

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

**ROLL CALL:**

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

**Members Excused:** Scott Van Ness

**Members Absent:** Nelson Russell

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

**Professionals Excused:** Edward Buzak, Esq.

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MR. WEISS: Catherine, just one small correction under roll call that would be Birthday Boy, John Mania. Happy Birthday, John.

MR. MANIA: Thank you.

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**APPROVAL OF MEETING MINUTES**

MR. WEISS: First item on the agenda is the approval of minutes from the February 18, 2016 Meeting. We all have copies of that. Brian, will you please make a motion to move those minutes?

MR. SCHAECHTER: I will make the motion to move the February 28, 2016 Minutes.

MR. WEISS: Thank you, Brian. Second?

MR. BATSCH: Second.

MR. WEISS: John, perfect, thank you very much. Any questions? Seeing none, Catherine, roll call.

**ROLL CALL:**

Joe Fleischner	- yes
Brian Schaechter	- yes
John Batsch	- yes
Howie Weiss	- yes

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**COMMITTEE REPORTS**

MR. WEISS: We'll jump into Committee Reports. Nelson is not here. So there will be no Mayor's Report. I also have nothing from the Mayor. John, Council. Anything from the Council?

MR. MANIA: Yes, the Mayor informed the Council on Tuesday evening that they'll soon be starting work on the Seward House and he is going to be doing it with "in-house" labor. And I think Joe Fleischner has the honor...

MR. FLEISCHNER: No, he asked me. I haven't volunteered yet. Let's clarify that please.

MR. MANIA: Joe Fleischner has been asked to oversee it and I think Joe will do a great job.

MR. FLEISCHNER: If he does it.

MR. MANIA: If you do it.

MR. WEISS: Excellent. Couldn't think of a better person, Joe.

MR. FLEISCHNER: Thank you.

MR. WEISS: Thank you, John. Environmental Commission.

MR. SCHAECHTER: Nothing.

MR. FLEISCHNER: The only thing, if I may, just so people sitting here today. If you want your well water...if you are on a well and you'd like to test it or if you have water in your house and have copper pipes with lead solder. On May 14<sup>th</sup>, you can come to town hall in the morning and pick up a sample...a sampling kit. There's a fee. It was just in the Mount Olive News and the Mount Olive Chronicle today. And you bring it back Monday morning on the 16<sup>th</sup> with the water sample and then it goes to an outside organization Raritan Headwaters and they test the water and then they mail it back directly to the homeowner. It does not come to the town. It does not come to the Environmental Commission. It goes back to the homeowner. And I think the simplest test is like \$60.00. But there are numerous tests that people can have done.

MR. WEISS: Thank you, Joe. While you have the floor, anything from the Ordinance Committee?

MR. FLEISCHNER: No. Nothing.

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

MS. MOTT: No.

MR. WEISS: Brian, anything from Board of Education?

MR. SCHAECHTER: I have nothing.

MR. WEISS: Let me just jump ahead a little bit. On tonight's agenda we had PB 15-34, Joseph D'Egidio, that hearing is postponed until May 19<sup>th</sup> if anybody is here for that application it will not be heard but it will be moved till May 19<sup>th</sup>. No further notice. So if you are here for that meeting...that hearing, it will not be on tonight. Also, just as I don't want to forget anybody has a cell phone or pager, please make sure it's on silent.

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**EXTENSION REQUEST – PB 13-26 – VOGT (PAGE/STURM) – 17 LAKEVIEW AVENUE – 2801/67**

MR. WEISS: That brings us to an Extension Request that we have on the agenda for PB 13-26 Virginia Vogt at 17 Lakeview Avenue, Block 2801, Lot 67. Ms. Vogt if you would...

MS. VOGT: It's 16 Lakeview Avenue.

MR. WEISS: It's 16 Lakeview Avenue. You can come to the front desk.

MS. VOGT: I think you said 17.

MR. WEISS: It does say 17.

MS. NATAFALUSY: Sorry.

MR. WEISS: No, that's ok. It's 16.

MS. VOGT: It's 16.

MR. WEISS: We don't need to rule out...cancel the hearing because of that, do we?

MS. COFONI: No.

MR. WEISS: I'm joking. I'm joking.

MS. VOGT: Good.

MR. WEISS: Ms. Vogt. Yes, Vogt. Ok. If you would, I'm going to have our attorney swear you in.

MS. VOGT: Ok.

(VIRGINIA VOGT SWORN IN FOR THE RECORD)

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

MS. VOGT: My name is Virginia its (V-I-R-G-I-N-I-A) the last name is Vogt (V-O-G-T) and the address is 16 Lakeview Avenue, Budd Lake, New Jersey.

MS. COFONI: Thank you.

MR. WEISS: Ms. Vogt, you can have a seat and get comfortable. I have a copy of a letter you sent to the Planning Board.

MS. VOGT: Ok.

MR. WEISS: Explaining why you are here for the extension. But if you would be so kind, why don't you create a record for us and tell us what brings you here tonight and why you need an extension.

MS. VOGT: I purchased the house back in January and...I want an extension on the variance so I can build a deck according to the already approved specifications.

MR. WEISS: Ok. So, I can help you clean it up a little bit.

MS. VOGT: Ok.

MR. WEISS: The property already had an approval from this board.

MS. VOGT: Yes.

MR. WEISS: That was said to expire, I don't have the details in front of me but when you purchased the home you realized that there was an approval and I assume you're going to tell us that you're not ready to build a deck but want to maintain the approval.

MS. VOGT: Yes, what you just said.

MR. WEISS: Do we know when the...this approval will expire?

MS. NATAFALUSY: It's expired already.

MS. VOGT: It's expired already.

MS. COFONI: It looks like the applicant...the resolution of approval was adopted according to my notes January 16, 2014.

MS. VOGT: That's correct. That's what I have a copy of too.

MS. COFONI: So it expired a year later so January 2015. Yes, ok. So, essentially it expired just around the time when you bought the home.

MS. VOGT: And when I purchased the home. I knew they had an approved variance but I didn't realize that it was going to expire.

MS. COFONI: Ok.

MR. WEISS: And that was about 15 months ago? Correct?

MS. COFONI: Yes.

MR. WEISS: Is there any legal precedence that would stop us from offering an extension...on an application that expired?

MS. COFONI: No. You may recall that the ordinance just permits the board to grant extensions and doesn't really state any...qualifications or...

MR. WEISS: Ms. Vogt, do you have a time frame for us?

MS. VOGT: Do I have...

MR. WEISS: A time frame for us? When you think you'd be building...

MS. VOGT: I would like to do it as soon as possible. I realize that I had to have the variation...the variance approved by you guys so that I can apply for the permits.

MR. WEISS: Ok. So you're ready to apply for the permits right now.

MS. VOGT: Yes, I am.

MR. WEISS: Ok. That's fair enough. Does anybody on the Planning Board have any questions for Ms. Vogt?

MR. SCHAECHTER: No.

MR. WEISS: Catherine, is there any situation we need to be aware of?

MS. NATAFALUSY: No.

MR. WEISS: Ok. It's a fairly simple request though. Our attorney clearly made it obvious to us that there is nothing to stop us from granting it. The process would be, if this was approved tonight, it will be about a month...

MS. VOGT: Ok.

MR. WEISS: ...and then you will have the resolution of what happened here tonight.

MS. VOGT: Right.

MR. WEISS: And then you can get your building permits at that point. That would bring us into, let's say the end of May.

MS. VOGT: Ok.

MR. WEISS: How long do you think it will take you? You want to start building right away?

MS. VOGT: I want to start building right away. I'm ready now. So as soon as I can get all the paperwork done, then I'll be ready to start.

MR. WEISS: Do you have a recommendation for the Planning Board of how long of an extension you will need?

MS. VOGT: I would say no more than a year. I mean six months maybe. I'd like to get it done...I don't want this project to drag out.

MR. WEISS: I would think it's a simple deck. Correct, am I correct?

MS. VOGT: Yes.

MR. WEISS: I would think six month is an accurate...especially if you're being accurate with your...

MS. VOGT: I think six...

MR. WEISS: ...now that you have your folder ready to go...

MS. VOGT: Yes. Six months would be fine.

MR. WEISS: Ok. So, if we...six months extension...

MS. COFONI: From today?

MR. WEISS: From today which is...

MS. COFONI: Ok.

MR. WEISS: Twenty-one month extension from the last. Ok. So what's on the table with the Planning Board is a six month extension from the date of the resolution, the adoption of the resolution.

MS. COFONI: Ok.

MR. WEISS: You don't want to lose a month. So, let's make it six months from the resolution date which will be, I'll just say somewhere in the middle to the end of May.

MS. VOGT: Ok.

MS. COFONI: 19?

MR. WEISS: Six months, that brings you to November...

MS. VOGT: That should be plenty of time.

MR. WEISS: Ok. So, that's the fact. If nobody has any comments, let me open it to the public. If anybody from the public has any questions or comments on the conversation or testimony from Ms. Vogt, I see none. Let me close it to the public. The Planning Board, I will look to entertain a motion. John?

MR. MANIA: Mr. Chairman, I would like to make a motion for the approval and the extension request PB 13-26.

MR. NELSEN: Second.

MR. WEISS: Thank you. And that extension would be six months...

MR. MANIA: Six months from...

MS. VOGT: From the date of the resolution?

MR. WEISS: Ok. We have a motion, we have a second. Any conversation? That was John, seconded by Dan.

MR. NELSEN: Yes.

MR. WEISS: Thank you very much. Any conversation?

MS. NATAFALUSY: Just a note that Dan walked in the door at 7:02 pm because he wasn't...

MR. WEISS: Yes, thank you. Didn't miss a thing, but Dan is here for the record. Thank you, Catherine. Catherine, roll call.

ROLL CALL:

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

MR. WEISS: So, Ms. Vogt, you can check...Catherine what's the date of the next...second Planning Board Meeting?

MS. NATAFALUSY: May 19<sup>th</sup>

MR. WEISS: Somewhere around the 20<sup>th</sup> you can check in with Catherine's Office and pick up a copy of that resolution if you'd like.

MS. VOGT: Ok. Great. Thank you very much for your help.

MR. WEISS: Thank you.

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**DEVELOPMENT MATTER PB 16-03-SIMOFF-MOUNTAIN RIDGE ESTATES-4100/80, 83 & 84**

MR. WEISS: We move to our lone Developmental Matter for the evening which is PB 13...I'm sorry...PB 16-03, Simoff Engineer, Mountain Ridge Estates, Revised Preliminary Site Plan, Final Site Plan, Minor Subdivision, Phasing Plan, located at Route 46 and Chamberlain Road, Block 4100, Lots 80, 83 and 84. I see we have Mr. Vogel...

MR. VOGEL: Yes.

MR. WEISS: Representing the applicant Mr. Simoff. Gentlemen, welcome back.

MR. VOGEL: Thank you.

MR. SIMOFF: Thank you.

MR. WEISS: And I will turn it over to you Mr. Vogel.

MR. VOGEL: Thank you. For the record, Jerome A. Vogel, Jeffer Hopkinson & Vogel, the attorneys for the applicant. In preparing for tonight, I looked back at the file and it seems it me we started before this board really back in 2006 so the hearing went through 2007 and you granted an approval in 2008. This application is unique because most of the time that you have applicants come before you they want more. This is an application for less. We...the original approval was for 215 townhouses and 54 affordable units on a little over 63 acres. And that remains the same. The number of units remains the same. What this application is about is that we now have a national builder, Ryan Homes, ready to prepare to go in and to build the units and their protocol for the projects that they have done all over the country calls for units that are just somewhat smaller. Same number of units, same layout, same road layout, same Site Plan you approved. But as a function of these smaller units there is an attribute to it we are going to have 2.66 more of open space so instead of cluttering up the lot with more, we are going to provide a project that has more open space. Essentially all of the prior approvals, everything that we've gone through, the 250 units, the 54 affordable units, the road layout, clubhouse, all of the project remains the same except for the fact that we're making the units somewhat smaller which allows some changes to occur on the site plan. So as I say what we're here for is less not more. With that being said, that is the prefatory statement that I have. I would call Mr. Simoff as a witness. As you all recall, Mr. Simoff designed the original Site Plan which you approved and he will share with you the proposed changes. Unless you have a question of me, I am prepared to call Mr. Simoff.

MR. WEISS: Mr. Simoff, you're going to testify as the engineer...

MR. SIMOFF: Yes.

MR. WEISS: ...or as the applicant?

MR. SIMOFF: Both.

MR. VOGEL: Both.

MR. WEISS: Ok. Let's make sure we that swear Mr. Simoff in.

(HAL SIMOFF SWORN IN FOR THE RECORD)

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

MR. SIMOFF: Hal Simoff (S-I-M-O-F-F), 2 Shunpike Road, Madison, New Jersey

MS. COFONI: Thank you.

MR. VOGEL: Mr. Simoff, you are the principal and the applicant? Are you not?

MR. SIMOFF: Yes, I am.

MR. VOGEL: Are you also a Licensed Professional Engineer in the State of New Jersey?

MS. SIMOFF: Yes, I'm also a Licensed Professional Planner.

MR. VOGEL: And do you...have you previously qualified before this board in particular with respect to this particular application? This application and other applications within the township.

MR. WEISS: I can stop you there and I know where we are going to go. Mr. Simoff, are you also going to testify as a planner if need be?

MR. SIMOFF: If need be, yes.

MR. WEISS: Ok. So, you don't have another planner.

MR. SIMOFF: The...

MR. WEISS: You didn't bring a planner...

MR. SIMOFF: No, we did not.

MR. WEISS: Ok. So, I think maybe to the Planning Board, we're looking to make sure everyone is ok with Mr. Simoff being an engineer, licensed expert engineer, and planner. As well as, the applicant. And with that said I think if anyone doesn't know Mr. Simoff he's been in front of the board many times. As I said, I don't really need to hear anything unless anybody here does. I think we'll certainly accept Mr. Simoff as an engineer, planner, and of course the applicant. Welcome back, Mr. Simoff.

MR. SIMOFF: Thank you.

MR. VOGEL: Alright, Mr. Simoff, in accordance with the previous approval of this particular project, did you undertake to do a study with respect to certain revisions?

MR. SIMOFF: Yes.

MR. VOGEL: And how do you come about that the revisions were to be offered to the board as an opportunity with respect to this project?

MR. SIMOFF: The...the builder...the prospective builder, Ryan Homes, has a smaller footprint and a different model. The original model was for 1,900 square foot footprint that was...because we had an age restricted...it was originally approved as age restricted. It was changed to non-age restricted and so we reduced...because we...they had more activity on the first floor. Now the buildings go three stories instead of two stories. And we are reducing the footprint.

MR. VOGEL: Alright. The project as approved compared to the project as proposed this evening, any change in the number of units?

MR. SIMOFF: No.

MR. VOGEL: Any change in the number of affordable units?

MR. SIMOFF: No.

MR. VOGEL: Alright. Would you describe to the board what the proposed changes are and how you arrived at them.

MR. SIMOFF: Yes, I have mounted adjacent on the easel with reduced versions comparison between what was approved previously and then this application.

MR. WEISS: Why don't we mark those boards if you would, Mr. Simoff? We'll mark the first one, the one that's on the ground, I think you eluded to that...that's...

MR. SIMOFF: The older one.

MR. WEISS: ...the older one. We'll mark that one A-1 with today's date and the title of that with the date if you would be so kind.

MR. SIMOFF: That is Master Plan Mount Olive Mews and it's dated 9-8-08. So this was previously submitted...a reduced version...that I can pass out.

MR. WEISS: Perfect. Thank you. So what you're passing out, this is a copy for us...this is A-1. That's what you'll be speaking about? You might as well mark, while you are standing there...mark the second one A-2. And if you could tell us what that is. This is A-1 coming.

MR. SIMOFF: A-2 is a Master Plan which I call mountains...Mountain Ridge Estates, that's the new name. And it shows...its dated 4-21-16, today's date.

MR. WEISS: Ok.

MR. SIMOFF: Basically both of these are renderings of the Site Plan that was submitted previously and the Site Plan that is part of the application. A-2 is part of this application.

MR. WEISS: Ok.

MR. SIMOFF: What Mr. Vogel was talking about was the major changes in this between A-1 and A-2 is we added 87 surface parking spaces all the units have two car garages. We'll have the architect...we presented the Ryan Architectural, they all have two car garages. They were part of the original plan. We added 87 parking spaces throughout this site for visitors. So they were not necessary but the developer...I'm sorry...Ryan Homes requested it to make the parking more acceptable. We removed the pool. We added a tot lot because our previous approval requested a tot lot in the area by the clubhouse, we eliminated the guardhouse, we just have a circle and if you remember...just to bring you back to some memories, the circle will accommodate a school bus. That was part of the original, but there is no guardhouse.

MR. WEISS: So, the circle remains, the guard house was...

MR. SIMOFF: The circle remains the same diameter but the guard house is gone completely.

MR. WEISS: Ok.

MR. SIMOFF: We're requesting a Seven Phase Plan. We want to do this in phases so we can bond it in phases. Catherine, does the board happen to see my description?

MS. NATAFALUSY: Yes.

MR. SIMOFF: Ok. The other issue...the one other change is we are requesting a separate lot for the affordables. Because the affordable are going to be rentals. Give the township a larger credit for COAH. So the affordables are going to be maintained...or owned by Mountain Ridge Estates and operated as rentals. Same number of units. What we did do is the architecturals are a little bit different. The units are two feet wider. So what happens is we originally received a Setback Variance of 160 feet and now we are down to 155 feet. So because...because buildings got a little bit wider we've got 5 feet closer to the road. So I talked about the change to the footprint, the reduction in the footprint eliminates some of the variances that we received or lessens some of the...some of the major ones are the setback to Chamberlain was original 50 feet and now we are 9 feet. We have a 10 foot deck. I spoke to Scott Van Ness, the deck counts as a setback.

MR. WEISS: Mr. Simoff, one number I didn't hear you say yet, and I know your eluded to it was the change in footprint originally was 1,900 on one floor, what is the footprint now?

MR. VOGEL: 24 x 42

MR. SIMOFF: Approximately between eight and nine hundred feet.

MR. WEISS: Fair enough.

MR. SIMOFF: So we are going from 1,900 to 900 feet. So what that does is it allows me to tighten up the site, lessen the roads, and get...I eliminated the retaining walls in the back of the site that were 10 – 12 feet high because moving everything down towards Route 46 and we have a bigger buffer to the rear. So we have a larger buffer to Chamberlain is the result of it. We have a larger buffer to Connelly Drive in the rear and basically the retention basins stay the same. The circulation stays the same. We move...there had been a retention basin on the south side of the end of the cul-de-sac, we changed that we re-oriented that retention basin to the north side entrance.

MR. WEISS: Why did you do that?

MR. SIMOFF: because when we looked at it again in Gene's first review had us...we were draining onto municipal property. And it's Green Acres I wanted to say, I didn't want to mess with that. So now we...we drain onto our property and come down towards Route 46.

MR. WEISS: Ok.

MR. SIMOFF: So the drainage plan at the bottom of Page 2 I talk about Basin Number 6 which we changed the location. Basically, the previous approval had an impervious of 862,000 square feet with 300,000 cubic feet of storage. Now we have 659 square feet of coverage. And which comes to 24 percent of reduction in coverage. And we are increasing the retention basins by 360 cubic feet...360,000 cubic feet, or a 20 percent increase. So we are reducing the square footage units and increasing the retention. On Page 3, I go through the landscaping that's on the Landscaping Plan and then on Page 5, I compare the previous Landscape Plan to the Proposed Landscape Plan. The only...change that perhaps that's important is we originally had 702 deciduous trees and they were basically street trees. Now we are down to 603 so we cut out 100 trees. But the reason...the main reason for cutting out 100 trees is because we reduced the length of roadway. We increased the...evergreens stay about the same, they go from 791 to 783, there's a reduction of 8...8 evergreens, virtually the same. And the shrubs are somewhat reduced. But that's foundation...inaudible...we added...because when we were here for the...when we were here for the conversion from Age Restricted to Non-Age Restricted there was a condition we put in a tot lot. We have two tot lots. We originally had basketball court in the portable section. We had a...forgot what was there...there was just a picnic area. Now we added a tot lot with passive recreation.

MR. BUCZYNSKI: There was a pool at that location, too? Wasn't there? That's where the pool was.

MR. SIMOFF: There was a pool here. We eliminated the pool.

MR. WEISS: So you're maintaining the clubhouse...much smaller clubhouse, but you're maintaining it.

MR. SIMOFF: Well, the original clubhouse was 7,300 square feet.

MR. WEISS: Right.

MR. SIMOFF: That was for the age restricted. The conversion from Age Restricted to Non-Age Restricted allowed us...the law allowed us to reduce the clubhouse. So when we came back in...

MR. VOGEL: 2011

MR. SIMOFF: 2011, we had a 2,700 or 2,800 square foot clubhouse. So that stays the same.

MR. BUCZYNSKI: There's a conflict. The architectural show 1,600 square feet. Is it going to be 1,600 or it is going to be the same as last time?

MR. SIMOFF: It's going to be 2,700.

MR. WEISS: No change to the clubhouse.

MR. MCGROARTY: We're going to need architectural.

MR. SIMOFF: Ok. We'll give you a revised architectural. Now there was a request from Chuck about the other approvals that we need and the status of the other approvals are on the next page. We reapplied and a letter of interpretation was re-issued by the wetlands...the DEP wetlands...I think I submitted a copy of it. We have New Jersey DOT approval for the driveway. And we have a Sewer Extension Permit that we perfected by starting construction. The outstanding permits required we have to get a Water Extension Permit from the NJDEP, I've been working with Gene on upgrading...we have to upgrade the Village Green Water System. And we have an understanding it hasn't been put in writing yet but we have an understanding as to what we're going to do...an agreement is going to be conforming where a new backup well is going to be.

MR. MANIA: When you say upgrade, you mean you're putting another well in?

MR. SIMOFF: Right now, the town doesn't have a backup well. And the state requires a backup well for their existing facilities.

MR. BUCZYNSKI: If I can help you with that...there are five wells at Village Green but only one is really in operation. So they have no backup. Several years ago they put an emergency connection with New Jersey American Water but that doesn't help us with the firm capacity with the state. So what they've agreed to do is build us a backup well to give us enough firm capacity for Village Green plus for their development and there will still be some additional, I think, capacity possibly depending on the final build out of the well.

MR. SIMOFF: Right. We have to do well testing.

MR. MANIA: Who's building the backup well?

MR. SIMOFF: We are.

MR. BUCZYNSKI: They are.

MR. MANIA: Village Green?

MR. WEISS: No.

MR. MANIA: Simoff.

MR. WEISS: Yes.

MR. MANIA: Ok.

MR. BUCZYNSKI: That's part of the Memorandum of Agreement that's going right now with...I'm not sure if its town council Monday or it's going to be in front of council. But that's been discussed for several months now.

MR. VOGEL: I've been in touch with the township attorney, we've discussed this, I've supplied information to them, this is a benefit not only to the developer but to the township in that when it's finished it will provide a backup well that will benefit the public because the volume that will come out of it will be greater than what will be needed for this development.

MR. BUCZYNSKI: Right.

MR. VOGEL: And that's the intention.

MR. BUCZYNSKI: And there's been some negotiation between the developer and the township relative to some reduction in some of the connection fees and that's been discussed with the governing body.

MR. SIMOFF: So, and then Gene and I met with the DEP on this issue. We have some comfort level that this is...so we can get this approved fairly quickly.

MR. BUCZYNSKI: As long as we find water.

MR. SIMOFF: Get the divining rod out. We need Morris County either Site Plan Approval or a waiver. I don't think any of the Morris County facilities are impacted the drainage is...all drains are to

the front per NJDOT and we need Morris County Soil Conservation so that the discussion of the changes and the issues.

MR. BUCZYNSKI: Mr. Simoff, you think you might want to discuss now to talk about permits about the fact that you have a Sanitary Sewer Extension Permit that's still valid and also about the plan you prepared for the widening of Woodland Avenue.

MR. SIMOFF: Yes, in the...in the Site Plan Package, we...as part of the last...as part of the last application we agreed to...we agreed to widen and improve the intersection of Woodland Avenue and Route 46. We submitted plans...we submitted some concept plans, we got feedback from Scott Van Ness who was at the time was the Traffic Officer in the township. And sheet 33...if you have your package, Sheet 33 of the, I guess...Sheet 33 of the Site Plan Packet shows the improvements. Basically, right now what happens is there's one lane coming southbound on Woodland Avenue towards Route 46 and the jug handle we propose to widen it to two lanes and have a double left. Should I further explain that?

MR. WEISS: This is what we agreed to last time.

MR. VOGEL: This is something that we did originally when the last Site Plan was approved. And it was determined to be a public benefit. Didn't relate really to our development and it continues to be part of the application.

MR. BUCZYNSKI: But the plan...the plan wasn't approved before?

INAUDIBLE

MR. SIMOFF: I can't get it approved...inaudible...absolutely not. They have a couple of issues.

MR. FASTERT: There was one not far from there.

MR. SIMOFF: They have a couple of issues with their policy. One is they have to be 2,500 feet apart. So from the one at the Trading Post to Woodland Avenue is about 2,500 feet and we can't put one in the middle. And Number 2, it doesn't warrant a traffic signal. There are minimum traffic volumes that have to be generated by the driveway and it comes to 150 cars per hour per 8 continuous hours. And we're probably going to generate about...about 100 to 125 cars during the peak hour and then it drops off in the middle of the day. So we don't meet those DOT criteria.

MR. WEISS: You know, Mr. Simoff, I think Mr. Fastert's question is very good in that there are plenty of people on the Planning Board that are not here and haven't heard that. We are going to try to keep your testimony tonight specific to what you are asking for tonight. I know that we addressed that back in the day. I appreciate your answering. But maybe if you can help us a little bit...

MR. SIMOFF: Well you give me guidance as to what I should answer...

MR. WEISS: I don't want...I think the question is a good question. I think that if it's been answered, I'll jump in.

MR. SIMOFF: That's what I'm requesting.

MR. WEISS: Yes. I will do that. But what I'd like you to do just for the purpose of identification for the people of our Planning Board including our attorney who hasn't seen the plan, would you point out exactly where the COAH units are going to be, where the affordable units are going to be.

MR. SIMOFF: There are four buildings. There have always been four buildings. One, two, three, four buildings up by Route 46.

MS. COFONI: So, I mean I was counting what I can see here so obviously they're not...they're going to be apartment on the second floor, apartment on the first floor, is that what it is? That's why I'm not coming up with a correct number?

MR. SIMOFF: There's...the architect is here but let me make sure...

MR. VOGEL: There's 54 units.

MR. SIMOFF: There's 54 units.

MS. COFONI: That's what I was having trouble figuring out.

MR. SIMOFF: I'll explain the configuration. The architect can give you more information if you needed.

MR. VOGEL: But we prefer the architect...

MR. SIMOFF: Basically what there is, on the first floor is a ground level flat I'll call it. And then there is a stairway that goes up to the second floor and there's an interior townhouse. So each...so each small...I think they're 22 feet wide...each small box is two units. Now, on the first floor of the end unit, which shows on the architectural is a...is a Meeting Room and a Laundry Room. So that takes away two units.

MS. COFONI: Ok. Thank you.

MR. SIMOFF: And then my partner in this project has built these units before and we have actual pictures that we can pass around of the actual affordable units.

MR. VOGEL: We should mark those as exhibits

MS. COFONI: Yes. Why don't we mark them individually.

MR. VOGEL: Give them to me, Hal. I'll mark them. I'm going to start with your permission, Mr. Chairman, mark them A3 and then continue on.

MR. WEISS: Absolutely.

MR. VOGEL: I'll mark them on the back.

MS. COFONI: Ok. And A3 just as we are going around.

MR. VOGEL: Do you have a ballpoint pen?

MS. NATAFALUSY: Hal, do you want a sharpie?

MR. VOGEL: Hal, why don't I just give them to you as we go along. That's A3.

MS. COFONI: Ok, so A3, Mr. Simoff, is what? If you could just describe what that is.

MR. SIMOFF: A3 is the front of the building.

MS. COFONI: And this is a building that exists?

MR. SIMOFF: That is an actual building that exists in Aberdeen, New Jersey.

MS. COFONI: And the proposed building is going to be similar to that building?

MR. SIMOFF: I think it's exactly like this building.

MS. COFONI: Ok.

MR. SIMOFF: It's the same.

MS. COFONI: And this is in particular the affordable unit building that you are showing.

MR. SIMOFF: Yes. A4 is the kitchen. A5 is the same front. Same picture, the front.

MS. COFONI: And these are all in Aberdeen.

MR. SIMOFF: Yes, these are all the same building. A6...A6 is the Living Room.

MS. COFONI: I'm sorry, another one of the front.

MR. SIMOFF: Yes.

MR. MCGROARTY : Hal, may I...Mr. Simoff, can I ask a question? Are these the same size?

MR. SIMOFF: Yes. Oh, I'm sorry, I stand corrected. The new units are two foot less...

MR. VOGEL: Longer.

MR. MCGROARTY: Roughly the same.

MR. SIMOFF: ...longer. Roughly the same. A7 is the stairway coming up to the second floor. So, these are going to be rental units. And in order to facilitate rentals we have to separate them from the Ryan Development.

MR. VOGEL: But the whole concept is the same as was previously approved.

MR. SIMOFF: The layout is the same. We just created a defacto lot line .

MR. WEISS: Please, go ahead.

MR. NELSEN: Mr. Simoff, you said how many parking spaces per unit?

MR. SIMOFF: We meet...it's on the cover sheet...we meet the...I believe there are 100 parking spaces and we meet the RSIS requirement. It's all outdoor parking...

MR. VOGEL: And there's a function of reducing the size of the units we added an additional 84 spaces above what was previously approved. The idea being that there is more spaces for visitors.

MR. WEISS: Mr. Vogel that was 87, I believe.

MR. VOGEL: Sorry, 87. You're right.

MR. WEISS: Perfect. I don't want to lose them. You just gave them to us.

MR. VOGEL: No, 87 is right.

MR. SIMOFF: Originally we had...the original plan had a two-car garage...for the market unit...a two-car garage and a double width driveway. RSIS only allows you to count that as 3.5 spaces.

MR. VOGEL: You know where I got the four from? We are now up to 840 spaces.

MR. WEISS: Ok.

MR. SIMOFF: So, RSIS allows a double driveway in front of a double garage to be 3.5.

MR. NELSEN: Just to go back now, for each unit, there is a flat on the first floor and a unit above that.

MR. SIMOFF: The affordables.

MR. NELSEN: On the affordables I'm talking about.

MR. SIMOFF: Yes.

MR. NELSEN: So, there is two parking spaces for that, for each of those?

MR. VOGEL: There are total of 109 parking spaces in the affordable lot. 54 units, 109 spots, so it's two per unit.

MR. WEISS: So, you said Ryan Homes is not building the affordable units.

MR. SIMOFF: Correct. Mountain Ridge is going to build them.

MR. WEISS: You have not identified the builder of the COAH units?

MR. VOGEL: The applicant.

MR. FLEISCHNER: Mountain Ridge.

MR. WEISS: I'm sorry, Mountain Ridge.

MR. SIMOFF: Right, and as part our phasing plan, we are meeting the requirement...we show a phasing plan with seven phases and we're meeting the requirements of the, when you have to build each unit. Like you can build the first 25 percent without building any of the affordables.

MR. WEISS: I was just curious.

MR. SIMOFF: So our phasing plan includes the affordables at the proper phase.

MR. WEISS: Ok.

MR. BUCZYNSKI: Are you going to discuss the phasing plan?

MR. SIMOFF: Sure.

MR. BUCZYNSKI: You don't have to do it right now. Just wanted to make sure you are going to discuss it.

MR. SIMOFF: I'll do it right now.

MS. COFONI: I just have a question about something you testified to before just so I understand before we go on to the phasing. You said you have two tot lots proposed.

MR. SIMOFF: Yes.

MS. COFONI: What exactly is included in...what makes it a tot lot?

MR. SIMOFF: The...we have...on sheet...I think it's on sheet...

MS. COFONI: There's play equipment there?

MR. SIMOFF: Yes. The landscaping detail has...we have two play equipment; one is for children 6 to 12. One is for children 2 to 5.

MS. COFONI: That's fine. I missed that.

MR. SIMOFF: And then we also have an outdoor trail with outdoor exercise equipment that's located on the plan.

MR. VOGEL: And that was a function of the discussion we had last time. You with the board about having that outdoor equipment.

MS. MOTT: Is there any accommodations for handicapped?

MR. SIMOFF: Well the affordables meet...will have a handicapped access.

MS. MOTT: Ok.

MR. SIMOFF: I don't think townhouses have to have handicapped access.

MS. MOTT: I was just curious. I haven't heard that mentioned.

MR. SIMOFF: The Phasing Plan is Sheet 35.

MS. COFONI: Mr. Simoff you said the Phasing Plan is Sheet 35?

MR. SIMOFF: Yes.

MS. COFONI: Ok.

MR. SIMOFF: The First Phase will include two buildings along the entrance that will be the models. And then the four buildings, behind the affordables. The Second Phase is...each phase is about 40 units...it doesn't break out evenly. But, I'm sorry...the First Phase is 35 units, Second Phase is 40 units, Third Phase is 39 units, Phase Number Four 14 units, Phase Number Five 32 units, Phase Number Six is 31, and the last phase is 24. Basically what we are doing is, we're are going to improve the basins in the front, the main circulation road, the clubhouse, the tot lot, and then Phase 2, Phase 3, Phase 4, Phase 5, Phase 6, and Phase 7. We expect...we expect this to be built out in 4 to 5 years, 4 years.

MR. WEISS: You're not deviating anything from the plan that has been submitted, correct?

MR. SIMOFF: No, I just like to point out that the clubhouse, the tot lot for the affordables, that's being built in Phase 1.

MR. WEISS: Ok.

MR. SIMOFF: And then...inaudible...there's two basins...there are two basins in front of...near Route 46 that are also being built in Phase 1. The first affordable go up in Phase 2.

MR. WEISS: Ok. It sounds like we have absolutely no resistance from the engineer, so...

MR. SIMOFF: Yes, I...Gene's letter wants some additional catch basins that we are able to...and then in the back because we moved everything forward in this plan, I guess an example, the original...on A1...the distance to the rear property line or Warren Classen Road, Howie gave me all those names.

MR. WEISS: That's correct.

MR. SIMOFF: So this is for the end of Warren Classen Road to the property line is approximately 110 feet. In the revised plan...it's almost...190 feet. So what we did is when we shortened up these units and brought everything down we eliminated them by grading out this area for the walls. For the walls, we had some waivers granted previously for the retaining walls. Now Gene suggested...I have no problem with (inaudible) small retaining wall be put back. But I think it's only three or four feet.

MR. BUCZYNSKI: Yes just to reduce the cut back there.

MR. WEISS: Ok.

MR. SIMOFF: And then should we discuss Chuck's memo?

MR. WEISS: No. No, not yet. Let's finish up. Gene, I know you've been keeping tract. Let's see, is there any open issue you want to talk about? I know that Mr. Simoff...

MR. BUCZYNSKI: Mr. Simoff mentioned the retaining wall. He mentioned the fact there's a couple of drainage items that need to be addressed but he's agreeing to put a few more inlets in. That's really about all for now...that's about it...a lot of this informational purpose for the board regarding light fixtures, landscaping. Mr. Simoff addressed everything. Everything in my report pretty much has been addressed.

MR. WEISS: Ok. Let's see...before we move on to Chuck's report, anybody on the Planning Board have any questions for Mr. Simoff?

MR. MANIA: I would just like for the benefit of the public and I've been asked many times, when this was originally approved, it was age restricted. Why is it no longer age restricted?

MR. SIMOFF: Because at the last hearing...well first of all...

MR. MANIA: I know why.

MR. SIMOFF: Well at the last hearing, we presented the information that says we were in height of the conversion because of the...because of the environment of the, you know, age restriction weren't selling and the legislature passed a law that allowed...

MR. MANIA: The legislature allowed you to come back to the Planning Board to revise it.

MR. SIMOFF: As long as we met certain conditions which we clearly met. And we were approved by this board for the age restriction elimination.

MR. FLEISCHNER: The legislation was the State of New Jersey legislature.

MR. SIMOFF: You're right. It wasn't this board.

MR. FLEISCHNER: It wasn't local...it was the state.

MR. SIMOFF: We did get some resistance.

MR. VOGEL: And if one looks at in some historical perspective the original approval here was in 2008, and as I'm sure everybody recalls 2008 began the housing disaster in the United States if not throughout the whole world. And as a result of that, the State of New Jersey by the legislature and signed by the governor adopt this statute. We came back here in 2011...the plan did not change, the sole basis in 2011 was to make this project consistent with that statute that was adopted by the state. You...this board went through the whole drill that was required, found that it met the statute, and approved the project again. But this time without any age restriction.

MR. WEISS: So what I'd like...thank you for that, Mr. Vogel...what I'd like to do is we have large turn out tonight from the public.

MR. BUCZYNSKI: Excuse me, I just want to...before you start that...this is also a segway to Chuck's report...I think he needs to address the minor subdivisions so it doesn't get...pushed off to the side.

MR. WEISS: No, I don't...we certainly...I don't want to get too far from the engineer testimony. We'll come back...planning testimony usually changes direction a little bit.

MR. BUCZYNSKI: Yes, but just that's part of the project, a minor subdivision, separating a lot, affordable units, it's up to you.

MR. WEISS: Ok. You think it will paint a clearer picture?

MR. BUCZYNSKI: I think so.

MR. WEISS: Ok. Then let's hold off. Right now, Mr. Simoff...

MR. SIMOFF: We submitted a Minor Subdivision Plat prepared by Gladstone Design that shows the...it shows the new lot which is a little more than 3 acres. What we did is adjusted the lot line so that the affordables can be done in a more efficient manner to eliminate the retention basins on the affordable lot. The retention basins are on the large lot. So the people that live in the affordables don't have to pay for the maintenance of the retention basins. That was the intention of drawing the line like we did it. And so it meets the intent of the COAH Rules and Regulations. You want to minimize the common area charges and make them affordable because common area charges come off the rent and the...or well...in this case it's the rent.

MR. WEISS: Ok.

MR. SIMOFF: So, we submitted a plat we have...I spoke to the Tax Assessor, he gave me the lot numbers. And basically we're...there are presently three lots and we're creating...combining, adjusting to two lots, the affordable lot and the remainder which is 60.2 acres.

MR. WEISS: Go ahead,

MR. FASTERT: Question for Chuck. Chuck, correct me if I'm wrong. I believe this entire development is in the Preservation Area, the Highland Preservation Area?

MR. MCGROARTY: No, it's in the Planning Area.

MR. FASTERT: It is in the Planning Area. Thank you.

MR. SIMOFF: And as I said, we have...we have sewer service, we have...we have a Sewer Extension Permit. We've....and we've perfected it by installing piping and starting construction of the sewer which is a requirement of the DEP.

MR. WEISS: Ok. Thanks for that. Did you want to continue with Chuck's report or? Let me turn it to Chuck. Chuck was there...let's talk about your report if there are any items to talk about, open issues.

MR. MCGROARTY: Alright. Well. As Mr. Simoff mentioned earlier and in the application form and so on, there were a number of variances that were part of the original approval that had been modified. To great extent they were reduced. Reduced in the sense that they are closer to conformance as they were. So, I suggest in here, I'll refer to our attorney but it's my experience that if you get a variance and you come back and modify it, and you don't increase the non-conforming, you don't really need to give testimony a second time. The variance still holds. I'll refer to Tiena about that.

MS. COFONI: I agree.

MR. SIMOFF: If I might, the only variance...the only thing that we did change or we made more critical was the setback of the affordables. We decreased the setback from Route 46 by five feet.

MR. MCGROARTY: Right. What I'm...what I'm saying is, just for the record by the way, we didn't...it's in the report and there's been conversation about it before tonight's meeting just to make sure we are all on the same page as it were. But there is no density variance required to subdivide the affordable units off. The density on lot 84, is it, with the new affordable?

MR. VOGEL: Yes.

MR. MCGROARTY: The new lot 84, the density, the effective density by putting that number of units on a J something acre parcel is well above what the zone district permits. But this is treated as a tract. Two lots 84 and 80 so for reasons that you can talk loud if you want but it's all described in the report. It's treated as one parcel. Or one developable tract. And so you're still under the six unit density that's permitted. Nothing, as Mr. Vogel said earlier, nothing has changed from what you saw before in terms of the number of units. It's just now a lot. And as a result there are a number of variances that Mr. Simoff identified on the plans that I don't believe are required for the same reason. And so again, since we don't need them, I don't think we have to approve them.

MR. SIMOFF: I put them on just to be safe.

MR. MCGROARTY: Yes, and that's, can't argue with that...he's conservative...I'm just saying because for lot coverage and some other things which I've described in here, lot area and so on, it's all taken care of in terms of the overall tract size. So they are not really variances. They don't require variances. In my report, Page 4, there were some variances...there are variances...six that I count, that apply today but again they may be and Hal I think you told us the affordable units are closer to the highway. The rest of them there is some deviation between the ordinance standard for setbacks between the various market units. Again...

MR. SIMOFF: But those were greater on the previous approval.

MR. MCGROARTY: That was my understanding. I just wanted...

MR. SIMOFF: They are.

MR. MCGROARTY: So the variances then that are identified in my report, Page 4, 5 - 1 through 6 have already been addressed prior years. They just are modified.

MS. COFONI: But there is one that increased. Which I think, is that your 5.2? Building setback to Route 46, you said you reduced it by five feet.

MR. VOGEL: By five feet.

MR. SIMOFF: Right, 5.2.

MS. COFONI: Yes. Ok. So that's the only one that they would need now.

MR. SIMOFF: Correct.

MR. MCGROARTY: And then I have some comments, if you had a chance to look at the report you can...the board can discuss it if you wish. I think on the recreation facility, we've got it clear that the clubhouse that's showing the footprint on the site plan is the one that you will built. And...

MR. SIMOFF: Yes. We'll modify the architectural to build what's on the site plan.

MR. MCGROARTY: There was a comment about the fact that the basketball court which was recognized in the previous Planning Board Resolution is no longer on the plans and of course Mr. Simoff has told us too that the pool is being removed. I would argue that there should be some more active recreation there and I think having if not the pool at least a basketball court would be appropriate.

MR. SIMOFF: Well when I, if I may, I show where the...where the...basketball court was I made it into a tot lot and a passive recreation. I just thought that daily usage, again daily usage of this area, would be more effective than a basketball court. It's just a thought process.

MR. MCGROARTY: It's up to the board. I mean the tot lot of course is geared toward a certain segment of the population and the age of the population and the presence of the tot lot above under...let me ask...

MR. SIMOFF: If I may, the conversion resolution has us put a tot lot up here. It wasn't in the original, it was in the conversion approval. It was a condition.

MS. COFONI: But I guess the tot lot, on top would be for the little kids and then in the conversion you had basketball court.

MS. SIMOFF: I had a basketball court here. I converted...I changed it to two tot lots. Each of these has two tot lots and then in between is a sitting area and passive recreation. So, they are shown on the Landscape Detail Plan.

MR. MCGROARTY: When you say you have two tot lots, in other words, you have the recreation equipment but in each of those two...

MR. SIMOFF: In each corner...there's...

MR. MCGROARTY: Yes.

MR. SIMOFF: ...from two to five and six to twelve.

MR. MCGROARTY: My only point is teenagers, of course, don't use tot lots. And in fact by converting from age restricted to market, plus the 54 affordable units will likewise be family units. It will be teenagers on the property. Now, is it required...I mean the ordinance suggests various kinds of recreation activity including the things I just talked about. So the board has to decide or I'll leave that to the board to decide...

MR. WEISS: Mr. Simoff, is it possible at all when I look at the...this tot lot by the COAH units, it is possible to extend that just a little bit and add a basketball court next to the tot lot?

MR. SIMOFF: If you look at the original one...inaudible...well let me, if I might, Mr. Clementi is participating in the construction. He's the one that built the affordable units. Let him address that question based on his experience.

MR. WEISS: Well you know my only concern I don't want to get too far away from where we are before we open to the public but I think we will table that for now.

MR. SIMOFF: Ok. Now our thought process on the pool was that a pool...irrespective of the cost of construction...a pool is somewhere between 30 and 50 thousand dollars a year to maintain. You've got to have a life guard, you've got to have the electric, insurance, the insurance goes way up, and we were just concerned that we were implementing a charge to the homeowners that is only good for two or three months a year.

MR. WEISS: I think that could be your prerogative. It's a marketing tool whether you have a pool or not...is a...I don't have a problem...

MR. SIMOFF: Ryan doesn't want a pool. Ryan doesn't...Ryan we are putting in a clubhouse that Ryan was acceptable not to have.

MR. VOGEL: Why don't we leave that till later? We'll have the other witness testify with respect to that.

MR. WEISS: Let's finish up with Chuck's report. We'll come back to the basketball/swimming pool issue.

MR. MCGROARTY: I just then and just to...Mr. Clementi is it?

MR. SIMOFF: Yes.

MR. MCGROARTY: That gentlemen, I don't think there's any issue as far as affordable units, we just want to make sure everybody agreed administrative agent and all that stuff.

MR. SIMOFF: We'll meet the township requirements.

MR. MCGROARTY: Just some additional new comments then. And this is more engineering than...but just so your building type, your typography on the site is such that, I mean you're going to...you're comfortable that you will stay within the building heights.

MR. SIMOFF: Yes, the townhomes are 36 feet to the roof and the affordables are...

MR. MCGROARTY: I realize that on the plans, but you'll have in some cases walk out basements and such...

MR. SIMOFF: No, but, that was one of your comments. There is no basement. These are all slab on grade.

MR. MCGROARTY: Well the plans refer to...

MR. SIMOFF: It's a misnomer.

MR. MCGROARTY: Well maybe that should change

MR. SIMOFF: It will change.

MR. MCGROARTY: Ok.

MR. SIMOFF: We'll correct it because it has to be corrected to conform to the site plan. The site plan shows flat area...mostly flat...around the building.

MR. MCGROARTY: Because you don't want to get into a situation when they are building and then because the elevation changes they may be two or three feet over the height limit and suddenly it...

MR. SIMOFF: Well first of all, the height limit is 50 feet in this zone.

MR. MCGROARTY: I understand.

MR. VOGEL: You're comments are well stated.

MR. SIMOFF: We are comfortable with what we have.

MR. MCGROARTY: Mr. Simoff, maybe just real quickly if you could, you explained this to me on the phone, or if your architect would want to do it, but you have on your architectural plans you show a row of A thru E and I think your explanation to me helped me understand what you are doing. That's just there to demonstrate the range of units. They won't necessarily be laid out that way in every location. Is that correct?

MR. SIMOFF: Right the architectural that were submitted by Ryan...show a five unit building. So they have...they have unit A-E on this and you can see there are slight variations to the unit. So basically, there are five different frontages. The footprints and the interiors are the same but the elevations, some have dormers, some have bay windows, and so it's a...there are five...even though some of the units or some of the...have eight units built... you'll have five different frontages.

MR. MCGROARTY: And the...just so that...we're clear and there won't be any confusion down the road, it will be driven by the purchaser as well, correct?

MR. SIMOFF: Correct.

MR. MCGROARTY: I know you have some footprint

MR. SIMOFF: We have multiple footprints and different options but what the plan shows, is the largest footprint that is for sale. Some of them like a Florida Room in the back might not make the unit a little bit less deep.

MR. MCGROARTY: I'm going to go real quick if I can...I think you already addressed 8.4 the photograph you showed us that you representing those affordable units are going to look like that, there is a stone treatment on the base of the building, correct?

MR. SIMOFF: Yes.

MR. MCGROARTY: Ok. I really don't...that's it. Thank you.

MR. WEISS: Ok, Chuck, thanks. Anybody from the Planning Board have any questions to Chuck regarding his report? Mr. Simoff, you're satisfied with the outcome of that conversation with Mr. McGroarty?

MR. SIMOFF: Yes.

MR. WEISS: Ok. Let me do this then. We've heard Mr. Simoff testify to the engineering and to the planning. I'm going to open it to the public and just let me remind the public that we are here to ask questions at this point of the application to Mr. Simoff based on the testimony that he gave tonight. So if anybody has any questions for the testimony given by Mr. Simoff thus far this evening, you are invited to come to that podium and state your name and address for the record. Anybody from the public have any questions for Mr. Simoff? Sir, if you would, go right over here. Sir, if you would go to the podium, state your name and address for the record.

MR. SIEGEL: My name is Michael Siegel, address is 1 Rolling Hills Drive, and I also have a business on Route 46 in Paramount Plaza. This is the first that I'm hearing about these changes as well as for the last few years apparently this has been going on, so, bear with me if I ask a question that might or might not be from what you just testified however I wasn't made aware of the previous ability I guess for the public to comment on this. So I just...based on what you were saying we were blocked out on when you were showing where those lots and everything else were. The townhomes are three stories high? Is that what you said?

MR. SIMOFF: Yes.

MR. SIEGEL: And each townhome is how many square feet? I didn't quite get that.

MR. SIMOFF: Well the footprint is about 900 square feet.

MR. SIEGEL: 900 square feet...

MR. SIMOFF: So it's approximately 2,700 feet. Three times nine. Less the garage.

MR. SIEGEL: So each...unit is three stories? Or that's three...

MR. SIMOFF: Yes, there is a two car garage on the first floor. And then there is living space on the second and third floor.

MR. SIEGEL: Oh. Ok. Alight. And there's a total of how many units again?

MR. SIMOFF: 215 market units and 54 affordable units.

MR. SIEGEL: So the 215 market units each have two car garages, so roughly 430 potential cars?

MR. SIMOFF: Well, the ordinance allows you to take credit for the driveway also.

MR. SIEGEL: So how many total cars do you think will be in the development?

MR. VOGEL: 840 spaces

MR. SIMOFF: 840 spaces.

MR. SIGEL: 840 spaces, so there is potentially 840 cars coming out of on Route 46 everyday?

MR. SIMOFF: Oh no.

MR. SIGEL: No? Some people won't be leaving the building? I'm just trying to understand this. My concern is I've been in Country Oaks, I was the first unit in the development. I been here 18 ½ years. I've watched a many car accidents on Connelly Avenue and over the last three years at my business on Route 46. I've unfortunately I had to witness another half of dozen in front of our unit...in front of our business, one just a few weeks ago. With...unfortunately what happens as all of you know, on Route 46 somebody is turning, somebody is going let's say the speed limit, that person behind that person who's turning immediately pulls into the next lane and unfortunately two or three cars behind happen to slam into somebody else. I'm just a little concerned first off in the number of cars coming out from this...Route 46...

MR. VOGEL: Mr. Chairman, I'm very sensitive to the gentleman's right to speak and the gentleman is right to ask questions. However, they should be pointed, it seems to me to what the application is about. With respect to the number of units, both the 215 units and the 54 affordables, and the traffic that that will generate is a matter that has been decided previously. We could build this project the ways it's been approved. We have simply come back to reduce the size of the units and amend the site plan accordingly. So with respect to the amount of traffic generated that is not a issue that was currently relevant to this application. I say that with the upmost respect do I understand his interest.

MR. WEISS: I agree with you 100 percent. I think because of the...the amount of time and the nature of this application, I was going to give Mr. Siegel a few more minutes to maybe make his point. Obviously this applicant has no control of the dangerous intersection of Route 46 and Connelly. Many of us who sit up here, I know I personally work with our engineer and planner to try to get the state to put up traffic lights, it's so far out of our hand. We understand it but that is not an issue for this developer. And as Mr. Vogel said there's no change to those numbers in question. So, whether you feel it will impact traffic or not, unfortunately, that's not a...not a question or issue that Mr. Simoff testified to tonight. So, if we can keep our questions to the changes that are made, that could be more efficient.

MR. SIEGEL: Ok. Again, obviously I wasn't privy to the previous meeting that maybe the public was asked to be at or could be at.

MR. WEISS: I understand.

MR. SIEGEL: I'm not quite sure why. I assume that if we were notified Country Oaks was notified on this one, we should have been notified...

MR. WEISS: Ok. I can tell you, our attorney can explain it you what the law is and the obligation to the applicant. So you can understand may why or why not you were not notified.

MR. MCGROARTY: No they were notified.

MS COFONI: Yes, I think there is a misunderstanding because if you look at A-1 which I don't know if it's the top or bottom right now,

MR. SIMOFF: Bottom.

MS. COFONI: That plan was approved in 2008. That is already approved in 2008. So, that's the previous approval. It went through a public hearing, public notice, all of that previously. In 2000, correct me if I'm wrong, 2011 they came in for a change that was going to be age restrictive. They changed it to non-age restrictive. And we've talk about the fact that there was a statutory availability to do that. Now, they are coming in with a...I'm looking at A-2...with some modifications to the plans. And because it's modifications to the plans and not the first time we are seeing this development, certain of the things like the number of units and the traffic generated is about as outside of the realm with what the applicant is going to be testifying to because that hasn't changed from what was approved in 2008.

MR. WEISS: So, the applicant has an obligation to notify neighbors who have properties that are 200 feet from any point on this from their property. So although Country Oaks is very close not everybody in Country Oaks was going to be notified then or now. And I'm not sure if you got notified or just heard, but if you were not noted of this application, it's only because your property is not 200 feet from their property.

MR. SIEGEL: Understood.

MR. FASTERT: Is that the case? Are you more than 200 feet away?

MR. SIEGEL: My house is. I was more concerned...I remember hearing about the previous one, but obviously if I wasn't privy to someone that was notified...

MR. WEISS: It went for a long time, certainly folks from the public that are here tonight were there. There were many meeting on this, so...I can't explain why except for the fact that the buffer is down 200 feet and therefore the applicant has no obligation.

MR. SIEGEL: You made a comment about a clubhouse, are the townhome units as well as the affordable homeowners all able to use that? Or is it just for the townhomes?

MR. SIMOFF: There are two clubhouses. There is a meeting room and...the affordables have a meeting room and the townhomes have a clubhouse.

MR. SIEGEL: So anybody who is in the renting affordables are...is restricted to their one area.

MR. SIMOFF: One meeting and the...and the...there is a laundry room and a meeting room in the affordable units.

MR. SIEGEL: So the town homeowners will be paying so sort of homeowners association fee?

MR. SIMOFF: Yes.

MR. SIEGEL: What about the other units?

MR. SIMOFF: They're rentals.

MR. SIEGEL: So, they won't have anything like that.

MR. SIMOFF: No the owner of the affordable has to meet certain criteria for rent.

MR. SIEGEL: And then...again because we were blocked out. The two tot lots...so there is a tot lot area for the one section of the tot lot area for the other section?

MR. SIMOFF: Correct.

MR. SIEGEL: And they're separate.

MR. SIMOFF: Yes.

MR. SIEGEL: And I wasn't quite sure when you said the dividing line I don't know if that was again just for a reference on the building site, is there an actual dividing...

MR. SIMOFF: There is a property line but it's not...you wouldn't know it when you are out there.

MR. SIGEL: Ok, and the last question I have is again going up to Connelly, on the site map the area shows obviously woodlands right now, are those going to be maintained?

MR. SIMOFF: Yes the limit of grading is the light green.

MR. SIEGEL: So there will be at least 200...I think you said 190 or 200 feet...

MR. SIMOFF: That's to the property line. The property line is behind...it shows that this is the property line right here and there's another...there's another...it varies but it ranges from 100 feet to 50 or 70 feet in opposite...opposite Tall Oaks.

MR. SIEGEL: If you draw a straight line what is the minimum...amount of woodland that's still going to be there? And separates us...exactly.

MR. SIMOFF: 200 feet.

MR. SIEGEL: Ok. Thank you.

MR. WEISS: Ok. Thank you. Anybody else from the public have any questions?

MR. DiRIENZO: Yes, Jim DiRienzo, 112 Connelly Avenue, D-I-R-I-E-N-Z-O. Some quick questions for you, so...I know you spoke about this...this application as already approved so, we can't go there is documentation in 2011 the association was notified. Country Oaks because we received a certified letter that I signed for so I just wanted to be sure that was it cause maybe some of us weren't informed. Is there something we can get a document on that, is there a history on that?

MR. WEISS: Is there a history of what happened back in 2011?

MR. DiRIENZO: No, you notified us by certified letter about this meeting, this public hearing so when the age restriction changed how it was...our association notified...why would there be a difference...I know you mentioned there is 200 feet is the law, so why would it happen today but most of us are unaware of the last one...

MR. WEISS: Certainly that gets...we question it...we check...the applicant has to notice all the property owners...

MR. DiRIENZO: Ok.

MS. NATAFALUSY: Excuse me. You get the list from the Tax Assessor of people within 200 feet and that list from the Tax Assessor is what he uses to notify...

MR. DiRIENZO: No, I understand...I understand that, so we were notified now so that means we are within the 200 feet? Our association? Because we were notified by...

MS. NATAFALUSY: It means it's on the list that he got from the Tax Assessor.

MR. DiRIENZO: So in the past maybe he wasn't notified...all I'm saying is there a document that says that this association was notified by the age restriction change? That's all I'm asking.

MR. SCHAECHTER: Is there a common ground?

MR. WEISS: I was going to ask the same thing.

MR. DiRIENZO: So there's a basin that abuts. I mean...we are trying to figure out the buffer...I would like if you so...I'll let you finish your question...and I'll get back to the buffer.

MR. WEISS: But I think what Mr. Schaechter is asking is that if your homeowners association owns a common piece of property, and I think your answer was there is a detention basin, then you would get notified as an association.

MR. DiRIENZO: Right.

MR. WEISS: And it's very possible...without seeing the document I couldn't tell you who was on that list, but like Catherine said, it comes from the Tax Assessor, no...I can assure you that the

applicant notified everyone he was told to notify. Otherwise, there would have been no hearing. It's kind of part of a check list.

MR. DiRIENZO: Ok. I mean...

MR. WEISS: So, I'm sure we can go...you can check...

MR. DiRIENZO: Yes. It's public record, right?

MR. WEISS: ...to find out who was on that list...

MR. DiRIENZO: I got it.

MR. WEISS: ...and you'll find that the applicant absolutely notified everybody that he was supposed to.

MR. DiRIENZO: Ok. Thank you. The buffers...what is the buffer going to look like? What's going to separate Connelly or Country Oaks Development from this development? What's the requirement especially with 36...you know 3 story sized homes?

MR. SIMOFF: Well...this...this...A-2 shows the limit of the grading so the light green is how far we are grading. And what...to the south is left in its...condition.

MR. DiRIENZO: Current state?

MR. SIMOFF: That's the 200 foot distance you mentioned before. To be left in its natural state.

MR. BUCZYNSKI: Now there is a difference in elevation too in that area isn't there?

MR. SIMOFF: Yes.

MR. WEISS: Jim, where's the...where's the detention basin that you were...

MR. VOGEL: Starr Street. I think...I think its Starr...would that be the right...

INAUDIABLE

MR. BUCZYNSKI: There's two basins. There is one basin towards the right...

MS. COFONI: If you would please come to the microphone...

MR. DiRIENZO: I just pointed out there is two basins. One off Starr Street. So the question is I guess in the conversation we had that property extends and I asked if that's able to be developed.

MR. SIMOFF: No, the wetlands restrict...the wetlands letter of interpretation that we have restricted development in that portion.

MR. DiRIENZO: Ok. So no further development. No further development on any other parcels that you own?

MR. SIMOFF: We may put something down on Route 46.

MR. DiRIENZO: Ok. Ok. Can I ask you refer to the water system you made some initial improvements. What water system is going to be used?

MR. SIMOFF: Village Green.

MR. DiRIENZO: Village Green. Is that private or town?

MR. SIMOFF: Town.

MR. DiRIENZO: Town owned. Right?

MR. SIMOFF: Yes.

MR. DiRIENZO: Ok. When is construction starting?

MR. SIMOFF: As soon as we get the approvals. Soon as everything is perfected.

MR. DiRIENZO: Ok...inaudible...our schools are overcrowded or no? I mean...I know it's not part...

MR. SCHAECHTER: But we can handle it. I'm on the School Board. I can answer that.

MR. DiRIENZO: And if you could, what is going to be the market price of the townhomes? Do you have that? The selling price?

MR. SIMOFF: I've been told that they are between 350 and 400 thousand dollars.

MR. DiRIENZO: And just for my knowledge, does every development have to have affordable home section in it if you build a new?

MR. SIMOFF: Yes.

MR. DiRIENZO: Even though we have Village Green across the street?

MR. MCGROARTY: I can answer that.

MR. WEISS: Go ahead, Chuck.

MR. MCGROARTY: This zone district and another zone district that were created roughly in the same time period requires a 20 percent affordable housing to be set aside and further the statute the state legislation which allows the conversion from age restricted to market units that Mr. Simoff was able to utilize requires that a 20 percent set aside be in there. It was already in there in the local ordinance but the state required it anyway.

MR. DiRIENZO: Ok.

MR. MCGROARTY: But those two were recent zone districts in the township did...do require that.

MR. DiRIENZO: Ok. And just for the board is there any other developments around Country Oaks that maybe being built, we have Morris Chase, this, is there anything else that I may not be aware of?

MR. MCGROARTY: Regency in Flanders is being built.

MR. DiRIENZO: What's that?

MR. MCGROARTY: Regency is being built.

MR. DiRIENZO: Down in Flanders.

MR. WEISS: I don't recall any other development matter that's been before the Planning Board and they would have to come in front of the Planning Board for a Site Plan Approval in this area of Budd Lake at all.

MR. DiRIENZO: All right.

MR. WEISS: Catherine, correct? There is none? Yes, there is nothing, Jim.

MR. DiRIENZO: Ok.

MR. WEISS: Joe, please.

MR. FLEISCHNER: I would just like to address, I know traffic is an issue and I'm going to make a suggestion. Granted it happened 40 years ago, so I'm not going to get into what's involved. But I suggest you get ten people together take two weeks off, go down to Trenton, bring a blanket and a

pillow, go to the Department of Transportation, sit in the lobby, until the head of DOT sees you, and on the fifth or the tenth day, they will see you, because all the news people will be there by then, you tell them what it is, the danger of Route 46, and if Vegas took a bet, it's on the record, what smart money says, and you will get a traffic light to accommodate you, no matter what the policy...no matter what it is, because that's how we got a light at Route 46 and Smithtown and Wolfe Road.

MR. WEISS: But Joe, I would say that's your opinion...

MR. FLEISCHNER: My opinion. Not the board, but it's worth a shot.

LAUGHTER

MR. MAGRINI: Brian Magrini, 17 Rolling Hills, isn't there...

MR. WEISS: Brian, what's your last name again?

MR. MAGRINI: M-A-G-R-I-N-I. Isn't there a Superfund Site that is adjacent to this property?

MR. SIMOFF: No.

MR. MAGRINI: It's not?

MR. SIMOFF: It's not adjacent.

MR. MAGRINI: But with the construction is that going to affect the underground...you know...the water and all that?

MR. SIMOFF: No. We've gone through Environmental Review and...

MR. MAGRINI: Ok. I don't...and then I wasn't here, but where is the entrance? Is it going to be next to Enterprise?

MR. SIMOFF: No, it's going to be next to the school, the Board of Ed property.

MR. MAGRINI: So, is...there's that piece of property where they are clearing out, is that...

MR. WEISS: ....would you point it out on the map? You can see it.

MR. MAGRINI: Because that turn right there is very dangerous. That whole stretch is dangerous.

MR. WEISS: Restrictions on entrance.

MR. SIMOFF: If you come here, I'll point it out to you.

MR. MAGRINI: I'm sorry.

MR. SIMOFF: If you come here, I'll show you. We abut the Board of Education property right here. This is the driveway to the school. Our driveway is right turn in and right turn out. Just so...

MR. MAGRINI: So there's not going to be a left turn on that?

MR. SIMOFF: Correct.

MR. MAGRINI: Good. Because right turn only and about 50 or 70 feet west of the school grounds. So I'm just...where's Enterprise? Oh. All the way down there. Ok.

MR. SIMOFF: Enterprise is at the corner of Chamberlain Street.

Inaudible : May I ask a question?

MR. WEISS: As soon as this gentleman comes up.

MR. DUARTE: Steve Duarte, 17 Chamberlain Avenue, Budd Lake

MR. WEISS: ...can you say that again?

MR. DUARTE: Steve Duarte, 17 Chamberlain Avenue, Budd Lake

MS. COFONI: Could you spell your last name please?

MR. DUARTE: D-U-A-R-T-E.

MS. COFONI: Thank you.

MR. DUARTE: Mr. Simoff, did the market units increase in heights?

MR. SIMOFF: Yes.

MR. DUARTE: Do you know how much higher?

MR. SIMOFF: About 12 feet.

MR. DUARTE: What kind of landscaping screening surrounding Chamberlain do you have?

MR. SIMOFF: First of all, we...the setback is...well from your house...from your house, from your property line...your house to the nearest townhome is about 150 feet...we've left about 100 feet of natural of what's there now because when we tighten this up, we work into the site not out to the site. As an example, originally we had 50 plus setback from Chamberlain, now we have 90 feet for setback. So we tightened everything up. The...and then there's shrub planting along the edge of the...

MR. DUARTE: So the shrub...that was my question...with the height of the market units being higher, just curious what the height from the buffer and the overall landscaping will be, do you know that?

MR. SIMOFF: The landscaping shown on the plan, your house is about elevation 965...and the...the floor of the townhouse is 972, so it's 36 feet...the roof is 36 feet higher above 972...but we have a significant...the existing buffer is there...I mean we felt that we'd leave the buffer the way it is...plant on the edge of the buffer, because why clear the buffer...why clear the existing trees?

MR. DUARTE: What kind of screening do you have...why kind of landscaping? Just curious.

MR. SIMOFF: We have evergreen shrubs.

MR. DUARTE: Evergreens. Do you know how high they...the maximum height will be when it matures? The height and width?

MR. SIMOFF: I can't tell you the height but I what they are on planting. They are six to eight feet in planting.

MR. DUARTE: When they are installed?

MR. SIMOFF: When they are installed.

MR. DUARTE: Do you know roughly when they mature? 20 Feet?

MR. SIMOFF: Can you answer that Chuck.

MR. MCGROARTY: no, I'm not looking at the plan. The landscaping there is what was approved in the past. Is it not?

MR. BUCZYNSKI: It's just further away from his house.

MR. SIMOFF: It was just further away from his house.

MR. DUARTE: Well the market units...

Mr. MCGROARTY: I think you actually had a berm in that area as well?

- MR. SIMOFF: Yes, I still have...I still have a berm along Chamberlain...
- MR. DUARTE: I understand, Chuck, it's just market units increased 12 feet in height, that's all.
- MR. McGROARTY: No, I'm not...I'm not saying it's not a legitimate question...I'm just saying, I don't have...I don't have the plan opened. I don't know the maturity height of the different trees would be...
- MR. SIMOFF: Yes, they grow...from what I understand, they grow two or three feet a year. But the reality is that the trees that are there are higher than six feet.
- MR. DUARTE: Yes, they are not evergreens but it...it will be visible during the winter...is...you know during construction it will be visible...
- MR. VOGEL: Maybe they should just fill it in a little bit.
- MR. DUARTE: Yes. Ok. And as far as the...just my last question, the drainage, has that changed or...has improved?
- MR. SIMOFF: There is more retention and less building...footprint...
- MR. DUARTE: Ok. So there is no impact to Chamberlain as far as drainage wise.
- MR. SIMOFF: No.
- MR. DUARTE: Ok. That's it.
- MR. WEISS: Thank you, Mr. Duarte. Anybody else from the public? And I know Mr. Siegel you want to come back up? I won't forget you.
- MR. CORONATO: Shaun Coronato, 41 Connelly
- MR. WEISS: Shaun, maybe if you could help out, spell the last name for us.
- MR. CORONATO: C-O-R-O-N-A-T-O.
- MS. COFONI: I'm sorry, your address.
- MR. CORONATO: 41 Connelly. How far from 41 Connelly will I see a building from the back of my property?
- MR. SIMOFF: You'll have to show me which one...
- MR. CORONATO: I'm directly across from Tall Oaks.
- MR. WEISS: Directly across from which one?
- MR. CORONATO: Tall Oaks.
- MR. WEISS: Tall Oaks. Ok. Maybe they can make this font small for us.
- MS. COFONI: Yes.
- MR. WEISS: Thank you, Mr. Vogel.
- MR. SIMOFF: The house that's across from Tall Oaks...39 or 41...they are about the same distance. It's about 320 - 350 feet from the nearest townhome. As I said, there is about 212...there's an intervening lot...about 250 feet of existing vegetation that's not going to touch.
- MR. CORONATO: That goes downhill. So, if I was looking out my backyard I didn't know if I'd see roof of a building or...and what is that last phase? What is that green? Is that a building...
- MR. SIMOFF: To answer your question, you're in elevation 1050 the nearest townhome is elevation 1000 so the ground is 50 feet below your...your yard.

MR. CORONATO: That's not an affordable unit?

MR. SIMOFF: No.

MR. CORONATO: And that's just a unit? There is no...like thing going to be posted...like a tot lot?

MR. SIMOFF: No. A tot lot is in the center.

MR. CORONATO: Oh. Ok. Alright. I just wanted to see what that was. Alright. Thank you.

MR. WEISS: Mr. Siegel, I know you had a follow up question.

MR. SIEGEL: Thank you for taking my questions again. Just since there were some comments that sparked some more questions that I had, first off...I was just curious and I'm not sure if this is really a question for you or maybe even the Planning Board but again I'm sure it was decided before as Country Oaks we have our own water company, a private well, private water that was mandated by I believe the Planning Board and the town initially. I was just curious how you were able to get to the Budd Lake System and not have to have your own system put in.

MR. SIMOFF: We are in the service area of the Township. And the Township wanted to serve the property rather than New Jersey American.

MR. SIEGEL: Ok. And I assume that since these are public roads is the snow...

MR. SIMOFF: These are not public roads. These are not public roads.

MR. SIEGEL: These are not public roads. So snow plowing and so forth will be done by...

MR. SIMOFF: The association.

MR. SIEGEL: ...the association. And then the last thing you said, again, about turning in and out, obviously I'm not privy to those plans in front of me right now, you said going in and going out is going to be right turn only?

MR. SIMOFF: Yes.

MR. SIEGEL: So, if you are going eastbound on 46 you can turn into the property, if you're coming out of the property you will be able to turn eastbound on 46 but if you're going westbound, you're not going to be able...

MR. WEISS: If you are going eastbound you can turn in.

MR. SIMOFF: No, if you're going westbound you make the u-turn and

MR. WEISS: Going eastbound you can pull in.

MR. SIEGEL: Going eastbound I said you can turn into...

MR. WEISS: But westbound you're going to have to use the jug handle by George's Liquors come around by Netcong Road back on 46 and go back.

MR. FASTERT: Is there going to be a physical barrier there?

MR. SIMOFF: No. We have DOT approval...the layout...and basically the...the...it's angled with...with a...

MR. WEISS: It's very hard to make a left into that...

MR. SIMOFF: ...with the signage...

MR. COFONI: It looks like there is a landscaped island in between...

MR. SIMOFF: Yes.

MR. FASTERT: depending on the angle.

MR. SIMOFF: In fact we had to...as part of our DOT permit we had to get a letter from the Mayor and Counsel saying that they would enforce the turning restrictions.

MR. SEIGEL: Something I've noticed over the last 18 years that I've lived on Rolling Hills Drive and driven on 46 and turning on Connelly, is people that have missed a turn and are in the left hand lane going westbound wind up turning on Connelly turning into the whatever...the little market that's closed now and then making a turn going back and we see that happening constantly all day long. People turning on 46 turning on Connelly making a u-turn causing more traffic tie ups and I'm a little concerned that even though I'm glad you don't have people trying to turn left in or out of there because we know it's a nightmare even at off peak times it sometimes take us 10 minutes to get out of our...on to 46. We may have more traffic going on there.

MR. WEISS: I can only say and I don't want to answer the question for Mr. Simoff, but I don't think we can hold Mr. Simoff accountable for bad driving. Understanding that Connelly...the left turn on Connelly is quite far from this development, they would have to through a traffic light, through that u-turn, totally screw up to make that effort. We don't doubt that there's bad driving habits, it's not the place to discuss it.

MR. SIGEL: But everything is going to turning right in and right out.

MR. WEISS: We'll blame Mr. Simoff for many things, but that's not going to be one of them.

MR. DIRIENZO: Just one last and final question. With the...it is just street lighting throughout the development, is there any lighting with this tot lot?

MR. SIMOFF: I don't think so. We have some walkways and some jogging paths that are lit with bollards but I don't think that there's...

MR. DIRIENZO Ok. So, low lighting. Nothing...

MR. SIMOFF: No we felt that we didn't want the activity at night to disturb the neighbors or the townhome people.

MR. BUCZYNSKI: There's street lights though...

MR. SIMOFF: Yes, there are street lights.

MR. COFONI: Oh. You were just talking about in the tot lot?

MR. DIRIENZO: No...just...yes. No lighting.

MR. WEISS: Anybody else from the public have any questions for Mr. Simoff? Seeing none, from the public, I'm going...we have one from the public.

MS. EISENMANN: Hi. My name is Carmen Eisenmann, I'm at 20 Chamberlain.

MR. WEISS: Carmen, if you would, please spell your last name for the record.

MS. EISENMANN: E-I-S-E-N-M-A-N-N.

MR. WEISS: Ok.

MS. EISENMANN: Mine is a question pertaining to what I'm thinking behind my property...are wetlands. Number 19 and Number 20, I haven't looked at any of the plans. So, no?

MR. WEISS: It's not. If it was I don't think Mr. Simoff would be allowed to build there.

MS. EISENMANN: That was going to be my question.

MR. WEISS: You live on...

MS. EISENMANN: Chamberlain.

MR. WEISS: That's what I thought.

MR. SIMOFF: Which side of Chamberlain?

MS. EISENMANN: Oh. The west side.

MR. SIMOFF: Oh. There may be wetland back there but...

MS. EISENMANN: I think there are...there's

MS. SIMOFF: But it doesn't affect us. We have a wetlands delineation and we are respecting that.

MS. EISENMANN: Ok. That was my question. Thank you.

MR. WEISS: Ok. Anybody else from the public have any questions for Mr. Simoff? I see none from the public. I'll close it to the public. Mr. Vogel...

MR. NELSEN: Mr. Chair, a question for Mr. Simoff

MR. WEISS: Sure.

MR. NELSEN: Mr. Simoff, Mr. Duarte asked you earlier what kind of evergreens you were planting and I think you said evergreen shrubs.

MS. NATAFALUSY: We can't here you down here.

MR. WEISS: There is too much noise in the back, please. There is a hearing going on, gentleman. Thank you. Go ahead, Dan.

MR. NELSEN: I asked Mr. Simoff earlier Mr. Duarte asked him regarding the planting around the property. And he said there were evergreen shrubs...6 to 8 feet...and I'm just wondering if he can clarify exactly what they are.

MR. SIMOFF: They are...the symbol is INS which is an evergreen tree.

MR. NELSEN: Tree.

MR. SIMOFF: Nellie Stevens Holly.

MR. NELSEN: Excuse me?

MR. SIMOFF: It's a Nellie Stevens Holly.

MR. NELSEN: A holly. Ok.

MR. WEISS: Ok. We're good?

MR. NELSEN: Good.

MR. WEISS: Ok. Here's what I'd like to do, Mr. Vogel, I know I just asked for your opinion, but we're going to take a five minute break.

MR. VOGEL: Thank you.

MR. WEISS: It is now...we're going to call it 8:45 at 8:55...ten minutes, we'll come back in session.

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MR. WEISS: We're back in session. Mr. Vogel, I did turn the meeting back over to you, so please continue.

MR. VOGEL: Thank you, Mr. Chairman, as I indicated initially this is really an application to reduce what was previously approved. And I believe that Mr. Simoff's testimony adequately covers all of the aspects of the changes that are suggested and accordingly that constitutes our application for this evening. Thank you.

MR. WEISS: Ok. So let me then at this point, I'm going to re-open the hearing back to the public. Just to explain, the applicant has essentially rested his case. He'll bring no more testimony...so if anybody from the public has any questions, comments, or concerns about the project, we will entertain those comments and then I will turn it back to the Planning Board and our experts for comments. Gene, did you have something?

MR. BUCZYNSKI: I'll...see if there's something else.

MR. WEISS: So I will open it to the public. If anybody from the public has any comment, anything to say...everybody's good? Ok. I will close it to the public. Gene, I know you had...

MR. BUCZYNSKI: Just curious that the clubhouse is not going to be utilized for the affordable housing people.

MR. VOGEL: Correct.

MR. BUCZYNSKI: I'm just curious, how about the exercise equipment around the roadway. Are they going to be able to use that? Or no?

MR. SIMOFF: We're not going to stop them from using it.

MR. WEISS: We can't pick you up sir, and that's ok. I think Mr. Simoff said they're not going to stop them. That's an acceptable answer. That's the answer. Chuck?

MR. MCGROARTY: Does that mean...I mean Hal...you know...there's a difference between saying that now and the cost of maintaining that equipment will probably fall to the...I'm going to guess it's going to fall to the homeowner association.

MR. SIMOFF: Yes.

MR. MCGROARTY: Do...I don't know if...I don't think you provided it yet but at some point...some subsequent... the homeowner association document in town does require them to be on file here. Will there be anything in those documents that would restrict access to those facilities...

MR. SIMOFF: No.

MR. MCGROARTY: So the answer was no. Only the clubhouse...

MR. SIMOFF: Only the clubhouse will be restricted.

MR. WEISS: And I suppose that will be up to the homeowners association to see how they restrict it.

MR. SIMOFF: So...but the documents will not...will allow the people to walk on the street and walk on the jogging path.

MR. SCHAECHTER: Correct, until the homeowners association take a majority of the seats on the board and then they could put that out to a vote to change the bi-laws. If that's how that stuff works.

MR. WEISS: Dan?

MR. NELSON: The change you made, basketball court to the additional tot lot, how firm is that?

MR. VOGEL: Well we're not proposing a basketball court, and we prefer not to build it. They tend to be a problem in projects like this. The people who live in the units, they are out there bouncing the balls and making noise at all hours. It becomes a gathering place for teenagers late at night and our experience has been that...that the people who live in the units would prefer not to have the...the basketball court, they would prefer to have the kind of amenities we have, tot lots for younger children

is something they use and something they enjoy. The use of paths and the use of equipment for exercise they enjoy but in projects such as this a basketball court breeds more of a problem than it does to provide an amenity.

MR. NELSEN: I'm not sure what then...then do they do? It would give them something to do, but not sure.

MR. VOGEL: Well we do have jog paths, we do have equipment. That would allow people to do exercise along the jog paths and the like. But the basketball court in and of itself does not...does not foster any good...activity that...

MR. WEISS: Mr. Vogel, if I didn't know better I would say you're testifying.

MR. VOGEL: Pardon me?

MR. WEISS: If I didn't know you any better, I would say you are testifying.

MR. VOGEL: That's right. I know. I have that old theory. They don't remember whether the lawyer said it or the person said it.

MR. WEISS: Dan, satisfied with the...

MR. VOGEL: If you want someone to testify to that, I do have another witness.

MR. WEISS: No, I think...I think the Planning Board seems to be...just by the nods of the head...seem to be ok with that. Anybody else from the Planning Board have any questions? Chuck or Gene?

MR. MCGROARTY: Nope.

MR. WEISS: So, let's...I think...I think Tiena might have made some notes with potential conditions. I don't really...I didn't make any notes on conditions, but...Tiena if this application was to be moved and approved, would there be any conditions?

MR. COFONI: I have the architectural plans needs to be revised with regards to the size of the clubhouse. I have that they will add additional catch basins per Gene's report. I have that there will be no lighting of the tot lots. I have the granting of the one variance for the setback to Route 46 for the affordable units which is decreased by five feet. Oh here we go, per Chuck's report compliance with the affordable housing requirements. And I also have plan revisions per Chuck's report, it's Number 8.7, show architectural and site plans reference the projects new name and the site plan cover sheet to reflect the applicable variance conditions. Chuck, were there...I think I got everything from your...

MR. MCGROARTY: Yes, the site plan Mr. Simoff will modify based on what I said, and what Gene said, and anything else tonight. Also the architectural plans will remove reference to the market units' basement walkouts. Correct? I think that was Mr. Simoff's testimony. And that the affordable units, and of course with the ordinance requirements, will be architectural similar to the market units and will be based on what we saw tonight the exhibits reflecting the type of facade treatment for the affordable units.

MR. BUCZYNSKI: And one other thing, it was mentioned...besides the drainage improvements, there's also the retaining wall...

MR. COFONI: Yes, I have that. Yes, I didn't get to yours yet. I have...

MR. MCGROARTY: And just if I can go back to the affordable for just a second. We don't have to spell out all the stuff but to comply with the ordinance requirements and that will include in the...this can be done administratively later...who the administrative agent will be. Perhaps, it will be Mr. Clementi or his firm and they will work out all that information with the Township. And 50 percent of the units will be low income, 50 percent will be moderate income.

MR. WEISS: Of the affordable units?

MR. MCGROARTY: Yes, with the affordables.

MS. COFONI: Ok. And I do have the two conditions from Gene's report with regard to the...adding one retaining wall and additional inlets.

MR. WEISS: Brian.

MR. SCHAECHTER: I'd like to make a suggestion, we eliminate the condition of the tot lots are not lit and we consider lighting those tot lots because with the kids there I've been in these developments at night especially in the fall, it gets dark rather early and then the teenagers congregated there. These are pretty shielded with...with landscaping. It's going to be a problem, maybe propose some lighting that doesn't throw off...

MR. WEISS: Security lighting.

MR. SCHAECHTER: Yes, definitely security lighting.

MR. VOGEL: Agreed. Security lighting. Security lighting at the tot lots.

MR. WEISS: Ok. So...

MR. MANIA: Good point.

MS. COFONI: You recommend security lighting or just lighting in general for use? I'm just going to put lighting.

MR. SCHAECHTER: Lighting.

MS. COFONI: Ok. I'll just make that as a reference that the board recommends that.

MR. BUCZYNSKI: And we'll put the conditions in for the developers agreement, pre-construction meeting and all that...

MS. COFONI: Yes, yes, all the traditional...

MR. SCHAECHTER: Same thing with the parking lot, clubhouse, all that stuff

MR. MCGROARTY: Oh, Gene...

MR. WEISS: Go ahead, Chuck.

MR. MCGROARTY: The minor subdivision...inaudible.

MR. BUCZYNSKI: ...the minor subdivision you're filing by deed?

MR. SIMOFF: Yes.

MR. BUCZYNSKI: Ok. That's all they have to.

MR. MCGROARTY: I know, they could do it by...but your

MR. VOGEL: That would be part of the motion, a minor subdivision, and the phasing.

MR. VOGEL: and the phasing

MS. COFONI: Gene, you said Developer's Agreement and what was the other thing?

MR. BUCZYNSKI: Pre-construction Meeting.

MS. COFONI: Yes. Ok.

MR. VOGEL: The phasing aspect also.

MS. COFONI: I'm sorry.

MR. VOGEL: The phasing...

MS. COFONI: Yes, yes, I have notes on that.

MR. WEISS: Ok.

MS. COFONI: I'm sorry, did I miss something else Chuck that you said just then? Did you add another...the Minor Subdivision Perfection?

MR. MCGROARTY: Right. No, it's by deed.

MS. COFONI: Ok.

MR. BUCZYNSKI: Just one other item too regarding you might just want to put it with the Developer's Agreement. I imagine the developer wants to bond the improvements per phase.

MR. VOGEL: Yes.

MR. BUCZYNSKI: So we should just note that in the resolution.

MR. MCGROARTY: Just one question,

MR. WEISS: Sure.

MR. MCGROARTY: Are you anticipating an extended period of approval, especially with a seven phase project?

MR. VOGEL: Yes.

MR. MCGROARTY: Maybe we should clarify that right now. So that...so that in two years you don't have to come back for...for...to extend the approvals...I don't think the zoning is going to change but did you want to do that tonight?

MR. VOGEL: Sure.

MR. WEISS: Chuck, explain that again.

MR. MCGROARTY: I'm looking right now under the statute to see what the criteria is because I just don't remember, but in...normally the period of protection for a Final Site Plan is, I recall two years with the potential for three one year extensions. But for a seven Phase project like this it's going to be...like Mr. Simoff said earlier...four

MR. SIMOFF: Four or five years.

MR. MCGROARTY: So the Municipal Land Use Law does permit extended period of time for approvals and it just would make sense rather than if it's going to be approved to get...well it is approved, it's been approved already with revisions, but to just get that extended period of time...

MR. WEISS: Did you check to see if it's appropriate to get a four year term?

MR. MCGROARTY: Yes there is...Tiena, right, there's a threshold that I'm sure this meets it but I just don't remember.

MS. COFONI: Are you looking in 40:55D-52?

MR. MCGROARTY: Yes, and the sub...in case of a subdivision site plan 50 acres or more, the plan development I think this meets the criteria for plan development I mean we'll call it that but it's a cluster development.

MS. COFONI: Right.

MR. MCGROARTY: So, I think in that...I think it meets the 40:55.

MS. COFONI: 52D

MR. MCGROARTY: 55 52D subsection B.

MS. COFONI: Yes. So, Planning Board may grant the rights referred to in Section A which is the protection period for such period of time longer than two years as shall be determined by the Planning Board to be reasonable taking into consideration one the number of dwelling unit and non-residential floor area permissible under the final approval. Two economic conditions. Three the comprehensiveness of the development. Developer may apply for thereafter and the Planning Board may thereafter grant an extension for such period of time as shall be determined by the Planning Board to be reasonable taking in to consideration the same things. So you can at this time, request I mean...granted approval...

MR. VOGEL: Yes, I would request three years which would...our expectation is...what...our expectation is four so if you add three years to the two that would give us a little...a little bit of a cushion with five in total.

MS. COFONI: So you're talking about three years and then...

MR. VOGEL: Three years beyond the two...

MR. WEISS: No, no, he gets two. He's asking for an additional three.

MR. VOGEL: So five years.

MR. WEISS: Yes, five years total.

MR. VOGEL: The extension would be three years because the statue already give you two.

MR. WEISS: So the questions is the Planning Board...do you understand Planning Board that the status allows two years of protection and then the applicant would be required to come in for a series of one three year extensions. The Planning Board is now being asked if we are comfortable giving essentially a five year protection period.

MR. MANIA: I don't have a problem.

MR. WEISS: It sounds like...

MR. MCGROARTY: And just add to that, again just to review all the nitty gritty details that will cover the variance, the variance has been approved so the one year expiration does not apply. So the variances will be running concurrent with this five year period of protection. If the board approves.

MR. WEISS: Ok. So that request will be part of the motion. Anything else?

MR. VOGEL: Nothing. Thank you.

MR. WEISS: Ok. So, we've gone through a bunch of conditions that are noted here on the record. We've asked...the applicant has asked for a five year period of protection. And with all those conditions and that request, would someone please from the Planning Board make a motion? Joe?

MR. FLEISCHNER: I move we approve PB 16-03 Simoff Engineering, Mountain Ridge Estates, with the appropriate conditions as noted by Tiena and that we use a total of five years which would be a three year extension to the existing two year approval.

MR. BUCZYNSKI: That's the site plan and minor subdivision, right?

MR. FLEISCHNER: Site plan and minor subdivision.

MR. MANIA: I'll second it.

MR. WEISS: Ok. Joe...

MR. MCGROARTY: Wait a minute, just to be clear a minor subdivision needs the deed really has to be filed within six months...

MR. COFONI: Right, there is no extended period of approval for that. I think Gene just meant that the approval is a minor subdivision. Not the extended protection period.

MR. MCGROARTY: The minor you'll do in the time period or we'll come back.

MR. VOGEL: Right.

MR. WEISS: Joe, you're ok.

MR. FLEISCHER: Yes.

MR. WEISS: John?

MR. MANIA: Yes.

MR. WEISS: Ok. Motion has been made. Seconded by Mr. Mania. Any comments, questions? Seeing none, Catherine, roll call.

ROLL CALL:

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

MR. VOGEL: Thank you very much. appreciate it.

MR. WEISS: Mr. Simoff, congratulations.

INAUDIABLE

MR. WEISS: I have nothing else on our agenda. Would someone make a motion to adjourn?

MR. MANIA: So, moved.

MR. WEISS: Second?

MR. WEISS: All in favor?

EVERYONE: AYE

(MEETING ADJOURNED AT 9:11:28 PM)

Transcribed by:  
Mary Strain, Secretary  
Planning Department