to what I say is we really looked at all different alternatives. We are really happy with where we live. We enjoy the town. We have three kids. We raised our three kids here. We want to stay where we are at. We think this is a reasonable expansion. We will be residing the house so it all fits in nicely from the front of the house, it meets the front setback. It will look very sharp. It will look good. There won't be any issue. It should look like it's always been there. I think that covers everything from an introduction to it.

Mr. WEISS: I'm looking at the site map. A couple questions. You have to the left of the home something that says future addition.

MR. GUENZEL: So if this is approved, you would look at potentially doing an addition on that side of the house but we would not do any addition on the living space of the house unless we can have the two car garage. It makes no sense to look at any other addition if we can't get the second car garage. We already have a four bedroom home with a one car garage from a resale standpoint it makes no sense try to expand at all and have a one car garage.

MR. WEISS: And although you are not here tonight to talk about any future addition, it does look like this quick drawing keeps you within the building envelope.

MR. GUENZEL: Yes. And that's why we showed it because that we don't need a variance for if we do it we wanted full disclosure that that is part of our...

MR. WEISS: Well obviously just based on the quick drawing you wouldn't need a variance for any kind of front yard or side yard setback encroachment but I'd guess we'd have to look at impervious coverage.

MS. NATAFALUSY: Building coverage and lot coverage.

MR. WEISS: Building coverage and lot coverage.

MS. NATAFALUSY: Right now it's at six percent and eleven percent so they would probably fit.

MR. GUENZEL: It does all fit. We have...

MR. WEISS: Lot coverage and impervious coverage?

MR. GUENZEL: Yes.

MR. WEISS: Not an issue for tonight. We won't even talk about it. One of the questions, as I look to the right of the proposed garage, you mention there seems to be a square structure.

MR. GUENZEL: The storage? There is no place where we can even put a storage unit to put the lawn mower and stuff. We actually when we started this process, there was a shed on the property that was not conforming. And we did not know it was not conforming until we did this whole process. And that has actually since been removed. We removed that when we discovered that it was not part of what should have been there. So we don't even have a place for any kind of storage at all for the lawn tractor, bicycles, and things. So when we looked at the garage and the 16 feet was the setback for the garage we said if we keep that 16 feet setback and follow that property line we can put a storage unit attached to the garage instead of putting it behind. We will put it attached to the garage. And still be no more than we would be asking for in the 16 feet we are asking. That's why it all angles back. If it was up to me we would go straight back and go all the way back. But we wanted to keep that 16 foot, since that's what we needed anyway for the garage.

MR. WEISS: I think it's something we should just discuss to create the record. Obviously, the second car garage only makes sense to be next to the first car garage. Because I can even say you have room on the left of the home for a garage, but that makes absolutely no sense whatsoever. And it wouldn't be very responsible for us to do that. With that being said, the storage facility, I'm not sure if it has to be connected to the garage. And my question is, have you considered other places on the property where it can go without requesting a variance? Again, I'm not here to tell you what to do.

MR. GUENZEL: Right.

MR. WEISS: I look at other spots on the property and perhaps it would work without a variance. So perhaps, why don't you tell us...I heard why you decided there...but why not somewhere else.

MR. GUENZEL: So why not somewhere else? As I said before, the...behind the property to go a detached structure 90 feet back has to be behind the property. The septic...leach field...is on the left back so we can't do it there,

when you get to the right because of the angle, where quickly 15 feet... that 15 feet, 90 foot intersect really quickly...so the only place essentially is behind the middle of our house. Behind the deck you could go straight back and we could put a structure there that is ten feet long. So we fit a shed back there. We absolutely could. That is not as...it's the middle of our yard...it's not as practical for us. Talk about clearing the snow off the driveway and things like that to be going in the back. But it's also...it's no farther away from the setback. It would be 15 feet from the setback. So in the whole scheme of things, it didn't seem...it takes up the yard...it doesn't get any farther away from the rear setback. I don't think ascetically it looks good. So, yes, we did look at other options, and there just really wasn't...and putting it attached to the other side, I don't know if I ever really ever seen that. I don't know. I guess we could put it attached to the other side. Because then we would be able to have less than...we wouldn't have 90 foot setback, we would only have to have 60. And if we attach the shed to the side of the house, we had not really thought about that because I don't think that really makes a whole lot of sense.

MR. WEISS: I just...go ahead Brian

MR. SCHAECHTER: Catherine, is it a violation to have a shed attached to a house?

MS. NATAFALUSY: Well he's saying that this is a storage unit so I don't think it's really a shed that you are attaching.

MR. GUENZEL: No, it's an alternative to a shed.

MS. NATAFALUSY: Right, it's going to be part of the structure, but it said structures have to be 15 feet from the principle structure in this zone district.

MS. COFONI: It's going to have the same siding and everything as your house? It's going to be the same materials as your house?

MR. GUENZEL: Yes, it is going to be part of the house. It was just an alternative to a shed so I shouldn't be calling it that.

MS. COFONI: Right.

MR. GUENZEL: It is a storage unit. It is essentially a smaller piece of the garage. Again, if I could have put a second car garage...

MS. GUENZEL: Or if we could have made a bigger garage...but we can't because that makes it closer to the property.

MR. SCHAECHTER: So is the floor of the storage bay going to be a continuous cement floor, the one that is going into the garage...is there going to be a separation between the garage and the storage bay?

MR. GUENZEL: As of now the plans have a separation between the garage and the storage bay and I think that's around fire requirements that the architect said to have. We wouldn't necessarily...I'd be fine if they didn't but they were keeping a barrier between the two and that was recommended by the architect. But...

MR. FASTERT: Is the access from the garage only?

MR. GUENZEL: The access is from the front only.

MR. FASTERT: The access is from the front only? So there won't be any access from garage?

MR. GUENZEL: No, not from the garage.

MR. WEISS: Does that seem ok? From a planning perspective?

MR. McGROARTY: Well, from a planning perspective, I think it makes perfect sense what they are doing because you are putting the structure against whether it's permanent or otherwise. From the street it's going to look like one unit. And to the...whatever the distance that is to the east...I believe that's open space they said.

MS. COFONI: Yes.

MR. McGROARTY: So, visually I think from the street, it would look better to have it attached and especially if it is going to be designed as one unit. And to reprise to the question earlier, if it's a storage structure shed or otherwise, if there were variances, it would be because it is not 15 feet separate from the house.

MS. NATAFALUSY: Right.

MR. MCGROARTY: Which I was saying to Catherine that's another one of a long list of things we are probably going to have to look to change and discuss with you because you're just spreading stuff out on the property instead of consolidating it and in this case where it can all be designed as one. So, your call. But the way it looks to me I think it's a real good solution.

MR. WEISS: Now the fact that it's not a shed, that helps...

MR. GUENZEL: Yes.

MR. WEISS: The understanding from the Planning Board.

MR. GUENZEL: If we could have just gone six feet out and have it be a bigger garage, we would have done that and we would say it's a garage, but because of the way the setback was we wanted to honor that 16 foot that was essentially keep it as a minimum as we could. We then made that smaller so it looks a little different from the back but from the front things should look clean and it should look...

MR. FASTERT: Is it supposed to be a frame structure?

MR. GUENZEL: Yes.

MR. MCGROARTY: The one in this particular case. This is one of those classic c-1 type of variances too. Where uniqueness of the property but also again the fact that the space to the east...land to the east...is open, encroaching into the setback its really having no substantial detrimental to the zone plan, master plan, or the zoning ordinance. And it's certainly not impairing the neighborhood scheme because there are no neighbors. Wonder if it would be better to just put a real garage there?

MR. SCHAECHTER: But that's kind of where I'm going is...if one is to put a third car garage on...and not put cars or even lawn mowers or snow blowers, why would that have to be a separate structure like have a different floor, have a fire break,...

MS. COFONI: No, it wouldn't.

MR. MCGROARTY: I don't know about a fire break but this one would be, then it will be all part of the house. And that's where the setback from the side yard is.

MR. SCHAECHTER: So why are they getting advice is has to be separated from the house by a wall.

MS. COFONI: Well that's because...I believe I understand that's because it's storage. My question to Chuck was...

MR. MCGROARTY: Which I never understood because cars...

MR. SCHAECHTER: ...cars have gas in them too and so do snow blowers and...

MR. GUENZEL: Maybe I'm thinking that's what it was and it's just the architect thought that was a better design.

MR. MCGROARTY: I think you are right I think that is a requirement

MS. COFONI: My question was it sounds like you just prefer to have a bigger garage.

MR. FLEISCHNER: So, make a one and a half car garage...

MS. COFONI: ...or whatever...and I wondered if that would be so bad and maybe would look a little better because it would only look like a big garage as opposed to a two car garage and this little...

MR. GUENZEL: But then we would be...if you take that across, we would essentially then be 11 feet from the setback rather than 16.

MS. COFONI: And lucky for you that is exactly what this Planning Board could approve.

MS. COFONI: It's up to the Planning Board. But that was just one of my...

MR. GUENZEL: On some respects that would probably look smoother in the front.

MR. WEISS: You can look at it like being pregnant. You're not just a little bit...

MR. FLEISCHNER: Would you like to do that, if that were possible?

MR. GUENZEL: Except I would have to pay for the architect to re-do that .

MS. COFONI: I was thinking that.

MR. FLEISCHNER: I understand that but then tell him do what I tell you to do.

MR. GUENZEL: Right. Absolutely.

MR. WEISS: Ok. Let's hold tight for a second. Certainly we can advise the applicant that that is something you certainly have the right to do. I don't think we can make an action based on the fact that they are going to change it and make a third car garage.

MR. FLEISCHNER: I'm not saying a third car garage.

MR. WEISS: Ok a one and an half car garage.

MR. GUENZEL: Right.

MR. WEISS: Regardless of how many cars...without a plan, I don't know how we can get the maximum. Is that correct?

MS. COFONI: I guess my only hesitation is...not knowing what the setback would be.

MS. NATAFALUSY: The setback would be about, as he said, 11 to 14...I went straight back and it's about 13 feet maybe.

MS. COFONI: So instead of a 16 foot setback, he would have a 13 foot setback?

MS. NATAFALUSY: If you extend it another 10 feet, over...its maybe it's about 9. About 9 feet from the property line at the corner.

MS. COFONI: I think...

MS. NATAFALUSY: You know, if it goes 10...

MR. FASTERT: At that point, it's open space on the other side any way no neighbor who will be encroached on...

MR. WEISS: Good. Joe?

MR. FLEISCHNER: My question would be for the applicant. If that is a possibility you think you might want to do that, there would be still some hoops you would have to jump through or you can say this is what we have kind of decided and I rest my case. I mean...I think...the choice becomes the applicant...

MS. COFONI: Absolutely. Absolutely.

MR. FLEISCHNER: ...not the Planning Board. Because we can only rule on what is in front of us.

MS. COFONI: No, there is of course a dialogue that goes on and you can get a sense but it is up to you, what you want to do.

MR. FLEISCHNER: It's your decision.

MR. WEISS: That's not a bad idea, but I think you are hearing the same optimism that I'm hearing. That our Planner had said it's a great plan. You said to us you are doing this because you didn't want to do what you originally wanted and you gave us the reasons. The Planning Board is saying, it's your home. The Planning Board will listen to you coming to us saying like this one and an half foot or two or seven or whatever...work it out as another garage.

MR. FLEISCHNER: Or leave it alone.

MR. WEISS: Or leave it alone. That's your choice. It's your home. You know, your dollars...

MR. GUENZEL: So here would be my question back. Would we be able to get a decision on this tonight so we don't necessarily delay a month if we say you know what we go back and think about this tonight and say we just want to leave it as what we proposed. We are then introducing a month's delay because we can't make a decision.

MR. WEISS: I'm getting an indication that we can rule on this tonight with some of the proper language on the record.

MS. COFONI: Yes.

MR. GUENZEL: And then if we represent next month...

MS. COFONI: I think you that you can say right now verbally...Yes, I want to amend my application. I want the garage to extend instead of how ever many a foot wide garage I'm going to add a how every many foot, the full extension, we could do a quick calculation. As Catherine is doing right now. Figure out approximately what the setback would be and then the Board...I mean the same, I mean the same support for your previous variance would work for this one as well.

MR. GUENZEL: The only thing I'm thinking is there a whole process we have to go through because we still have to do the whole notification again.

MS. COFONI: No.

MR. WEISS: No. Your notification talks about the fact that you are being heard tonight and anything that goes on in the meeting...

MR. GUENZEL: Ok. So we could make next month's meeting?

MR. WEISS: No. We can do it right now. You would have to represent. You have to submit the plans or final plans...which doesn't have to be...

MR. MCGROARTY: I have some thoughts...I don't know if we never...many, many years ago here... don't negotiate with an applicant. The applicant's plan is the applicant's plan, but I'm sensitive to the fact that it costs money and all this stuff to come and all, I'm wondering if it's not a full garage the storage unit if it's...would the board be in the position, Tiena too, say the board, if they were inclined to approve this, we approve this plan or anything or any such language to the effect that variations on it as long as it maintains a minimum 10 foot setback and side yard setback. And if they can't, then they can't do it. It may mean making this storage area a little bit more narrow but it becomes deeper. I mean, the testimony for the logic behind what you are hearing is your call whether you accept it or not and I just think the fact that the land next door there's no home on it and will never be a home on it is a benefit that no one would see.

MR. WEISS: So, we can certainly translate say it's safe to say that we can move forward with the application. Ask the Planning Board to give you the opportunity to build what you need to maintain the ten foot setback.

MR. MCGROARTY: Well I just wanted to see if Tiena was comfortable with that...

MS. COFONI: Yes, and that's something...so in other words...instead of saying this plan and you have to decide right now or another plan and you have to decide right now. We could say which ever plan; you can build this addition the second car garage the addition over the top and whatever additional expansion of that garage as long as you don't encroach...as long as you maintain a...and the planner said ten feet. I don't know what that's going to be but...setback. As so that gives you the flexibility. This plan you do another plan, you expand the storage area or maybe...however you can do it as long as you don't encroach on the ten foot setback.

MS. NATAFALUSY: If he goes out eight foot, if he goes out only another eight foot from the back of the proposed garage, he can still meet the ten foot setback according to this.

MR. MCGROARTY: I said ten because it was an easy number in the field to clarify and if it's not a full garage it's a storage area whether it's eight feet wide, ten feet wide, it's going to be deeper and...

MS. NATAFALUSY: It will give you more space.

MR. GUENZEL: Ok. So since you said we should be asking for everything,

MR. MCGROARTY: Not now.

MR. GUENZEL: What we are saying right is with the ten foot is if we took that storage unit and just made it longer front to back.

MS. NATAFALUSY: Yes.

MR. GUENZEL: But what I had said...and this goes to the point of why did we ask for this...what I said is we would have loved to actually put a two car garage. Doing that...

MR. SCHAECHTER: Three car garage

MR. GUENZEL: Doing that, if we went out two more feet, we then could put a regular garage door on that third one or, and we would probably closer to nine feet or maybe eight foot instead of a smaller door and just a longer storage unit. You know what I mean? Because actually if it's storage...

MR. WEISS: I think regardless, you maintain that ten foot setback...

MS. COFONI: What he's saying is he can't.

MR. GUENZEL: What I'm saying is can we make it eight foot or nine foot. Because I think we then could actually put in a full garage and it will make more sense looking from the front of the house.

MS. GUENZEL: Because the other garage...it will be...

MS. COFONI: It will be consistent so you will have three same garage doors in three spots.

MR. GUENZEL: Exactly.

MS. COFONI: And how...I have no idea...how wide...so this storage unit is how wide now?

MS. NATAFALUSY: Eight foot.

MS. COFONI: Eight feet. And what would the garage have to be? What is this garage...

MR. GUENZEL: I figure...I tend to be logical...I think we could make it one door over that side instead of two.

MS. COFONI: But you said... so this is twelve..

MR. GUENZEL: Right and make it a little tighter but I think we would still need ten feet not 12 but that's two more feet out so if you...I mean you are doing the drawing if you do two more feet out I think that makes it a little less than ten.

MS. NATAFALUSY: If we go out twelve feet...is that what you are looking for? Twelve foot wide.

MS. COFONI: It seems, I'll be honest, if the other two bays so to speak are twelve feet. I would think you would want...

MS. NATAFALUSY: That would be about eight feet.

MR. GUENZEL: Right.

MS. NATAFALUSY: From the property line.

MR. WEISS: Keep in mind we are encroaching open space.

MS. COFONI: Right.

MR. GUENZEL: So that would be the request, if we are going to go down this road and we are going to spend the money to put additional...I'd rather just be able to get the car in there...

MR. WEISS: Ok, so then we can then generally say you maintain an encroachment of...regardless of what you end of building which is not our concern right now. Our concern is you maintain the eight foot setback and that's what the Planning Board will rule on.

MR. GUENZEL: Ok.

MR. WEISS: You will then come back here and revise you plans, you'll submit them to the Planning Office it will be part of the application.

MS. NATAFALUSY: One story.

MR. WEISS: This is a one story addition?

MS. COFONI: Right because the other part is two.

MR. GUENZEL: Well it's kind of... not really two, it's so...it's creating more storage above so it's not a full two it's a garage with a higher...because we are on a bi-level...and the house is...

MS. COFONI: So what you are proposing is the same thing over the two would be continued over the third?

MR. GUENZEL: Yes.

MR. MCGROARTY: It's not living space though?

MR. GUENZEL: No, it's not living space, absolutely not.

MS. COFONI: No.

MR. WEISS: So let's just do a little homework, let's do a little cleaning up here. We have a request for a variance for a c-1 Variance basically. I think that fact that the land is odd shaped. It's clearly...

MS. NATAFALUSY: It's very off shaped. The side yard is 14 feet in depth.

MR. WEISS: That's a fact right there certainly qualifies for the negative or the positive criteria that we certainly need to approve a variance request regardless of how we change it or not so certainly Catherine agrees, Tiena, I can't image you disagree with that...

MS. COFONI: No.

MR. WEISS: ...so I'm going to ask you a series of questions. I know we talked about how nicer it's going to look. Our planner even said it's a nice look. But I'd like to hear from you if you feel that adding now a potential third car garage would that have any substantial negative impact on the community, would it make your home any different substantially than any other home. I know you started your application by saying all the other homes have two car garages.

MR. GUENZEL: I would say at least two car garages. But, yes. I know the three houses closest to us all have two car garages. The newer structure on the corner may have a third. I'm not sure. But, I think that it would be...

MS. GUENZEL: People could look at our cars less which is a good thing. I mean everybody sees our cars. We actually keep our lawnmower in our garage right now because we took down that shed and we can't...our cards are in our driveway.

MR. WEISS: So a home with potentially a three car garage...a three car garage, would you say would look out of the ordinary?

MR. GUENZEL: No.

MS. GUENZEL: No.

MR. WEISS: So based on that testimony, it sounds like the applicant has proved some negative criteria where granting the variance would not have any negative impact on the neighborhood. I would agree with that, Tiena, do feel that's an accurate comment?

MS. COFONI: Yes, I think the real...a real big part of this application is also that they are adjacent to open space and not only just adjacent, but adjacent on the side of the property that is going to have the encroachment.

MR. WEISS: There will be no negative impact on the neighbor, not encroaching on anybody's home right now. You won't affect the enjoyment of your neighbor to enjoy their home, it sounds like me like it is part of the positive/negative criteria. Gene, I'm sorry...Chuck, Catherine, any other comments?

MR. MCGROARTY: I would just want to establish in the record it will not have any substantial detriment to the zone plan or the zoning ordinance because this is an unusual shaped lot. I think it is a triangular shaped lot at least the bulk of it is. So it does present a unique situation. So I'm saying there is no detriment...

MR. WEISS: So they have certainly proved the negative criteria.

MR. FASTERT: On the positive criteria, you know the driveway is three cars wide you wouldn't have to back on to the street, you could actually k-turn in the driveway so you can pull out into the street.

MR. WEISS: I don't think fits under positive criteria thought...no I don't think that's part of the requirement...Good sense, common sense, but we know that land use has no common sense.

MR. FASTERT: That helps with the safety.

MR. MCGROARTY: No it does because the very first purpose of Municipal Land Use Law for the purpose planning is to protect the public health safety and welfare and if you are making a residential property safer and your are making it safer for the general public so the cars are not..it is safer to access the public street. I think you meet the purpose of Laws A Under 40:55:2 for the record. I think you already established the special reasons, Mr. Chairman, but I think Henry's point is well taken...

MR. WEISS: I'm glad you brought it up then. Because I keep my little notes here and I don't think we've ever dealt with a safety issue when it came to positive criteria so I'm going to make a little note that we will add that as a potential positive criteria so Henry, good point. I thank you, Nelson.

MR. RUSSELL: I have a question

MR. WEISS: Sure.

MR. RUSSELL: Have you considered trading the front of the garage off about two feet so its parallel to the continuous level in front of the house. Let me give you another...it would make the roof line consistent all the way across without taking away from the front. It would give more storage in the back of the garage.

MR. GUENZEL: We have considered I think for two reasons we haven't done it one is from an ecstastic standpoint having if all flat for that long gives it a real boxy look having just a little bit of texture even though it's only two the feet, adds a little difference, adds a little to the eye, just a little texture, and there is a cost associated with moving that wall that is existing that we figured we did not need to move...

MR. RUSSELL: Okay.

MR. WEISS: Anybody else have any questions for the applicant?

MS. NATAFALUSY: I just have one question. Are you going to expand the driveway now? Are you...

MR. GUENZEL: Yes, the driveway just around the garage we are going to have to repave and we are going to have to put up to the garage.

MS. NATAFALUSY: So you will just...you will need a driveway permit from Scott so just bring it in to show the new configuration of the driveway. Yes, because that can be a condition of approval to show the new configuration of the driveway. It shouldn't be a problem, but...

MR. WEISS: Ok at this point, let me open to the public, if anybody from the public has any questions, on any of the testimony that was given tonight?

AUDIENCE: I'm here to support.

MR. WEISS: We don't hear anything for the record so I see nothing from the public. I'm going to close it to the public. As we start to consider this application, I did hear that we have a condition. This condition will be...must met...Tiena, will read with the condition is and then we will look to make a motion.

MS. COFONI: There are two. One is that they must maintain the eight foot setback. And the second is that they need to obtain a driveway permit.

MR. WEISS: submit the revised plans...

MS. COFONI: If applicable. They could just go with these.

MR. WEISS: Right. If they chose to stay with that certainly maintaining the eight foot setback if you chose to come back with a third car garage, and maintains the setback that works within what the Planning Board is...

MS. COFONI: Ok. I got that.

MR. GUENZEL: We're submitting those plans to the office.

MS. COFONI: Right. Not for another approval here.

MR. GUENZEL: Not for another approval here.

MR. WEISS: Ok. So the plan is been amended. It's been corrected. We have beaten it up pretty good. At this point...

MS. NATAFALUSY: Should we have him get a Zoning Permit prior to going to construction? There will be no fee for it. Just so that Gary knows exactly...what...we have what you're building...so Gary...so we are on the same page.

MR. GUENZEL: Agreed.

MS. NATAFALUSY: Just a Zoning Permit.

MR. MCGROARTY: Why don't you make the Driveway and Zoning Permit one?

MS. NATAFALUSY: Yes, we will do that. Come in with the revised plan, if you go with the third car.

MR. GUENZEL: Ok.

MR. WEISS: So we will add that as a condition. Zoning Permit...

MS. NATAFALUSY: Slash Driveway Permit.

MR. WEISS: Slash Driveway Permit.

MR. RUSSELL: I'll move that PB 15-33 be approved as amended.

MR. NELSEN: Second.

MR. WEISS: With the conditions.

MR. RUSSELL: With the conditions.

MR. WEISS: Nelson made the motion. Dan seconded. Any comments? Did you have anything else to add to the conversation?

MS. GUENZEL: Thank you.

MR. GUENZEL: Thank you.

MR. WEISS: Don't thank us, yet.

ROLL CALL:

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

MR. WEISS: And I just want to add, and I think Chuck willit's not our position to ever testify on your behalf but just based on the interaction that we were having it sounded like we were trying to do something that you need not do. And I think our input was very productive and the ultimate will be yours. But you have a little extra lead way that perhaps you didn't think you would get. So I hope you will build it. In about a month...the same story in about a month the resolution will drudge you up some work to do. Get those plans back to Catherine's office, get your permits, and start your project hopefully when the weather breaks.

MR. GUENZEL: Ok. Sounds good. Thanks.

MR. WEISS: Have a good evening.

MR. GUENZEL: Cathy, we will let you know within a week, one way or another.

MS. NATAFALUSY: Ok.

DISCUSSION MATTER: OUTLINE OF NEW CHANGES TO LAND USE PLAN ELEMENT OF 2003 MP

MR. WEISS: We have our presentation...discussion matter the outline of new changes to Lane Use Plan Element of 2003 Master Plan. Chuck has given us an outline. We all have a copy of it. Chuck, I'm just going to give you the microphone and I want you to go over what your strategy is.

MR. MCGROARTY: Ok.

MS. NATAFALUSY: Everybody have copies?

MR. MCGROARTY: There are copies of the map which I will look over briefly. It's the Open Space Map and the idea of that is as Joe has said before there were a number of things that have been in discussion for a while and you know they have not moved forward for various reasons and so on and what I'll Mr. Chairman and I will just touch on the change and I will refer you and the board the detail on any of these things. There are other changes to the various components to the zoning ordinance that are not necessarily matching because they are just zone changes. Those were also itemized in the 2013 ReExam Report when the time comes you will see everything but those aren't matching because they are like changes initial use standard to this or that and so on. All of which you are authorized as a 2013 ReExam Report. So the first thing is this public conservation zone this is a working map that you have in front of you that is going to change somewhat it is a little tuff to sort of...we are going to figure out a better way to present the information but for the moment this is the best we could come up with. There are three things going on here. May not be easy to read but any property that encompassed by that bold outline is presently zoned public, public slash conservation here in Mount Olive. And for...if you are not entirely familiar with what that means, actually the definition of that or the purpose is cited right on the top here. It means essentially you're in...obviously...your public conservation but if it is a private property owner and they wish to build a house, they would be subject to the R5...RRAA Zone...5 acre zone...so they are not deprived of their use of their property like in all the years here I don't thing I've ever seen one. The point is we try to be very careful and not put private property into this public conversation category. That is why it is taking time because of going through the entire tax list and making sure that we have an accurate tax list for using only 15C Public Property. We are also using another classification primarily for an organization...Land Conservancy of New Jersey has purchased property here in Mount Olive and is currently preserved so you might say "why do we bother?" It's better and sort of timely because in next couple of months we'll be redoing the Housing Element yet again. But it's better to have an accurate presentation of...in the zoning ordinance and in the zoning map which is a legal instrument of what the land uses are in the town. So if all of these...areas that were formally in the residential zones are now properly now identified as public. It shows that we don't have the development capacity for more residential growth and that has a bearing on the terms of how deal with the affordable housing obligation. So anyway...I won't say much more about the map than that...other than I think it's self-explanatory. We do have some more properties to add. We are still going through that but we are finalizing that in the next couple of days. The next thing is the a very...old, old issue...it's been around forever. There are two parcels down on that Ironia Road. When you get a chance, you can look at it. They should have been both in the LI Zone...when the Planning Consultant at the time in 1997 Land Use Plan Amendment drew a line...essentially in the wrong place. It wasn't me. There probably was a logic to it at the time but we are going to revert that because the two lots in question...Lot 9...the back of lot 9 it is industrial in nature as is the front and the adjacent Lot 12 is likewise industrial so they really should be back in the LI Zone. Office Research Zone number 3 that's really...that's really just a subset of changing all the lands over to public that are in the public category. We only have one office research zone that's the intersection of Smithtown and Route 46 lots of wetlands in there anyway...in the Land Conservatory of New Jersey has purchased it...so it's a 53 acres site or thereabouts. There is no sense keeping an OR zone is place there...

MR. FASTERT: That's the one on the right side there...on the right side of the road...

MR. WEISS: As you come down the hill.

MS. NATAFALUSY: Coming down the hill on the right side.

MR. MCGROARTY: So that's all preserved land, at this point. So just...an OR Zone...

MR. FASTERT: Is this just plan on the right side...look likes both sides of Wolfe Road has now been fenced off

MR. MCGROARTY: Well that may be but this is not Wolfe Road now this is Smithtown and 46.

MR. WEISS: Crossing 46.

MR. MCGROARTY: But what I'm saying is that this is the one location that we actually have the Office Research Zone and...

MS. COFONI: And it's not being used for office research...

MR. MCGROARTY: No, it's wet and undeveloped and it's been that way obviously for...

MR. FASTERT: Chuck, jog my memory remember we set up some special zoning along Route 46 that didn't meet some of the normal the depth requirements to encourage office space...

MR. MCGROARTY: Yes

MR. FASTERT: What was that called?

MR. MCGROARTY: That's the PB...the PB...or the Professional Business or the Professional Business Commercial Zone and actually that's where Dr. Abrams is, Civil Engineering, the All State Insurance, so they all meet those new standards.

MR. FASTERT: It all sounds familiar I just wanted to make sure...I didn't think they were the same thing.

MR. MCGROARTY: No, no. They were recognizing that they were...they weren't very deep lots...

MR. FASTERT: Right

MR. MCGROARTY: The C-1 Zone Number 4...

MR. BATSCH: Chuck, what would that OR change to? What zoning would it change to?

MR. MCGROARTY: That would go to P Zone. When I actually have a complete table that has block, lot, address, acres, current zoning, and then public zoning, that you will see when the document is finished. I have 39 properties on there now. There will be probably maybe another 20 or so properties added. But you will see the full table certainly the draft long before you actually adopt it. So you will see what the zoning is. But again, we are only taking properties out of the commercial zoning or the residential zoning if they are already preserved...you know Green Acres Land or State of New Jersey Land. We are not taking someone's private property in a business zone and saying you should be a public parcel.

MR. BATSCH: Thank you

MR. MCGROARTY: The C-1 Zone...I'm not sure if everyone was here when Hal Simoff from Mount Olive Mews was here and got subdivision approval behind the Board of Ed...the old Board of Ed building on Route 46, and the discussion of how it got that approval and actually he will be coming back in the next couple of month because he wants to make some changes to that I mentioned before that Catherine, myself, and Gene met with him before...but what we would like to do and is if you flip over to, the next page, the top Exhibit 3 is actually an excerpt from one of his site plans I asked him to give me a sheet so I didn't have to draw it and estimate it like a I did in the ReExam Report and this would be as proposed anyway the land that would go...the land that's highlights...that would go from...actually 3 or 4 different zone districts, and will all become C-1 Zoning which is similar to what's out on Route 46. So bear with me a second if you are looking at it to the right, the big box that's the Board of Ed building as you all may know you see the ball field in the back that's presently in the Commercial Light Industrial Zone. It's kind of a left over...it's almost like some...artifact from many years ago all that area was Commercial Light Industrial then it changed when we created the new R-6 Zone for Simoff came in or Hovnanian before him so leaving the Board of Ed in a Commercial Light Industrial Zone which has a five acre minimum which allows warehousing and other things really doesn't seem appropriate on Route 46 so that will go to the C-1 Zone. And then all the lands to the east will likewise go...and I give you a general sense I've wrote it out but just so you know some of the land to the east is part of Simoff's tract...so it's R-6 Zoning. I said to Hal, if you propose to take that out of your overall tract, we want to make sure it doesn't have an adverse impact on your density taking acreage away so do all those calculations we've checked them. We've met with him as I've said a number of times and we are comfortable that he does not do it. And that land out there would never be used for residential anyway. And quite honestly it's probably not a bad idea, it's a nice buffer to the extent to what can be built. Then as you move further east, it encompasses the Trading Post, and a portion of the Trading Post is in the C-1 Zone already. But a small piece of it to the east is actually in the R-3 Zone. So the zone splits that property. And then lastly there is a small house next door. If I recall from the tax records, the owner of the house, owns the Trading Post. And I want to double check one more time before we actually officially move ahead on this so that residential property which is in the R-3 Zone, can we put it in the C-1 Zone that...that's not something that's going to be problem. But it was my understanding that Hal was looking to buy that whole area anyway. But you know we will see. If that one single family dwelling were to remain in the R-3 Zone it would have no...we could just taper it back a little bit. It wouldn't be an issue. The idea is everything would end at that stem of property that comes down as you see. Because that stem goes to a larger tract of land which is owned by the township.

MS. NATAFALUSY: Yes.

MR. MCGROARTY: Green Acres Funding. Because publically it's under public ownership, so that's it...

MS. COFONI: On the other side of that stem is that all R-3? So that would be consistent with that one house. If you were to leave that one house...

MR. MCGROARTY: Yes. Correct. You can look below Exhibit 4 you see how that zoning works there. Put the Trading Post sort of right on the zone boundary because the zone boundary splits the Trading Post or property. We are trying as we go through this you'll see in the next one sometime these zone boundaries got drawn in such a way that you run right through people's properties and it just creates havoc and stuff. The next one 5, first never let it be said I let anything out without a typo in it...so...it's not County, it's Country Oaks. So it's Morris Chase/ARD and Country Oaks. In the title I got that mistake. Basically, Catherine has talked about this for a while. She and Scott...when people come in now from Morris Chase...you know some of the properties are in the R-1 Zone and their homes were approved as part of Morris Chase as third of an acre lots in a cluster development. Not a good fit. This little paragraph which I quote here, take a look at this at your leisure, but this actually...this language Jay Lynch was our consultant years ago. In 1996 when he did this...he suggested that Country Oaks...the area that became County Oaks and to the south ARD at the time it was known and Morris Chase and so on that all be revert back to a R-1 Standard because there were no sewers and it was a discouragement of disbanding sewers and all that sort of stuff, and yet, had they...foresight in here...Jay did...to say if these developments were ever to go forward, the zoning could revert back to the R-3. And because, they have obviously have gone forward. The sewer issues have long been resolved. Their package plans for Country Oaks and for Morris Chase and why do it the R-3? Because now if someone puts a deck on their house or does something else to the house they are subject to the R-3 standards that they were approved under back in whatever those dates are 80's, 90's. Catherine and Scott can review it accordingly and we don't get variances for someone putting you know putting a deck on a house on a 1/3 acre lot that is subject to an acre lot standards. It simply does not fit. It might ask well if this was referenced back in 80...96, 97... why did it take so long to get here? We wanted to let litigation settle quite honestly...I mean not only that, it really wasn't a pressing issue but you do recall there's been years worth of ARD back and forth with the Courts...I think it's pretty much settled Phase 1 is being built, if it's not entirely built out in Morris Chase. Some of Phase 2, may or may not ever get built. It depends on the weather. But putting it all in the R-3 Zone we think makes sense.

MS. NATAFALUSY: Can we tell him that half of the development is in the R-3 Zone?

MR. MCGROARTY: No you cannot tell him that.

MR. SCHAECHTER: It's out there.

MR. FLEISCHNER: The truth is out there.

MR. MCGROARTY: Yes, and if you look at the next...if you look at the map and...I reduced the clip from the zoning map, Exhibit 5. There is a case and point at the top one. If you look at what's R-3 over at County Oaks at the top, you see how it cuts the zone boundary actually cuts right through lots and everything else. If you are one of the houses, half of your lot is in R-3, half is in R-1, it's...

MR. WEISS: I'm surprised that person has not been here yet...

MR. FLEISCHNER: they just put up the deck never got approval.

MR. MCGROARTY: So this is a good opportunity to clean that up. Then it becomes a consistent R-3 Zone throughout. And the other thing is there won't be any more development. Whatever development is there is there. It's not opening the doors for more development. It's just not going to be more out there. Other than what's already there. So...with that is about. And the last item...at least on this outline and certainly any more you want to add. We have been looking...Catherine and I have been looking at Old Ledgewood Road to the east of Flanders-Netcong Road, I'm sure you are all familiar with...you know what's going on towards Netcong...there's a lot of...a number of different properties are developed for industrial use and then if you come down Flanders-Netcong Road you have the trailer park...if you're coming south I guess it is...is it south? Going down Flanders-Netcong Road towards the ITC Shopping Center on your right side, of course, is the trailer park on the left side there are factory buildings. But that's all R-3 Zone.

MS. NATAFALUSY: Old Ledgewood Road.

MR. MCGROARTY: No, Flanders-Netcong Road. If you are coming down Flanders-Netcong Road there are factory buildings on the side.

MR. WEISS: It's across from the entrance to the...

MS. NATAFALUSY: Oh, I see what you mean.

MR. MCGROARTY: So, what I'm saying is Old Ledgewood has industrial uses. Some of which were approved by the Zoning Board many years ago. And then likewise Old Ledgewood does...rather Flanders-Netcong. Point being, if you look at the...Exhibit 6, this is just a zoning map you get sort of a sense...the right side of Flanders-Netcong Road there are some houses in there but there are some factories...industrial buildings, I'll say. And then all of Old Ledgewood Road off to the right is....on the border to Netcong and Roxbury...some fairly intensive industrial uses over there as well. Lastly you can sort of get a sense of that looking at the aerial clip from the other day. You can't quite see the factory buildings or the industrial buildings off Flanders-Netcong Road real well but you can see those big boxes. I don't know if it's a big issue but from time to time things come up we had someone come in during the year this past year interested in developing a property on Old Ledgewood Road for...I can't remember what it was...landscape or...

MS. NATAFALUSY: Speicher

MR. MCGROARTY: Yes, but I can't remember what he does. Trucking or something? Would have been a really good fit but it's in the R-3 Zone. So we said we would look at it. You know whether or not they ever came in for a variance or not I don't know. Just something...this is just one of those areas and there probably others where...it might be worth looking at, it may be the sort of thing you just feel that it's not worth getting into this time. But, I just wanted to bring it out there. And then, if there are any other properties that you think...Joe has mentioned in the past some concerns about the Harris Lane area. But if you think there are other locations of that more attention at this time. Now is a good time to look at it.

MS. COFONI: Chuck, I just have a question about the last one changing it from R-3 to C-LI.

MR. MCGROARTY: Yes.

MS. COFONI: I have trouble...kind of...would that affect some of these what looks like... residential properties...kind of between 206 and Old Ledgewood Road, or am I in the wrong area?

MR. MCGROARTY: No, it could. There some residential properties in there. That's why I'm...

MR. MCGROARTY: No it could. There are some homes along Old Ledgewood Road there are...if you are coming down...if you're looking at this map, Exhibit 6 Flanders-Netcong Road, I'm talking about the right side of the road. There are some of those industrial buildings but there is at least one or two homes in there maybe three. I can't remember. So, right now if you have a dwelling in that area, you're fine in terms of the zoning. If you have a business out there, you're out there either by virtue of a Use Variance which you got in the past or in some cases, you're just out there.

MS. COFONI: I was talking about up here...

MR. MCGROARTY: I'm talking about both up here and Flanders Road.

MS. COFONI: A couple right there, right.

MR. MCGROARTY: There are also homes along Old Ledgewood Road.

MS. COFONI: That's where I was looking...yes...

MR. WEISS: How far down does Mount Olive actually go down on Old Ledgewood Road?

MR. MCGROARTY: Old Ledgewood...right here...that's the boundary, right here.

MS. NATAFALUSY: Verizon?

MR. MCGROARTY: Exhibit 6...Verizon is the last business...as you are coming down Old Ledgewood heading out towards Route 202, 206, Verizon is on your right and on your left is that construction company, that's in Roxbury.

MS. COFONI: And over here?

MR. MCGROARTY: Yes, and then you get to the State Police Barracks...

MR. WEISS: It's not often traveled. I know, I know...the road. It's just not often traveled. That's State Police over here.

MS. COFONI: Yes, right.

MR. MCGROARTY: There might be another way too. I've seen ordinances where you change the zoning to industrial or whatever but the existing residential properties are recognized...you know...as an existing use in there. It's not a burning issue, I just felt like this would be the time to bring it up.

MS. COFONI: Yes, it's very mixed in the area.

MR. WEISS: Joe?

MR. FLEISCHNER: I think the question is really as a Township do we want it to be residential or do we want it to be industrial commercial. If the growth really is more a possibility of commercial industrial, and as Chuck said and if I'm hearing you correctly the people that still have residential are fine with what they have, then maybe we should change it. I'd rather make a decision either way then leave it kind of in limbo as to...this way people, whoever chooses to come in to do something they know where they stand. If it kind of up in the air, you know, and I think that that then becomes the question. What is the...is it a greater chance that it's going to be residential? My personal feeling, I don't think so. I think we have a greater chance of making it commercial or industrial then we just change it and the people that are in residential are grandfathered in essence.

MR. MCGROARTY: Yes, as a matter of fact, out there next to the property on Old Ledgewood Road on the north...top side...I want to say northern side, but...Old Ledgewood Road extends back to Route 80?...

MR. FLEISCHNER: Right. Correct.

MR. MCGROARTY: ...and someone actually came in...tell me again...what was the name...the subdivision...

MS. NATAFALUSY: Mary Gbur

MR. MCGROARTY: Gbur. The applicant was named Gbur and they got a three lot residential subdivision on that...that top side if you will...the north side is it?...I guess it's the south side...of Old Ledgewood Road and they never came in to build the houses. And that subdivision goes back at least ten years?

MS. NATAFALUSY: Yes.

MR. MCGROARTY: Maybe more. So I think there is an indication that...you know I just don't see that as an area of residential growth. Again, especially when your back yard is Route 80.

MR. FLEISCHNER: Right.

MS. COFONI: Yes. I mean...that's going it...

MR. FASTERT: Well there is clearly industrial close industrial use as well.

MR. FLEISCHNER: Exactly.

MR. WEISS: Right.

MR. FASTERT: So with that and Route 80, who wants to build a house there?

MR. MCGROARTY: Now, we have over the years and Catherine would know this better than me but you had people come in on those industrial buildings. There are several on Flanders-Netcong Road. That wants to reoccupy the building. And it's always the case well is has to be substantially similar to what was there before because otherwise it's a Use Variance. And you got these buildings out there that...so there may be a way of doing to...

MR. FASTERT: So there are currently buildings and some are not being used?

MS. NATAFALUSY: There are a couple of them around...I think there's one...

MR. MCGROARTY: Yes. Yes, because realtors will call and they'll say, what's the zoning? And then someone finds out it's not...it's a residential zone and they want to do whatever...I think one guy had a shrink wrapping for boats at one time out there and things like that...so it's not like...we don't have the industry...and if there's a way of doing it and recognizing the single family dwellings as a permitted use...it's unusual but maybe...I've seen ordinances that have done that. It's not always elegant but I think it protects people's rights and then if they want to do improvements to their homes and such they can do that.

MR. FLEISCHNER: And if we went that route the homeowners would be notified of the change. Am I correct for public hearing and they would have the right to come in and discuss it?

MR. MCGROARTY: I think they should, Joe. I think that when we get around to doing this Master Plan Amendment, I think we are going to need to do a companion Re-Exam Report just to cover the question of whether we have to do public notice because if we have to do public notice, it's going to be phenomenally expensive because of all the properties but, I think when in an area like that, there is nothing to stop the municipality from saying Catherine's office, I'm sure she wouldn't mind having the staff do the mailing, that would be fine right?

MS. NATAFALUSY: Yes.

MR. MCGROARTY: I didn't think so. They could say...you know...maybe a dozen or so problems out in this area if this were an area you want to let them know. And I would let them know before you have a public hearing.

MR. WEISS: Right. Right.

MR. MCGROARTY: If there are areas where you think it's going to be controversial, I always think it's a good idea to let people know. Rather than...

MR. FASTERT: Homeowners who areas are going to be changed to some kind of commercial zone is going to be concerned.

MR. MCGROARTY: Right. Right. Give them an opportunity to come in first and talk to you and sort of like a work meeting without doing public hearings on it since this is what is under consideration.

MR. FASTERT: And Chuck probably said which zones would you consider...which commercial zones you would consider changing it to.

MR. MCGROARTY: Probably commercial light industrial

MR. FASTERT: light industrial. That's what I was thinking.

MR. MCGROARTY: It's got a wide variety of things. A lot of commercial uses that would fit in light industrial, etc.

MR. FASTERT: Right.

MR. MCGROARTY: And it would be a clean fit, it would extend all the way out to the...up from the ITC south area all the way up to the municipal boundary with Netcong.

MR. FASTERT: Are warehouses permitted under light industrial?

MR. MCGROARTY: Yes. Yes they are and that...back to my point earlier...which is why we don't think the Board of Education property should stay in the Commercial Light Industrial Zone. Someone comes in we certainly want to encourage the reuse of the building and the revitalization of the site. But, it winds up being a self storage warehouse, it's less appealing I think on Route 46 then it might be somewhere else and I think you get more bang for your buck. So if we take that out of the C-LI and put it back in the C1 Zone I think we would be much better off.

MR. WEISS: Is it reasonable to think that maybe we could have a workshop with just this Old Ledgewood Road? To have a public session, to discuss that, and only invite those folks?

MR. MCGROARTY: I think you are free to do...

MR. WEISS: Because that seems to be the only thing that's offensive at this point...

MR. MCGROARTY: Excuse me?

MR. WEISS: It seems to be the only thing that would be offensive to a homeowner. I mentioned to Joe that it's kind of just recreating a Harris Lane situation. Where people say this is residential and now it's commercial even though not one of them lived there when it was residential...

MS. COFONI: Yes. I mean anytime you are taking existing residential lots and...zoning them something different. I don't want to take that type of think lightly. That's their home.

MR. WEISS: And of all recommendations that Chuck has made, this...this is the one that seems to be something that would trigger people's reactions.

MS. COFONI: The only controversial...potentially controversial situation...

MR. WEISS: So we would probably doing the right thing by holding a public session just on this. Allocating some time...

MS. COFONI: Would this be something...I don't know how quickly you want to proceed with the other stuff but if this is going to take more though some more...you might want to separate this out from the others.

MR. MCGROARTY: Yes, we just sort of put in the key ones that we have been looking at and maybe others, but yes...

MR. FASTER: Chuck, what is the total amount of acreage involved in this that would be changed?

MR. MCGROARTY: Here for the...

MR. FASTER: The area considered for light industrial.

MR. MCGROARTY: I don't know. I'd have to check...I'd have to find that out. So if I...we are talking about the east side of Flanders-Netcong Road and Old Ledgewood from the intersection out to the...

MR. WEISS: Town line

MS. COFONI: Yes.

MR. MCGROARTY: 40 acres. Somewhere in that neighborhood maybe...But you know, I'd check...if we were to have a meeting, like that...

MR. FASTERT: It's a nice size parcel you could build something significant there...

MS. COFONI: No, no, no, no...they are all different lots.

MR. WEISS: No, They're all different lots.

MR. FASTERT: But you could combine them?

MR. MCGROARTY: Remember we had a...Old Ledgewood Road from the Zoning Board years ago Bill Strauss has a operation out there removes dirt and stuff...and next to him is the...

MS. NATAFALUSY: Glenn Ergott.

MR. WEISS: You know the interesting thing...I don't mean to interrupt...but it's an interesting piece of property because it is very similar to where Mr. Kaplin has his property. It's kind of not a well traveled part of the town. Unfortunately, there are homes here already and that's the only concern I have. If there were no homes...boy what a great idea. Encourage big time development; it's away from everybody, close to the highway, close to the Netcong Border....

MR. FASTERT: Industrial uses like to be close to the highway.

MR. MCGROARTY: Yes, and I don't think you're going to get too many big time...because again, it's all on septic...

MR. WEISS: Right.

MR. MCGROARTY: ...there are no sewers out there. Will not be any sewers out there...

MR. WEISS: Right.

MR. MCGROARTY: Is thIS preservation...

MS. NATAFALUSY: No. Planning.

MR. MCGROARTY: Planning Area. So it's Planning Area. So that ruins at least that obstacle. And yes, I think and maybe the way to do it sort of a limited kind of industrial kind of use or commercial use. Maybe the CLI Zone is not a good fit. Because maybe it is too broad. Maybe something...because after all that fits the shopping centers...

MR. SCHAECHTER: Sure.

MR. WEISS: Maybe we can this to an agenda soon notice only the homes that are on the road. I don't think we are mandated to do everybody but we are going to isolate the homes find the homes in the area and bite them.

MS. NATAFALUSY: Well there are homes that people have like...there is a plumbing business, where he has his home in the front and business in the back in the garage or something...

MR. MCGROARTY: Yes, but Howie's saying just who to target to and...

MS. NATAFALUSY: Right.

MR. MCGROARTY: And before we do that I think we'd want to put a little more information together...

MR. WEISS: Yes.

MS. NATAFALUSY: Yes.

MR. MCGROARTY: ...we really didn't look into this as much as some of these other areas.

MR. SCHAECHTER: ...draft a letter explaining so that there...

MR. WEISS: Perhaps, when we get there that's where information is key. Nelson?

MR. RUSSELL: Chuck, the resolution in here where the garage in the recreational zone.

MR. MCGROARTY: Right.

MR. RUSSELL: Do we want to change that...

MR. MCGROARTY: I would say no. I...you know...we're not going to rehash that...I mean you made your decision on that. I would not change the zone to be honest with you because then you are really tailoring...first of all there are only two lots in that zone so you would be taking one of the two out and putting it into...I don't know what kind of zone it would be...and it wouldn't fit any...it's better off, if it's there at all, it's better off by virtue by you approving Use Variance in my opinion. Because it's undersized for a typical non-residential block and it wouldn't be a good...now you would have a non-residential zone for that lot surrounded by residential uses. Yes, so I like that fact that at least its limited by the Use Variance I think it will help all concerned.

MR. RUSSELL: Ok. Alright.

MR. FLEISCHNER: I was just going to say, So can we just moved forward on all the other things you touched on and make absolute sense and then as Howie suggested we just kind of add an additional agenda item for one meeting to notify just those people and just have a discussion and see where they stand because I don't want to have just that particular piece of property which the discussion can go on for quite a while and hold up everything else.

MR. MCGROARTY: Yes. I think that makes sense because you know next month there may be two other sites that are worth looking at so the good thing is you can always make changes as you move forward.

MR. WEISS: Right. And it's almost like...I'm sorry, go ahead.

MR. FASTERT: The homeowner is not looking at...this probably increases...improves the value of the property. They might be interested in that. You know because if someone wants to acquire this for some more significant industrial use...

MR. MCGROARTY: Yes, and the way you might do it do is recognize it as existing residential and...but if it's converts to a non-residential use it's a larger lot size for obvious reasons as so on and that...that would then rather encourage to consolidate properties or if they are not interested, stay residential.

MR. FASTERT: Right. You mentioned that some of the properties there had gotten use variances and some...you know...and some just didn't.

MR. MCGROARTY: I know Stroud got a Use Variance. I know that Ergott next to them got a Use Variance for his storage area. Although it looks a lot different when I ride by today than it did when it was on the plan which I was absolutely shocked. That stuff happens. But there is...there is another one for the down for the one which Catherine just referenced I mean there's no approval for that...

MS. NATAFALUSY: There's a plumbing...he converted his garage into a plumbing...and then it just evolved through the years.

MR. MCGROARTY: So it's there. And know it's not a questions of going after someone to penalize them...it's to see...I mean...you go down that stretch of the road and it's...it's a narrow road anyway and it's all...as you get down toward Netcong Roxbury it's all industry...non-residential.

MR. FASTERT: Right. The...any idea when the...use variances occurred?

MR. MCGROARTY: Yes, we definitely have a variance with those.

MR. FASTERT: Off the top of your head, do you know how long ago that was?

MR. MCGROARTY: I mean...I've been here 73 years...

LAUGHTER

MR. MCGROARTY: I would say probably in the early 90's.

MS. NATAFALUSY: The 90's...yes...with the Zoning Board.

MR. WEISS: Chuck, you were very clear to say that it needs more work, but perhaps we could pull back on doing that work until we hear something from the public.

MR. MCGROARTY: Yes. No when I said workout, just to get some basic information: how many properties, how many...

MR. WEISS: I would hate for you to go and spend a lot of time on it and then get highlighted and say that makes good sense and....

MR. MCGROARTY: No, you're right.

MR. FASTERT: The reason I was asking that question, if the Use Variance is relatively recent, you know those homes were probably there in that period of time and the homeowners didn't seem to object...

MR. MCGROARTY: Yes. The homes were definitely there before the 90's when these other ones came in.

MR. FASTERT: Yes, so the homeowner didn't seem to object to that kind of use variance.

MR. MCGROARTY: As I recall, I don't recall...

MS. NATAFALUSY: I don't recall...public.

MR. MCGROARTY: But we can separate that out and I do want to just mention again that housing stuff evolves from week to week. We have a deadline that we have to get a housing plan now to the Court by April 4, 2016 so we will be having a...we will have to have a public hearing on that at the March meeting at the latest. Next month, February is probably too soon. The one advantage Mount Olive we have here versus other places, is that the plan that we put together in the past...we can just really take that and tweak it a somewhat so we don't have to spend a lot of time. Look, we are going to have to have a public hearing in the second meeting of February or March. Probably better to do it in March.

MR. WEISS: Catherine has kind of identified the February 18th meeting date. If that doesn't work for you, we'll maybe move you to the first meeting in March.

MS. NATAFALUSY: We have only one application on that night, the Collioud on February 18th so if we don't, we can it the first meeting in March.

MR. MCGROARTY: No, I mean getting the plan together is fine. We need a ten day notice in advance of the February...so we will work that out and I mean...we are going to shoot for the second meeting in February.

MR. WEISS: Yes. February 18th.

MR. MCGROARTY: With a default as the first meeting in March.

MR. WEISS: Well if we can get it done, then let's get that notice out. And then we'll start the schedule for the 18th of February.

MR. MCGROARTY: But I mentioned that because I really need to give that the priority...

- MR. FASTERT: I am not available for that meeting so I don't know...want to do a head count?
- MS. NATAFALUSY: You're not here for February 18th?
- MR. FASTERT: Yes, I will not be available for February 18th.
- MS. NATAFALUSY: I know Joe is not going to be here on the 11th and we're probably cancelling that meeting at this point.
- MR. FLEISCHNER: And I will not be here on the 17th of March, I will be in Israel.
- MS. NATAFALUSY: On March 17th?
- MR. FLEISCHNER: 17th of March. I'm sorry 17th of March.
- MR. WEISS: Ok. What we'll do...
- MR. FLEISCHNER: But the first meeting will be on the 10th.
- MR. SCHAECHTER: You're going to phone in for that?
- MR. FLEISCHNER: Am I going to phone in for that?
- MS. COFONI: I would certainly hope so.
- MR. WEISS: Anybody have anything else that they want to discuss. I do have something, Chuck, I'll give you my notes when I'm done. The Mayor's got a game plan...digress a little bit...you know he feels he is getting...very close to selling the 57 acres and when he does so he feels there will be a large surplus of revenue that he will have at his discretion. He's got a vision. His vision is to somehow look at some vacant properties that are around the town maybe using some municipal money, getting some private venture, rehabilitate these buildings and make them marketable in an effort to clean it up. And for example, I'll give you this so you don't have to write it. We've identified...in a conversation that we had...I know there might be things in the works. But the property is next to the Budd Lake Diner is one, an old gas station, the old Boat House is a vacant building the old Drakestown Inn. It's was many other things since then. It was a go-go bar; it was a Japanese style restaurant on the east side of 46. There is an old abandoned Exxon Station on Route 206, and I believe there is someone coming to talk to you about it. It was still identified by the Mayor. The plumbing supply store on Route 46 across from the lake, I know that that's been in front of us. It kind of stalled and it's still vacant so the Mayor wants...
- MR. FLEISCHNER: It's too small because of the preservation...
- MR. MCGROARTY: No they got their approvals. A two story building, restaurant on top, valet parking situation...
- MS. COFONI: Yes, that's right. That's right.
- MR. WEISS: Regardless, that's still sitting idle. The gas station at the corner of Route 46 and 80 to name a few. So....
- MR. SCHAECHTER: The Mayor really wanted the Board of Ed building on...
- MR. MCGROARTY: We've had someone meet with us this week about that building
- MR. WEISS: So, this list is certainly not limited to that list but the Mayor would like to make sure that zoning doesn't hamper the development of that. So, at your leisure, Chuck, if you could take a look at maybe even identify the current zone. I think Catherine and I spoke about it this afternoon. It seems to be ok. The property next to the Budd Lake Diner might be the only issue because of the proximity to rear to the homes. And that's now in the PB Zone.
- MS. NATAFALUSY: Yes.
- MR. MCGROARTY: When you say the zoning I mean...the zoning is what the thing is if there's a definite...particular proposal for the site then we can...
- MR. FLEISCHNER: There was at one time.
- MR. SCHAECHTER: Is that the gas station?

MR. FLEISCHNER: The diner wanted...the diner wanted to buy for a parking lot...

MR. SCHAECHTER: Did Jim Smith own that?

MR. FLEISCHNER: ...but the people behind it came to the Board of Adjustment and said we don't want a parking lot with people shining lights into our window so the board turned it down but they wanted to make it a parking lot

MR. SCHAECHTER: Is there environmental issues on that property about tanks?

MR. MCGROARTY: Tanks are long removed and we've actually had someone recently interested in a convenience store there but that zone...someone questioned earlier that zone up there was created in recognition to the residential to the rear and they're not eight lots so...to take it out of the Commercial One Zone (C-1) but I...you know again someone has come in recently looking to do a convenience store there they would need a Use Variance...

MR. WEISS: Chuck, to come back to your question that you just gave me, generally...are these buildings vacant because they are poorly zoned? Can we...they not develop it commercially? I don't know, Catherine thinks that it's zoned properly. I think the answer needs to go back to the Mayor.

MR. MCGROARTY: I think the answer to that...that's a good question...one indicator of that...inaudible...the town today this afternoon on almost this exact issue and...one of the first indicators to me is if the zoning is not proper someone is coming in for Use Variances...

MR. WEISS: But that might make people run...the Use Variances.

MR. MCGROARTY: You know...it is improper...I mean you can always...and then the question is what does the town really want to accomplish? And is the public...professional business zoned the right fit for that side of Route 46 given the proximity of the residential areas or is it you want to see something more extensive in there.

MS. NATAFALUSY: I think the problem, excuse me, Chuck. Four of those lots are in the preservation area. I think that's more from then the zoning...

MR. WEISS: Well, listen. The idea is out there and I think there needs to be substance behind the idea. And so the Mayor is going to bring it up to you one day.

MR. MCGROARTY: Ok.

MR. WEISS: I just want you to be prepared. These are his properties and of course if the Planning Board sees any others that we would like to rebuild if the Mayor want to put that in his master plan. In his master plan...

MR. MCGROARTY: there is interest for the Exxon on 206...

MR. WEISS: Joe...

MR. FLEISCHNER: I was just going to say if somebody is in the Preservation Zone, I think the land should be purchased and that's it. Then it becomes Open Space Land. I don't care, its preservation. And...the Highlands has made a decision preservation is preservation.

MR. MCGROARTY: Although, if it's in the preservation zone like the lot on Route 46 is and there are buildings and improvements on it, they can be redeveloped. And they are exempt from Highlands then, if they stay with the 125 percent of impervious coverage.

MR. FLEISCHNER: But it all depends what...we have to be careful with that because that strip on 46 does not look good, now. I know that...

MR. RUSSELL: Yes, there are some abandoned residents on Route 46. Roofs are caved in...they are hazards...

MR. FLEISCHNER: Right.

MS. NATAFALUSY: The brown house...

MR. WEISS: Good point, Nelson. Apparently, that could be...I'm not limiting what the Mayor conversation was with myself that could be certainly part of the plan. And Joe, you make a good point. I don't know if the Mayor wants to take this surplus of funds or this increase of funds and use it to buy...I think he wants to use that...it could be two separate issues. I don't disagree with you...

MS. COFONI: Well especially because if you use it to make it a profitable business that you kind of reap your own rewards. Because then you get...make an open space and the story you spent the money is done.

MS. WEISS: I understand that. I think Rob was looking to say I'm going to get X amount of money for 57 acres, I'd like to re-invest it in the town by taking even the homes and one of the homes zoned can we redo renovating to make a commercial building.

MR. MCGROARTY: These are all in commercial zones...so

MR. WEISS: Yes. I think...I just wanted to make sure...I know the Boat House has its tremendous limitations for parking...

MR. RUSSELL: What about the Blue Bird?

MR. WEISS: Blue Bird...right. That list can grow on and on...if's it's...

MR. RUSSELL: They have all been abandoned for 30 years...but they all have essentially have the same problem...

MR. FLEISCHNER: Blue Bird is a different story...

MR. MCGROARTY: We have had a long, long history with the Blue Bird and a difficult owner, at present and has been a difficult person for years but they also have a problem and again it's out of our hands it a small tributary to the rear and DEP has over the years put different classifications on that as a wetland bringing it all the way up passed the building on to the highway putting it all on a preservation...all on a buffer area. There are ways to get relief from that would be up to the property owner to pursue that but it's a tuff sight because of that.

MR. FASTERT: Yes, a lot of those sites along Route 46...

MS. NATAFALUSY: Howie and I also talked today about...

MR. WEISS: I forgot to write that. And that was one that the Mayor actually brought up too. So you may want to add the Old Mill property.

MR. WEISS: The bottom of Antique Hill the old antique building which...

MR. FLEISCHNER: It was called Antique Hill because of the antique shop...

MR. WEISS: ...because of the antique shop. And the fact that there is limited parking, Brian, it might be a good time to make sure that that's an Office Zone. You could put in a small professional building.

MR. FASTERT: Is the pond that, Chuck do you know, that the pond in front of that old antique store, is that a natural pond or was that built?

MR. MCGROARTY: Well there is a stream that comes down and again like I was saying we actually have a couple come in and look to and wanted to buy that and do something similar to that an antique kind of business and all that...

MR. FASTERT: The reason I ask is because could that pond be filled in to make more parking spaces?

MR. WEISS: No.

MR. FASTERT: If it was man made?

MR. MCGROARTY: And that is part of the problem. We met with their engineers. It's a very, very difficult site constraint on that property and so that's what happens. These properties...

MR. RUSSELL: That was the old Mill.

MR. MCGROARTY: One thing for another day is to start looking at some of the real boring stuff in zoning it really does cause problems which is excessive parking requirements and things of that nature where people can come in and get variances for them but when they look at it, it's difficult to design a plan...you know when you have to design it to the ordinances...and quite frankly a lot of these sites everywhere not just Mount Olive, the zoning...the parking standards are...

MR. FASTERT: That was one of the goals for the professional zone.

- MR. MCGROARTY: Yes, because that has...as I recall...reduced parking.
- MR. FASTERT: We tried to reduce the parking...
- MR. MCGROARTY: I think what will be on the radar this year at some point will be the A & P site up on Route 46.
- MR. WEISS: Right, because it's empty.
- MR. MCGROARTY: And that would make a nice re-development site. But, again do we need...three quarters of the site is parking. Do we need that much parking?
- MS. COFONI: Only on Thanksgiving...
- MR. MCGROARTY: I went to A & P all the time...I never ever saw...except for a trucker taking a nap...park out by Burger King...unless you were going to Burger King...just ridiculous the amount of parking...
- MS. COFONI: Well, I also think...when it comes to parking a lot of times we recognize too is unless you got situation in which we have had where people...whether the overflow is going to affect residents or other areas...the only thing it's going to do is you're going to lose business. People just drive in and drive out. I mean so it's really...the effects of it are not...depending on the area...the effects of it are not tremendous...
- MR. MCGROARTY: We can add that to the list but we can move ahead on this except for Old Ledgewood unless anybody has any objections...
- MR. WEISS: I can't imagine we are obligated to send out certified letters when we are just going to do it as a courtesy I would think we'd want to invite people in on the conversation. The conversation could be five minutes if nobody shows up...
- MS. COFONI: You mean for the last item?
- MR. WEISS: Yes.
- MS. COFONI: Yes because it just going to be a...
- MR. WEISS: I would like to try to do that if...I know, Chuck, you said it's not a priority but when we make that...when we are ready to discuss it let's try to get that notice to the public and put it on an agenda.
- MR. FLEISCHNER: Can you kind of give us a date when you think you want to talk about it and then we can just put in on the agenda?
- MR. MCGROARTY: Yes. At this point we are probably looking at...if you want to look at Old Ledgewood area...I would look at it around April. Because if you want to get this done, the Housing Plan to get done, you got the rezoning ordinance for ITC area is going to be coming in.
- MR. FLEISCHNER: Am I allowed to say now that Chuck did a good job?
- MR. FLEISCHNER: Chuck, you did a great job. Thank you.
- MR. MCGROARTY: Thanks.
- MR. WEISS: All in favor of that comment.
- ALL: Aye
- MR. WEISS: We have no other business. Anybody have any comments? No other business on the agenda.
- MR. SCHAECHTER: I'll make a motion.
- MR. FLEISCHNER: I'll second it.
- MR. WEISS: That's an excellent idea, Brian. Joe, seconded. All in favor.
- MS. NATAFALUSY: Just one thing...we are probably going to cancel the February 11th meeting.
- MS. COFONI: Is it officially cancelled or no?

MR. WEISS: No, let's keep it opened in case...

MS. NATAFALUSY: You want to keep it open? I'll send out an email...

MR. WEISS: Anybody else? So we have a motion, second, all in favor?

All: Aye

(MEETING ADJOURNED AT 8:40.06 PM)

Transcribed by:
Mary Strain, Secretary
Planning Department