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, Nelson Russell, David Koptyra, Henry Fastert, Dan Nelsen

Members Excused: John Mania, Scott Van Ness, John Batsch, Howie Weiss

Members Absent: Kim Mott

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

Professionals Excused: Edward Buzak, Esq.

RESOLUTION – PB 16-07 JEFFREY BAUSE

MR. FLEISCHNER: First item is the Resolution PB 16-07, Jeffrey Bause.

MR. SCHAECHTER: I'll make a motion to approve PB 16-07, Jeffrey Bause.

MR. NELSEN: Second.

MR. FLEISCHNER: Any discussion? Seeing none, roll call please.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
David Koptyra	- yes
Henry Fastert	- yes
Dan Nelsen	- yes

COMMITTEE REPORTS

MR. FLEISCHNER: Committee Reports. Nelson, any report from the Mayor?

MR. RUSSELL: No, no report.

MR. FLEISCHNER: Council? Mr. Mania is not here. Environmental Commission?

MR. FASTERT: Nothing

MR. FLEISCHNER: You want to remind everybody about well testing for Saturday?

MR. FASTERT: Go ahead.

MR. FLEISCHNER: Nine to 12 if you want to have your water tested. Please come to the town hall council the cafeteria and you get your sample containers, you pay your nominal fee, and you have your well tested. And you have to bring it back Monday between 7:00 am and 10:00 am. Somebody I know has to buy donuts I was told. Any of you gentlemen would like to buy donuts instead of me. Just kidding. But that's the Environmental. Ordinance Committee? We are scheduling a meeting. Street Naming is Howie. Open Space is Kim. Board of Education?

MR. SCHAECHTNER: We have a lot to talk about, but nothing that can be disclosed. So…same old Board of Ed.

MR. FLEISCHNER: Thank you.

DEVELOPMENT MATTER – PB 16-04, HUNKELE EQUITIES, 160 GOLD MINE ROAD, 4400/85, 85.01

MR. FLEISCHNER: The first matter for development tonight is PB 16-04, Hunkele Equities, Minor Subdivision with Variances, 160 Gold Mine Road.

MR. DWYER: Good Evening, Mr. Chairman. Want me to qualify myself? I can do that.

MS. COFONI: Oh, no, I'm sorry.

MR. DWYER: I am the attorney.

MS. COFONI: You are an attorney?

MR. DWYER: I am an attorney.

MS. COFONI: I was thrown off. He's an attorney. He doesn't need to be sworn in.

MR. FLEISCHNER: I like to swear everybody in. Then I know you are on the record.

MR. DWYER: Mr. Chairman, Good Evening. My name is Pat Dwyer; I'm from the law firm Nusbaum Stein. I'm here on behalf of Hunkele Equities. We are here this evening to talk about two properties that are located on Gold Mine Road. They are at 166 and 160 Gold Mine Road. These two properties are adjacent to one another. 166 is currently occupied by a tenant, it's First Priority Ambulance Service. 160 is essentially a vacant property. There is one small structure on it. Initially our application, we planned to come before the board seeking Site Plan Approval for 160. The vacant lot. But before we had the application finalized, we received a phone call from the township Code Officer indicating that they believe there might be an issue with parking on 166 where the ambulance service is and that some of the cars that are associated with that business are actually parking next door on 160. And the question was whether or not now that Hunkele Equities has control over both of those properties they could do anything about that. So what we are presenting tonight is not just a Site Plan Application for the vacant lot, but also a Minor Subdivision Application to move the lot line in part to try to address that issue that was raised by the township. So, we are as I said seeking Site Plan Approval and Minor Subdivision Approval, and we hope that this proposal meets those concerns that were raised as well as whatever concerns the board may have.

MR. FLEISCHNER: Excuse me for a second. Catherine, can we hear both of these together?

MS. NATAFALUSY: Two separate applications.

MS. COFONI: How much of you testimony is going to overlap, I would imagine a lot of it?

MR. DWYER: Most of it.

MS. COFONI: Yes.

MR. MCGROARTY: Well, we're not sure. I think if I may…

MS. COFONI: Yes, please.

MR. MCGROARTY: I think it would be better to do them separately.

MR. COFONI: Ok.

MR. MCGROARTY: Because the Minor Subdivision triggers variances that I think need to be addressed separately.

MR. FLEISCHNER: That's fine. We got our answer to that.

MR. DWYER: Do you have any preference to which goes first, Mr. Chair?

MR. BUCZYNSKI: The Minor Subdivision goes first.

MR. DWYER: Ok. This evening we have with us Mr. Pete Hunkele, who is the principal of the applicant. I also have Jeff Careaga who is the Engineer. We also have Mark Bock who is the Artichect. And last but not least, David Zimmerman is our Planner. So, if the board would allow, we to call our first witness, Pete Hunkele.

(PETE HUNKELE SWORN IN FOR THE RECORD)

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

MR. HUNKELE: My first real name is Charles. Middle name is Peter. Last name is Hunkele (H-U-N-K-E-L-E).

MS. COFONI: And your address.

MR. HUNKELE: 80 North Dell Avenue, Kenvil, New Jersey.

MS. COFONI: Thank you.

MR. DWYER: Pete, could you please tell us what's your relationship to Hunkele Equities?

MR. HUNKELE: It's a LLC and it's owned by myself, my brother, and my nephew.

MR. DWYER: Ok. So, you're one of the principals.

MR. HUNKELE: Yes.

MR. DWYER: And you've heard me say that this application involves two properties on Gold Mine Road. First of all, one of those properties…essentially they can…what would be your plans with respect to that property at 160 Gold Mine Road?

MR. HUNKELE: Well, we hope to be able to present to the board tonight a plan to develop that property. To bring a day time population and a ratable.

MR. DWYER: And what would be in that development?

MR. HUNKELE: There would be some…a home for the business that Steve and I and his dad have.

MR. DWYER: And what business is that?

MR. HUNKELE: It's called…actually it's called Liquid Waste Holdings or Accurate Waste it operates as and we pump residential septic and provide support services to waste water treatment plants and companies that produce potable water from surface water.

MR. DWYER: And that business is currently located where?

MR. HUNKELE: In Lake Hopatcong, New Jersey.

MR. DWYER: And your plan is to move it to 160 Gold Mine Road?

MR. HUNKELE: Yes.

MR. DWYER: Ok. In addition to moving your offices there, what other, if any, other plans do you have for 160 Gold Mine Road?

MR. HUNKELE: We are proposing under Phase 2 of the development of 160 to put in some flex space which would…we've coined a phrase called incubator space.

MR. DWYER: So could you explain what you mean by incubator space?

MR. HUNKELE: Well I did a very similar project…I did an identical project in Roxbury. Some years ago. Actually won awards for it. The nicest industrial property in Roxbury Township. It's basically 1,500 square foot units where people starting a business, let's say your neighbor Johnny you watch grow up and he graduates school and he becomes a landscaper and he's got a truck and a trailer and it's ok.

And then he's got a second truck and a trailer, and a third truck and a trailer, and finally he says, look it the relationship with Johnny and his parents doesn't work anymore I don't want him running a business out of this residential neighborhood. So you turn to Zoning. The Zoning Officer looks on him he goes over and says look Johnny you can't do this anymore. And he says to the Zoning Officer, listen you were my Little League Coach, I got no place to go. I cut everybody's grass in town. I don't have a place to go. That's what the flex space or incubator space is as I call it, is designed to do. To give people who service the community that we're in a place to domicile their business. Doesn't make any difference whether it's an electrician, a plumber, a carpenter, a landscaper, you know…the other building person that does blinds in people's homes, custom blinds, they just need a place to keep their truck and keep their inventory and have a small office. You know, they show up in the morning, you know, they dispatch their people or leave themselves and go to the community.

MR. DWYER: And you've said that you plan to move your business to 160 Gold Mine Road, is that correct?

MR. HUNKELE: Yes.

MR. DWYER: And what is it about that location that you find attractive for your business?

MR. HUNKELE: Well, the business that my nephew and I are in isn't sexy but it's…Gold Mine Road seemed to be uniquely situated. It's across from a super-fund site that's closed. It's just a door or two away from the Morris County Solid Waste Transfer Station. Further down the road there's a hazardous waste transfer station, and other people in the environmental field are on Gold Mine Road. Gold Mine Road has a good strategic location for us. There's a four way interchange from Route 80. And it's also Route 206 would be a corridor to get to Route 78 or 287 corridor. So it has a good strategic location.

MR. DWYER: It's a good location. And the other lot, 166 Gold Mine Road, is currently occupied by First Priority Ambulance? Is that correct?

MR. HUNKELE: Yes.

MR. DWYER: And is there a plan to leave that business in tact in that location?

MR. HUNKELE: Yes, they have a 10 year lease.

MR. DWYER: Ok. Alright. That's all I have for Mr. Hunkele at this time, Mr. Chairman.

MR. FLEISCHNER: Anybody from the board have any questions?

MR. RUSSELL: I was wondering what to do with the septic waste that you pump?

MR. HUNKELE: It all goes…actually we're your Board of Health's best customer. We are probably the only septic pumper in your town that actually buys the permits. All of it ends up at the Passaic Valley Sewerage Authority. So it's the second largest facility in the United States. It's trucked down to the Passaic Valley Sewerage Authority.

MR. SCHAECHTER: In Newark, it's trucked there?

MR. HUNKELE: Yes, sir. Yes.

MR. NELSEN: You mentioned Johnny the landscaper…inaudible.

MR. HUNKELE: Space? I call my incubator space.

MR. NELSEN: How does that relate to your business?

MR. HUNKELE: It doesn't. But, the…this parcel happens to be close to 15 acres. We don't need anywhere near that amount of space and there seems to be a need for that in the area. I'm born and raised in Morris County. Married to a girl from Morris County, 50 years we're married. This has always been our home. We've been very active in county politics and serving on boards and it just…I've build the park in Roxbury approximately 20 years ago. I never had a vacancy.

MR. NELSEN: So you're saying someone would start a business out of their home and outgrew it.

MR. HUNKELE: Yes.

MR. NELSEN: Would be able to park their equipment in your place.

MR. HUNKELE: Yes. And be able to domicile older stuff there. Have an office. It's…I call it incubator space because as you start a business you go through certain periods of growth where at some point the right thing for all of them to do is to buy their own facility. But there's a period of time during, in Johnny's case his first lawnmower and his next step is on Kenvil Power Mower, I guess. It's a progression that most businesses go through.

MR. DWYER: It would be two separate buildings?

MR. HUNKELE: Two separate structures, in Kenvil I have tenants that have been there 20 years. Live in Roxbury, run their business from there, and they just elected…they became comfortable, they are happy.

MR. FLEISCHNER: Professionals, do you have any questions?

MR. McGROARTY: I do, but not for this witness.

MR. FLEISCHNER: Ok.

MR. FASTERT: What type of businesses would you expect to take advantage of this, and how are those businesses approved?

MS. COFONI: If I may…

MR. McGROARTY: That would be more of a Site Plan question…

MS. NATAFALUSY: I'm kind of confused. Are we doing the Minor Subdivision now or you doing the testimony for the Site Plan Application?

MS. COFONI: That was going to be my question…I think we're doing the Minor Subdivision now. Maybe you were just giving a little overview?

MR. FASTERT: That's true. We can come back to this.

MS. COFONI: Yes. We'll come back to that…

MR. DWYER: I was just trying to give some background about where we are and where we are headed.

MS. COFONI: Ok.

MR. DWYER: Do you have any more questions for Mr. Hunkele? Otherwise I can call…

MR. FLEISCHNER: Before you leave, does anybody here from the public who has a question for Mr. Hunkele. Seeing none, your next witness please.

MR. DWYER: Thank you, Mr. Chairman. I like to call Jeff Careaga.

(JEFFREY CAREAGA SWORN IN FOR THE RECORD)

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

MR. CAREAGA: My name is Jeffrey Careaga (C-A-R-E-A-G-A), from Careaga Engineering, 382 Route 46, in Budd Lake.

MS. COFONI: Thank you.

MR. DWYER: Mr. Chairman, I believe Mr. Careaga has been qualified by this board before.

MR. FLEISCHNER: Yes, he has.

MR. DWYER: We'd like to have him recognized as an expert in engineering.

MR. FLEISCHNER: Absolutely.

MR. DWYER: Thank you. Jeff, you drew the plans…your office drew the plans for this application, for both these applications?

MR. CAREAGA: That's correct.

MR. DWYER: Including the Minor Subdivision Application?

MR. CAREAGA: Yes.

MR. DWYER: Can you please go over what the existing conditions are on the site and what's proposed?

MR. CAREAGA: Sure. The existing conditions Lot Number 85; this is the site of a previous asphalt plant that was constructed in the 1970's. In general the limit of clearing, the limit of disturbance, has been essentially unchanged for the last 40 years on the property. What is gravel now was gravel then. On the Lot 85.01, there is an existing warehouse building.

MR. DWYER: That's the ambulance lot?

MR. CAREAGA: The ambulance lot. The existing lot size is 3.15 acres for the ambulance building. And that is a variance or a pre-existing non-conforming because it is a 5 acre zone. That property does have a driveway access through Lot Number 85 which it does cut across the property line about 200 feet into the property. And one of the, I guess, comments from Mr. Van Ness when he reviewed our initial Zoning Application was…was there anything that we could do about increasing the size of this lot and getting that driveway that currently crosses Lot Number 85 onto the new lot, the lot that services that…facility.

MR. DWYER: So the lot…so the driveway for the ambulance lot was actually partially on the next door…next lot next door?

MR. CAREAGA: It is on the lot next door at this point and time and we are trying to correct that with this application along with the fact that the ambulance tenants are parking over in the existing cleared area by the quonset hut right now. So our proposed lot line here was…was laid out to basically let them utilize the area that they are using now and clean up the issue of having the driveway off of the property with an easement through Lot Number 85.

MR. DWYER: So the proposed lot line would allow the driveway for Lot 85 to be on 85.01. Correct?

MR. CAREAGA: Correct.

MR. DWYER: It would increase the parking area for Lot 85.01 as well.

MR. CAREAGA: That's correct.

MR. DWYER: So, are there any other reasons that the minor subdivision lot line adjustment has been located where it's shown on the plans.

MR. CAREAGA: Well, again, I think that the…we can get into Mr. McGroarty's comments in a few minutes but essentially in order to make this a conforming five acre lot, the driveway from Lot Number 85 would essentially be over the property line. I have a display that I would like to put up on the board here.

MR. DWYER: Mr. Chairman, can we mark that as Exhibit One?

MR. FLEISCHNER: Yes, please do.

MR. DWYER: Jeff, do you want to mark that?

MR. CAREAGA: Sure.

MS. COFONI: And is that a colored version of the Minor Subdivision Plan with a last revision date of March 8, 2016?

MR. CAREAGA: It's not, no, it's a different, it's a slightly different plan…it's basically the same but we called it Five Acre Subdivision just to illustrate what would need to be done to get the five acres.

MS. COFONI: Oh, Ok. I'm sorry.

MR. DWYER: So this is a new…

MR. CAREAGA: So right now the existing lot line for 85.01 is illustrated with the green line. We are proposing the pink line to add to the existing lot area to make this a conforming five acre lot we would have to move…we would have to add the actual yellow area that we show here or some variation of that line, but this the yellow, pink, and green all together equals five acres essentially.

MS. COFONI: And what is the date on that plan?

MR. CAREAGA: This is today's date. May 12th. So, when we initially went out, when the Hunkele's hired us one of the key things was can you put a septic on this property. So we did go out and we did soil logs at a variety of places on the site. Not too surprising, the entire site is disturbed. We dug down in some areas and we found disturbance over ten feet deep. And we were not able to find any good area for septic system in this whole area of the property which is why we ended up over in the grass area over here because that was pretty much the only area left that we saw so, I didn't…we tried on top, we tried on the bottom, we tried in the middle, and really it was all…basically all disturbed essentially a very big cut in the middle of the lot at some point in time probably in the 70's when they were leveling it out for the asphalt plant. They cut a lot of dirt out from the top. There is a tremendous amount of fill up on the high side. There's areas of fill you can actually see the mounds down there and the existing septic system right now is down at the bottom of the site over here and again we just found all kinds of miscellaneous fill and top soil buried down deeper and so we just couldn't find an acceptable lawn anywhere but over on this side over here so that's really the reason we are having a problem trying to get a complete five acres to Lot 85.01 is just because this is the only area we are able to find acceptable for the septic system on this lot. But again, we are correcting an issue with the driveway. It's over the line right now; we are correcting the issue of parking on the other property for the ambulance squad. So, we would hope that the board would reconsider that the…we are increasing the lot area to be closer to conformance to the five acres. We are cleaning up the driveway so; we hope the board would go along with this.

MR. DWYER: Jeff, how big now would, if we followed our plans, how big would that lot now be?

MR. CAREAGA: 4.24 acres. Three quarters of an acre short. From an existing 3.15 and the existing Lot 85 would go from 14.92 acre to 13.83. Again, slightly affects the impervious coverage on the site. We are actually reducing impervious coverage in a few different ways here but because the lot is getting smaller, even thought the area of impervious coverage is less we do have a higher lot coverage percentage because of the smaller lot size.

MR. FLEISCHNER: Gene?

MR. BUCZYNSKI: Just a couple of things regarding lot line. You said the test show that you have to put the septic where you propose it. Any reason why you didn't show the soil logs on the plan that's required by ordinance?

MR. CAREAGA: No, there's no reason.

MR. BUCZYNSKI: You'll put on them…

MR. CAREAGA: Absolutely.

MR. BUCZYNSKI: Ok. Regarding making it five acres, any restrictions with the piece below that quonset hut to just bring it up further to get five acres?

MR. CAREAGA: Bringing this?

MR. BUCZYNSKI: Bringing that out. I know it makes it odd, but there's no restrictions there, is there?

MR. DWYER: I believe that was more a…just a planning issue in terms of making that more of a flag area in the lot then there already are.

MR. BUDZYNSKI: Making it more of a flag area you mean, by extending it?

MR. DWYER: By extending it and making it more of a regular shaped lot then…

MR. BUDZYNSKI: It would eliminate a variance.

MR. FLEISCHNER: Just make a bigger flag.

MR. BUDZYNSKI: Yes, you have a flag already.

MR. FLEISCHNER: But can you do it?

MR. DWYER: Can we have just a minute, to talk about that Mr. Chairman?

MS. NATAFALUSY: Joe?

MR. FLEISCHNER: Yes?

MS. NATAFALUSY: Should we take a break?

MR. FLEISCHNER: We'll give them a few more minutes.

MR. DWYER: I believe the answer is…as far as we can tell right now, Mr. Chairman, to Mr. Buczynski's question is that it would obviously cause questions with our current layout as proposed because the lot would have to be increased about ¾ of an acre which is about 30,000 square feet. So that flag would have to go over so far that it would actually impact where we have our proposal, building for Phase 1.

MR. FLEISCHNER: So the answer is, you want it left they was it is.

MR. CAREAGA: Yes.

MR. FLEISCHNER: Anything else?

MR. BUCZYNSKI: Not at this point, no.

MR. FLEISCHNER: Ok. Anything else Mr. Careaga?

MR. MCGROARTY: I have some questions.

MR. FLEISCHNER: Oh, I'm sorry…

MR. MCGROARTY: When he is done..

MR. CAREAGA: We have anything else for the Minor Subdivision Application?

MR. DWYER: I don't think so. I think it's pretty straight forward. Any particular questions, I'd be happy to answer, of course.

MR. MCGROARTY: Jeff, a couple of things if I may, I'm not seeing in the report. But I just wanted to understand what was happening. There is a 100 foot line access easement to east…to the west, sorry, on Lot 85. What is that for?

MR. CAREAGA: Which is that? The gravel lane?

MR. MCGROARTY: It's a 100 foot access easement. The gravel lane at the end is in and out of it but the plan…your plan allows a three foot wide access easements.

MR. CAREAGA: I believe there was an easement that was originally written when Mr. Tozzi owned the property. And I believe that gravel lane was supposed to go in that easement. It clearly was not instructed that way. I think it's been that way for 25/30 years.

MR. MCGROARTY; So the question is then, what are they doing with that easement and if that easement…if that easement provides access to Lot 44, Lot 86 which at this point I don't know if that even…if that's the…that might be wetlands open space for Toll Brothers …we need to know will it be vacated.

MR. CAREAGA: We would be…we could vacate that Chuck, there is no…like you said use for that anymore, I believe that was part of Tozzi's overall plan of that property many, many years ago and it certainly did not pan out that way. So, if that easement is not appropriate anymore.

MR. MCGROARTY: It would be appropriate if you would to give us a copy of that…that is required for all proposed and existing easements. So if you could get us a copy of that.

MR. DWYER: Certainly.

MS. COFONI: And who was that to? Who was the easement granted to?

MR. CAREAGA: That I don't know off the top of my head.

MR. MCGROARTY: Alright. Well, I think that would be important before we…before the board votes on it.

MR. CAREAGA: Well, we…we already agree to get rid of the easement.

MS. COFONI: But if you don't know who it's to, you might not be able to do that.

MR. MCGROARTY: Might be another party.

MR. CAREAGA: Ok. I know because I was involved with this…this property 20 years ago. And Mr. Tozzi owned the property back then and I'm not sure who the owner, maybe Dell Contracting owned this property at that point…I believe there was a deal made between Tozzi and Dell.

MS. COFONI: So are you…

MR. MCGROARTY: But I think Toll Brothers is the owner now of Lot 86.

MS. COFONI: So you'd have to get…if they own Lot 86, you'd have to get Toll Brothers to agree to vacate that 100 foot easement, is my point.

MR. CAREAGA: Ok.

MS. COFONI: That's why we need to know who is the beneficiary of that easement.

MR. McGROARTY: Jeff, another question then. Your Plan Notes, Number 8, indicates a 50 foot wide ingress/egress easement, is that…what can you tell us what that is, please?

MR. CAREAGA: I believe again that was the easement off of Flanders-Netcong Road where the gravel drive is; right now it's the DEP access point to get to the back area to where the gate is…

MR. MCGROARTY: But that's not on your property then? The gravel drive?

MR. CAREAGA: Correct.

MR. MCGROARTY: So what you're saying…what would be removed? How are you going to remove it if it's not on your property?

MR. CAREAGA: I'll guess I'll have to figure that out, Chuck.

MR. MCGROARTY: Well, it's on your plan.

MS. COFONI: Chuck, I'm sorry. Can you just say that again?

MR. MCGROARTY: Note Number 8, it refers to a 50 foot wide ingress and egress easement and then it cites the book and page. And it says it will be removed. Mr. Careaga is saying it is the gravel drive which is along to the south of the properties we are looking at. So, if it's not on their land, I don't…my question is how are they going to be removed? And why would they remove it?

MR. DWYER: If it's not on our land, we're not going…we won't do anything with it.

MR. MCGROARTY: Well then that note would be…

MR. CAREAGA: We'll clear that up, Chuck.

MR. DWYER: We'll change that.

MS. COFONI: So, note 8, will be a deleted?

MR. CAREAGA: Right.

MS. COFONI: Is that the one that you are talking…it says 373.46 feet? Down here?

MR. CAREAGA: Right.

MR. McGROARTY: Alright. Thank you. So I had just some other questions. Your…will you be giving the testimony on the variance or is that for Mr. Zimmerman?

MR. DWYER: We will probably hold that for Mr. Zimmerman.

MR. McGROARTY: Ok. Then I'll wait. Oh, if I may, a question for you, Jeff. A similar question on the site review and we will get to that when the time comes. But the proposed subdivision the south westerly piece now of the corner property 85.01 that will extend into…into the rear area, the plan shows that that has a…that falls within the 150 foot presumed wetland transition area buffer.

MR. CAREAGA: Yes.

MR. McGROARTY: Now there's gravel there but there but there's no…my question is to the best of your knowledge, you communicated that you have history in this area, were there any site plan approvals for parking in that area?

MR. CAREAGA: In that…I wasn't involved with…

MR. McGROARTY: So, if you're…again I don't want to get into the site plan stuff, we'll do that later, but if you are subdividing or you're increasing the lot area of 85.01 and yet a fairly sizable amount of that area judged on your plans is within that buffer area, is it usable?

MR. CAREAGA: As long as it was cleared and was used prior to 1989, it is. We are not allowed to touch the ground or manipulate the ground without getting wetland approval from the DEP but for continued use of what's been done since then, you are allowed to do that.

MR. McGROARTY: Doesn't it have to have been lawfully approved in the first place, though, to use?

MR. CAREAGA: I don't know about the use, but when you say parking of an ambulance is that what you're talking about use?

MR. McGROARTY: Any kind of parking or any kind of storage if there was sight plan approval for it then it would be a lawfully existing condition. If there were not, then I raise the question as to whether you can use that land. Again, we will deal with that in more detail with the site plan. But, if the concept

was to expand Lot 85.01 for the storage of vehicles or whatever the ambulance company needs, my question is are you going to be able to do it? And if it's not…

MR. CAREAGA: Well the fence that's up there…I mean this is an old…I don't know if you looked that area in particular, but the fence is probably 40 or 50 years old. This area has been used for parking from the 70's.

MR. McGROARTY: Well, I've been here since November of 1989 with the town. And I don't know of any site plan approval that ever authorized any improvements back there. So, stuff happens. I get that. People park and do things…

MR. BUCZYNSKI: I don't think people park there for probably 15 to 20 years now.

MR. McGROARTY: And this is to not put you on the spot tonight, it's just is it wise to increase the lot area for that corner parcel when in fact it may not be usable. At least a portion of it because of the wetland buffer. So I raise that as a question, if…

MR. DWYER: To the extent that there is usable area in that particular addition to the Lot 85.01, that would certainly increase the amount of parking in the lot size for Lot 85.01 and it is my understanding there was a prior resolution by this board not too long ago I think 2014 that granted an approval for Lot 85.01 to add office space and increase parking and that the parking at that time was set by the board and it granted 17 spaces.

MS. NATAFALUSY: There is no parking there.

MR. BUCZYNSKI: No parking there though.

MR. McGROARTY: There is no parking here. As a matter of fact, the board at the time, a member of the board, Mr. Wilpert, as I recall was concerned because there was parking in the fire lanes and out on the public road. And the testimony was that they were going to address that. But there was no authorization to park on the adjacent lot. The board would not have the authority.

MR. DWYER: No but what I'm saying is that if that lot where they approved the site plan that had 17 spaces is what I understand is site plan approval was for and if that was increased so that there is more space in the usable area of the new flag, then that would allow for more parking for that lot.

MR. McGROARTY: Well I understand to the extent that you have an area outside of the 150 foot buffer perhaps it's usable where it's conceivable usable. It raises again the question of…of how practical it is, number 1, but let me…and again I guess that Mr. Zimmerman will address the variances so we'll wait to discuss the quonset hut. That's all I think I have for Mr. Careaga. Thank you.

MR. FLEISCHNER: I was on the Board back then..if I recall…we approved parking in that area.

MR. BUCZYNSKI: No, absolutely not.

MR. McGROARTY : They were parking everywhere. But this area was not in question. There was no attempt by the applicant at that time to park on Lot 85. Because again that would of triggered an accessory use and…be in front of the zoning board …you as the zoning board. So Mr. Wilpert, I remember, we have the plans here,

MR. SCHAECHTER: There was a driveway behind the building.

MS. COFONI: But what about down here?

MR. McGROARTY: He was the Zoning Officer at that time.

MR. CAREAGA: Right. Right. I understand.

MR. COFONI: But what about down on the southerly portion of Lot 85.01? They don't show any parking spaces down there. Did they get approval to park down there?

MR. BUCZYNSKI: No, that's the area they're talking about.

MR. COFONI: Chuck was just saying over 85.01 but even down here there's no permission for…

MR. FLEISCHNER: No, that's why I'm confused.

MR. McGROARTY: 85.01 is the corner.

MS. COFONI: Correct.

MR. McGROARTY: What is represented presumably on…well I shouldn't say presumably…Mr. Careaga has represented the actual improvements on the minor subdivision for that lot. I'm talking about extending the area into 85 which is the big parcel. And I'm saying and it shows right on the plat that the wetland buffer extends quite a substantial way into that new piece that they put on there. And I don't know the answer myself but I'm raising the question that if…if there was no prior approvals for parking, storage, or what have you back there, I'm not sure you can then use it for parking.

MR. FLEISCHNER: Or they would have to request to allow parking back there, as long as it doesn't encroach on the wetlands.

MR. McGROARTY: Well, that's a different question and we'll deal with that with the Site Plan. Any…but you're right. Yes. The board could arguably approve…not arguably…you could approve parking, but you can't approve…you couldn't approve parking…I would suggest, I guess, that you want more clarity on the wetland question.

MR. FLEISCHNER: Correct. Correct. We don't want parking in the wetlands.

MR. BUCZYNSKI: No.

MS. COFONI: Mr. Careaga could you tell me where on Lot 85.01 they are parking ambulances?

MR. CAREAGA: On 85.01…

MS. COFONI: Right.

MR. CAREAGA: …where they are parking ambulances? I mean the parking lot is kind of full with ambulances, but they are parking ambulances on Lot 85 which is over here. Currently 85.01 is just the green over here.

MS. COFONI: So they are not…

MR. CAREAGA: The majority of the ambulance parking is actually in this area right over here.

MS. COFONI: Ok.

MR. CAREAGA: That's why…

MS. COFONI: Oh. Ok. I assumed that it was also down on the bottom of existing 85. Oh. Ok. I understand.

MR. FLEISCHNER: It's more in the red.

MR. MCGROARTY: So if it's down at the bottom of the other lot, that's an enforcement questions. It's not here in front of the board.

MS. COFONI: Right.

MR. MCGROARTY: They are proposing the minor subdivision which is ……..questions.

MR. DWYER: Just to say it again, that the reason we are trying to propose a minor subdivision, originally we were just doing site plan and 160. But the minor subdivision application is triggered by the request that we received to try to levitate some of part with the town size, the parking issue the town has a parking issue on 85.01.

MR. McGROARTY: Well, Mr. Van Ness is not here this evening but I mean one way to relieve it is to move it. I mean if there's a non-conforming on a property, one way to solve it is to get the non conforming out. If you want to take another approach as you are and increase the lot area, then I think it triggers the question, well why can't you create a conforming lot area or and Mr. Careaga said if you push it to the north you're going to interfere where he wants to put the septic. To Gene's question, why can't you go to the west?

MR. BUCZYNSKI: You have a proposed building there.

MS. COFONI: Well likewise, Chuck, also if you are expanding the lot to increase the ambulance parking in what could potentially be wetlands area, wetlands buffer, I would think that's something you would want to know because that plays into whether or not the board would want to…grant a Minor Subdivision Division because if we grant it at the very least insinuating that ambulances can park over there.

MR. McGROARTY: Well that was the purpose of my question.

MR. DWYER: Part of that, part of that new flag is not wetlands or buffer. Part of it is usable.

MS. COFONI: But this is presumed buffer.

MR. McGROARTY: Most of it is in it.

MR. BUCZYNSKI: Most of it is in it.

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MR. BUCZYNSKI: I'd say 60 percent.

MR. DWYER: And we're waiting by the way, by the way, I think we are waiting for an official LOI on that. Are we not?

MR. BUCZYNSKI: Yes. They submitted for one.

MR. DWYER: So we don't…the boundary may change. It may change to their advantage. It may, it may change to their definite. We've asked for the LOI and we're waiting for that.

MR. SCHAECHTER: So why wouldn't you want to shift the building to the left?

MR. CAREAGA: Pardon?

MR. SCHAECHTER: Why wouldn't you want to shift the building to the left, you have a lot of land?

MR. DWYER: Oh, I…

MR. SCHAECHTER: You can't put a septic on it.

MR. DWYER: I'll let Jeff talk to that. Did you hear that, Jeff?

MR. SCHAECHTER: Why wouldn't you shift that building to the left?

MS. COFONI: You mean the one that's going to be on Lot 85?

MR. SCHAECHTER: No, the one, the proposed building on…

MR. CAREAGA: Yes, on lot 85. It is possible that we can. We certainly will explore different options. But kind of just want at least get through comments, other comments the board might have tonight before we just agree to do that. And then kind of start from scratch again in the future.

MR. FLEISCHNER: Because that would make it a lot easier and then it could meet what you guys really need. It would allow for the parking that you need and not have to deal with wetlands.

MR. SCHAECHTER: …wetlands.

MR. FLEISCHNER: …would not be an issue. Which would make it, I would think, much easier for you because you can't…it's not a question of having to put a septic there.

MR. CAREAGA: Again, I'm not really too concerned about being able to use this property from a wetlands perspective just because it has been in existence the fence has been there, the gravels been there, for decades and decades, my experience is anything that's been there since before 1989 is pretty much a no brainer. From the DEP's perspective, they always get approved if it's been that long. Anything after 1989 becomes a question. One of the first things I did when I took this job on I went through historical photos and I saw the whole site disturbed right back into the 70's so I…

MR. McGROARTY: I think, if I may, I think the board would want some more testimony or evidence that it was used for that purpose. Again, I don't have any recollection in my 20 something years here of any approvals for that so…

MR. BUCZYNSKI: But I never heard of no drainage by the DEP. Is everything…everything concerned…but besides…besides this area you also have another problem. It's more of a site plan issue but to the north there is proposed outdoor storage that's in some wetland too. I'm not sure how you're going to get approval for that.

MR. CAREAGA: You're talking about up over here? Because…

MR. BUCZYNSKI: Over to the…

MR. CAREAGA: Again, because it was already disturbed from historically and…

MR. BUCZYNSKI: For outdoor storage in that area?

MR. CAREAGA: Absolutely, if it's been disturbed and you're going to continue to use it, you're not…we're not cutting any trees. This whole site, not one tree is coming down here. I mean we are not cutting anything down. This is already a fully disturbed site. And if it's been used before the DEP will let you reuse that. We have…

Mr. BUCZYNSKI: that will come out in the LOI.

MR. CAREAGA: We are not proposing even to touch the ground anywhere near any of these wetland buffers as part of Phase 1.

MR. BUCZYNSKI: I know you want to leave it…

MR. CAREAGA: Yes, but that…we're all into change a little bit. But really…the bottom line thought is Phase 1, we're not going anywhere near the wetland buffers. We're not going to touch anything with the wetland buffers. We want to be able to build Phase 1 before getting the final wetlands approval. We have to fill in the small pocket of wetlands, which again Wade Wander has indicated that it should not be an issue whatsoever. It's manmade. That pocket is manmade wetlands. So, it's not like its…any…

MR. MCGROARTY: Let me just if I may…you're right that…well, your testimony that you are not…your Phase 1 on Lot 85 will…will not encroach into the buffer area. But the parking lot for 85.01, your storage area, it will. Now, whether you get authorization from DEP to do that…and then I wonder too…and this is a question from our attorney, whether even if DEP has no problem with it whether the board has any controls allowing development within that area. But, nonetheless, I think…you're…especially about Phase 1, the point is well taken but my question initially was the impact to that wetland area including the expansion of 85.01…..So, to me it goes to the wisdom of doing this minor subdivision this way.

MR. FLEISCHNER: I think the concern is, I know what you're saying, the DEP…it has been like this for years. But the reality is, we don't know. I mean it would be nice if you came to us with a letter that's from DEP says, hey we're on board with this because it's been disturbed or not disturbed. We're kind of in a flux here because I…we hear what you're saying but that's your side of the story. You know, it's like Paul Harvey used to say, and now you know the rest of the story.

MR. BUCZYNSKI: Joe, if you get…get the LOI, the LOI would pretty much lay out what's disturbed…what they can do and can't do regarding those areas.

MR. FLEISCHNER: And that would be extremely helpful. It would make really…

MR. SCHAECHTER: The process again…

MR. BUCZYNSKI: Pardon me?

MR. FLEISCHNER: It's kind of like…it's almost like you're a little premature for us because if we had that in front of us we would know the DEP says, hey…

MR. BUCZYNSKI: One of the things…a lot of the times, so they just see approval and can be subject to? In this case, I think it's very paramount to know what it is because that affects the whole development layout.

MR. FLEISCHNER: Right. And unfortunately this site, has had problems over the last 40 years.

MR. BUCZYNSKI: And they just…I think he just submitted for the wetlands. Right?

MS. COFONI: May 2, it looks like.

MR. FLEISCHNER: Because you still couldn't do anything anyway until we saw that LOI. Am I correct?

MS. COFONI: Right.

MR. FLEISCHNER: No matter what this board's conclusion comes up with this evening. Nothing could be done until we get that.

MS. COFONI: Because at best it would be an approval subject to receiving that so it's…how long do those take? I have no idea. Is there a time period?

MR. BUCZYNSKI: I don't think it's a 90 day rule.

MR. CAREAGA: Six months, 9 months, a year, they're all different. But six months is probably about as quick as we are going to get it.

MR. BUCZYNSKI: You're not going to be able to do anything on that site until you get that approval anyhow.

MS. COFONI: Yes, I can certainly hazard a guess that if you're going to get an approval it would be subject to receipt of a LOI consistent with what you're presumed buffers are so that would mean that you couldn't do anything until then anyway.

MR. FASTERT: If the approval came back slightly different, would we have to start at the beginning again?

MR. FLEISCHNER: Correct.

MS. COFONI: And Gene's right, that's not always the case. Sometimes you can get approval subject to. In this case, it's critical because of the use that is being proposed and the reason for the minor subdivision.

MR. BUCZYNSKI: The development is it's actually in the area of the wetland buffer.

MR. COFONI: And then…yes…the development that's proposed for 85.

MR. FLEISCHNER: I'm a little cautious about saying we give you approval as long as the DEP says it's ok because over the years I've seen where…I'm not saying you…applicant's have then gone to DEP and said, oh look we got approval by the township. And…but…you know it's sort of like a catch 22 and you know…that's a concern…I don't know any other board members how they feel but…

MR. SCHAECHTER: that a little bit premature. I like the application, to be honest with you. I think that the properties a wreck…you know… I think we just need to follow…follow the correct order and the process and I think it will be a great project. You can take that as a hint.

MR. BUCZYNSKI: The yellow line…the LOI would address most of the questions…

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MS. COFONI: Mr. Dwyer, would you like a couple of minutes?

MR. DWYER: I would, yes please thank you.

MS. COFONI: I just want to make sure our discussion is…you're able to hear it as well.

MR. DWYER: Thank you. I would like a minute.

MS. COFONI: Can we take a…

MR. FLEISCHNER: Let's take a ten minute break, please.

MR. DWYER: Mr. Chairman?

MR. FLEISCHNER: Yes.

MR. DWYER: Thanking you for the opportunity to discuss with my client further some of the boards concerns. We understand that you are…have concerns about the wetlands area in particular. And as you have heard, we do not have a LOI in hand. And we do not want to obviously proceed. And if the board's that concerned about that one issue, so we would exceed to the board's request with this one…with this one possible request I would make would be since we are under contract we own 85.01. We own 166. We don't own 160, we are in contract and there are some time limitations on us with that regard. Would it be possible, or would it make sense for the applicant to proceed? If it was approved with the condition of approval that the area which is identified as the wetlands area would not be used as part of the site plan, and of course whatever approval would be conditioned as well to a LOI having been obtained eventually. If the board would allow that that might be a way we could proceed tonight.

MS. COFONI: I didn't follow that personally.

MR. CAREAGA: I guess maybe is there any potential for us to build anything on the site prior to the LOI, keeping for instance 250 away from the…where 150 is the typical maximum buffer…is there a number that the board is comfortable with that we can keep away from the wetlands, not touch anything. Not use it for parking, not use it for anything. So that we could at least be assured that we can potentially…we can come back with an obviously revised plans moving buildings around, moving things around to stay out of the wetlands buffer. Where we wouldn't have to touch anything until such a time of things to might be stay out of the buffer with all our activities.

MS. COFONI: So…

MR. SCHAECHTER: They want a guarantee of a plan that we don't have…

MR. BUCZYNSKI: You know…I hate to say it but these plans were prepared in January, that's four months ago. They could have gone to the DEP and started the application at least four months ago and had work done and not wait till two weeks ago to submit an application.

MS. COFONI: I guess what they're saying is could they come back with a plan that shows them some number of feet away from the wetlands area that we would be comfortable with proceeding…the first scenario that we said which would be an approval subject to the LOI?

MR. FLEISCHNER: But I think you would have to have a separate set of plans to submit to this board.

MS. COFONI: Oh. Yes.

MR. FLEISCHNER: You could use the plans that are here this evening.
MR. CAREAGA: understood.

MS. COFONI: And what you're saying is you would want not only approval under that, but you would want approval and the ability to proceed without first getting the LOI?

MR. DWYER: Well I'm assuming that the approval would be conditioned on…

MS. COFONI: Ok. So how's that any different than waiting for the LOI, if either way you can't go forward?

MR. CAREAGA: No, no, we did want to proceed with some sort of construction for the office building.

MR. BUCZYNSKI: Just stay outside of the…

MR. CAREAGA: Staying outside. And I know, Gene. I know we've done projects in the past where we were well outside the buffer and construction was not halted just because we didn't have the wetlands cause we stayed away from it.

MS. COFONI: I'll leave that to…maybe Gene and Chuck can say whether or not there's some feet or distance…

MR. BUCZYNSKI: We'd have to see what the proposed plan…ultimate plan is going to be.

MS. COFONI: So, perhaps we have to go forward like this, you prepare that plan and submit it to Gene and Chuck? I don't know. I don't know that anyone's prepared to make that determination now because we have no plans, nothing to see.

MR. FLEISCHNER: I don't think we can say this evening in all honesty. We can give…as you say, you're going to be 250 feet from the wetlands…I think this board needs to see something. You revise the plans to incorporate that distance, come back to this board, and then we have something…

MR. FASTERT: We can't approve a plan that we haven't seen.

MR. CAREAGA: No, no I'm basically looking for feedback. Is there a number that the book…knowing that 150 is the typical maximum buffer for many wetlands, is there a…I threw out 250…is it 152 feet, is it 175, is it 200, 250, is there a number the board would be comfortable with for us so could…

MR. SCHAECHTER: You're looking for guidance.

MR. CAREAGA: Guidance. This isn't a ruling…just guidance.

MR. FLEISCHNER: And I think that's something…that has to come from our professionals.

MR. BUCZYNSKI: The worst scenario which I don't think it is…the worst scenario would be 300 feet. But if you try to stay 300 feet away, you can't get much done.

MR. CAREAGA: Well 300 feet that's flood hazard area.

MR. BUCZYNSKI: Right. Riparian zone.

MR. CAREAGA: There's none of that on this here.

MR. BUCZYNSKI: You have highland requirements.

MR. McGROARTY: Yes, if you weren't exempt, that would be a 300 foot buffer. You know…my feeling again is and we didn't get a chance yet to look at the site plan and for obvious reasons because we want to focus on the minor…the minor…I really question again the minor subdivision given the wetland line because I don't think it accomplishes anything for the applicant. It limits the amount of area that they could use if the wetland buffer that's shown on plan is accurate which we don't know yet. And I think it just creates a potential problem. Problem already exists were there's parking on Lot 85 where it should not. And we're not beating that up. It is what it is. And they're trying to deal with it and fix it. But if we create…if you approve a lot line change, that incorporates most of the wetland, what is it accomplishing?

MR. FLEISCHNER: Right. Because we don't know if DEP would even allow…

MR. McGROARTY: Exactly, now maybe there'll be more testimony about the historic use of this property in the back. And maybe there's some testimony that the DEP…you know…that there's some…there's strong likely hood that they would acknowledge it but we've talked about in the reports, is proposing new parking back there and that's what trigged my question. It's new and I don't know of any parking that existed there before. So, again I guess the only building that doesn't seem to have any impact on the wetland is Phase 1 but there is some parking or circulation area that clips the corner of the wetland area in the back too so…it's a tough site in the sense that you got wetlands to the southeast and then over on the west side as well. Kind of sandwiches it in and they really need to know…you know what they can use.

MR. FLEISCHNER: Board members, any comments?

MR. MCGROARTY: We didn't get into our reports either, Mr. Chairman.

MR. FLEISCHNER: I understand that.

MR. MCGROARTY: And we have lots of other comments…

MR. BUCZYNSKI: Lots of concerns.

MR. MCGROARTY: …other elements with the site plan too which if there were.

MR. BUCZYNSKI: If they don't proceed tonight they can incorporate and address those items and hopefully some of them anyhow…or they can have discussions with us, I guess.

INAUDIABLE

MS. NATAFALUSY: Are you on the record, Brian?

MR. SCHAECHTER: No.

MR. FASTERT: If…What I hear that all you are asking for is guidance as to what is an acceptable distance from the wetlands…just so you can do the new plan, is that correct.

MR. CAREAGA: Correct. That's correct.

MS. COFONI: And the new plan would include proposal where they would actually proceed with construction prior to receipt of the LOI.

MR. FLEISCHNER: No.

MS. COFONI: That's what they asked for…

MR. SCHAECHTER: No, they will wait for the LOI.

MS. COFONI: No, they are proposing actual construction prior to getting the LOI.

MR. BUCZYNSKI: They only way they are going to get that is if it's completely way off beyond the limits of the buffer that's shown in the plans. We're not…we're not going allow something without DEP approval. At least I'm not going to go along with it.

MS. COFONI: So how far away from that wetland…

MR. BUCZYNSKI: I'm not being put in that position.

MS. COFONI: So, I think your answer is no…

MR. BUCZYNSKI: …alternate plan…let them come to a plan that they think is appropriate and show it to us in a conceptual drawing and then we can look at it. We shouldn't be giving them the numbers. Come with a plan…come with a plan they think is right and we'll look at it. It doesn't have to come in front of the board, it can just…

MR. FLEISCHNER: I agree. I agree.

MR. BUCZYNSKI: …a conceptual type with distances.

MR. FLEISCHNER: Can I…I think what Mr. Buczynski raised, I mean, these plans are January and we're in May and I really don't understand why you didn't go to DEP at that point. I really don't.

MR. CAREAGA: You can't flag wetlands in the middle of the winter.

MR. BUCZYNSKI: Wetlands were done January 15th. That's what is shows on the plan. That's four months.

MR. DWYER: Alright, Mr. Chairman, thank you for the board's feedback. I think we understand better now what the concerns are with the application. And with the board's permission, we would ask to…

MS. COFONI: Adjourn?

MR. DWYER: …adjourn this matter. Our plan is to present a concept plan and get some feedback.

MR. FLEISCHNER: I would encourage you to do that with Gene and Chuck.

MR. DWYER: Get some feedback and then see if we are able to come to some understanding about proceeding at this level without having a LOI in hand.

MS. COFONI: Ok, do you want to adjourn this meeting to a meeting in a couple of months or something so that you can carry your notice?

MR. DWYER: I would like to have it adjourned on a month to month basis only for notice purposes unless you want to do it…we also as I said before, from our perspective I appreciate the board's comments but we do have some time pressure with regard to our seller. So, if we could keep on the calendar and have it adjourned without further notice, I would appreciate it.

MR. FLEISCHNER: Can we do that, Catherine?

MR. FASTERT: Joe?

MR. FLEISCHNER: Yes. I'm sorry.

MR. SCHAECHTER: I heard pretty strongly from Gene that he's not going to support construction on the site until DEP approval exists.

MR. BUCZYNSKI: We can see what the conceptual plan looks like as far as where the buildings and stuff are going to go…

MR. FASTERT: And so that's not a blanket prohibition in your mind…

MR. BUCZYNSKI: No, and also before we say yes, I'm going to call the DEP once I see the plans and say, you know, can we allow particle construction on the site and see what they'll say.

MR. FASTERT: Alright. I just want to be sure we're not wasting their time if you can't support this, then why make them do that.

MR. FLEISCHNER: I think Gene and Chuck from past experience are very open but they have to see something…

MR. FASTERT: No, no, I understand completely.

MR. FLEISCHNER: I mean, I agree with Mr. Schaechter I think this would be a benefit to the site when it's all done. I think everyone kind of agrees to that, but there are certain legalities that we have to deal with. And, that's where we stand.

MR. McGROARTY: And just for what it's worth, Mr. Chairman, this boards concern. I just checked with Catherine, the town, the Zoning Office is not pursuing a violation on this at this time. I presume he will not because now it's in front of the board. So, it's not like tomorrow they're going to get a violation notice for parking in the lot.

MR. DWYER: And that's good news.

MS. COFONI: Catherine, what is next month's meeting look like? I just hesitate to carry you to a day when there's no chance of you actually being heard. So let's…

MS. NATAFALUSY: Yes. June 9th we just scheduled a Use Variance and Preliminarily and Final Site Plan. The 16th we've got Shop-Rite coming back to the board. And we just deemed three different applications incomplete today that will probably be coming back soon too. If the application expires July 22 so at this point can we just carry it to July 14th? And if it doesn't work out by the 14th…..

MR. DWYER: We'll extend if necessary. Sure.

MS. COFONI: So let's carry this application this application till July 14th meeting.

MR. MCGROARTY: Are we carrying both applications?

MS. COFONI: Yes, both. Both applications to the July 14th, no further notice will be provided, and this will be for both Application Number…

MS. NATAFALUSY: 16-04 and 16-05.

MS. COFONI: Thank you.

MR. FLEISCHNER: You guys will get with Chuck and Gene.

MR. DWYER: Yes, we will.

MR. HUNKELE: Thank you. I apologize for waking this up.

INAUDIABLE

MR. FASTERT: Joe, make a motion to adjourn?

MR. FLEISCHNER: Do I hear any other new business, anything?

MR. SCHAECHTNER: Make a motion to adjourn.

MR. FLEISCHNER: Do I hear any other new business?

MR. McGROARTY: Wait. I just want to give the board an update on what's going on with the Housing Element.

MR. FLEISCHNER:Okay.

MR. McGROARTY: The Housing Element and Fair Share Plan that we adopted, you adopted, I just want to let you know we are going…we had a meeting, or a hearing I guess it is scheduled with Judge Hansbury in Morris County, he's the judge that's in charge there for Affordable Housing on June 26th.

MS. NATAFALUSY: June 27th?

MR. McGROARTY: June 27th. I don't know what exactly to expect, I'm bound to one of these already but it was in a different county, different judge. We have a plan, we have not heard any negative feedback yet from the court appointed master. So we'll see what happens but you know after that. If all goes well, I'm not sure it will go so smoothly but the court might approve the plan and we're good. But we'll see. I just wanted to let you know that that's coming up.

MR. FLEISCHNER: Thank you, Chuck.

MR. McGROARTY: Ok.

MS. COFONI: I have something.

MR. FLEISCHNER: Tiena?

MS. COFONI: The board received, I believe, a letter from me letting you know that Novaky was dismissed. If you recall they were having issues between Novaky and a third party with regards to their form of deed...they were in jeopardy of having to try a case and…it's over.

MR. FLEISCHNER: So, that's good.

MS. COFONI: It is.

MR. FLEISCHNER: Any other items, any board members? I'm opening to the public, anything to say? Closed to the public. Can I have a motion to adjourn?

MR. SCHAECHTNER: I'll make a motion to adjourn.

MR. FASTERT: Second

MR. FLEISCHNER: Meeting's adjourned.

(MEETING ADJOURNED AT 8:22:43 PM)

Transcribed by:
Mary Strain, Secretary
Planning Department