

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, John Mania, Kim Mott, John Batsch

**Members Excused:** Howie Weiss

**Members Absent:** Dan Nelsen

**Members Late:** Scott Van Ness

**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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**RESOLUTION – PB 13-26, VOGT EXTENSION, BLOCK 2801, LOT 67**

MR. FLEISCHNER: Thank you. We are going right into the resolutions. The first resolution is PB 13-26, Virginia Vogt, (formerly Page/Sturm).

MS. COFONI: Ok. Yes. The resolution just has two typo changes in two places the reference to the Use Variance section had to be change from 400 Section...Section 400-24I to 550-24I. That's in the second whereas clause and in Number 1 on the bottom of Page 2. And that should be corrected.

MR. FLEISCHNER: Discussion by anyone on the board? Seeing none, may I have a motion to approve the resolution?

MR. MANIA: So moved.

MR. FLEISCHNER: Mr. Mania approves, is there a second?

MR. SCHAECHTER: I'll second.

MR. FLEISCHNER: Mr. Schaechter second. Roll call?

**ROLL CALL:**

Joe Fleischner	- yes
Brian Schaechter	- yes
David Koptyra	- yes
Henry Fastert	- yes
John Mania	- yes
Kim Mott	- yes
John Batsch	- yes

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**RESOLUTION – PB 16-03, SIMOFF/MOUNTAIN RIDGE ESTATES, BLOCK 4100, LOTS 83 & 84**

MR. FLEISCHNER: The next resolution is PB 16-30, Simoff/Mountain Ridge Estates, Tiena?

MS. COFONI: Yes. I have several changes, some of these may be in the one that you have...I just honestly, I'm not sure which ones made it in and which ones didn't. A condition was added to require the homeowner association documents must be submitted. A condition was added stating that residents in affordable units on proposed Lot 84 shall have unimpeded access to the tot lot and all outdoor passive and active recreation facilities located within the market unit portion of the tract on proposed Lot 80.

MR. BUCZYNSKI: I don't see that.

MS. COFONI: It may not be in the one you have but it should be in the one...you don't see the second thing?

MR. MCGROARTY: That was the one I seen but I don't see them in here.

MS. COFONI: Alright, let me make sure I have it in this one. You should have it in yours.

MR. MCGROARTY: Which page? Mine is 051718, that's the last date.

MS. COFONI: Yes. Ok. We got it. I think we've got another version. That is, yes, we have Q as the condition that you should have, Joe. And I'll make sure everyone gets that. No. No, you're on the wrong one. That's Motion. You need the other one. There you go. Yes.

MR. MCGROARTY: So this is the homeowner's documents...

MS. COFONI: P & Q

MR. MCGROARTY: ...and the access to the...

MS. COFONI: Yes.

MR. MCGROARTY: Oh, there it is...

MS. COFONI: P & Q, you have both of those.

MR. MCGROARTY: And there's another page.

MS. COFONI: Ok. And then...yes, I'll correct that. Oh, the change to the square footage of the footprint of the clubhouse in the whereas clause, I had picked up that it was 1,600 square feet from something, but it's the whereas clause, the third whereas clause now reads "on August 11, 2011 the board granted approval to Mount Olive Center Associates, LLC for a conversion application to eliminate the age restriction and reduce the size of the clubhouse from 7,300 square feet to 2,840 square feet" Application11-05.

MR. MCGROARTY: Yes, and that's because it's a two level structure.

MS. COFONI: Yes, I must have picked up the 1,600 from somewhere.

INAUDIABLE

MS. COFONI: And then Condition G was modified to reference compliance with Section...Yep Section...it now reads applicant shall comply with the Township Planner's April 18, 2016 Report, Paragraph 7.1, 7.3, and 7.4. In addition the administrative agent for this project must secure approval from the township counsel. And then...there's one more...oh...

MS. NATAFALUSY: I just said, so Chuck's report should be attached to this resolution.

MS. COFONI: Yes, because we referenced...that's a good idea. And then we have condition O, at the completion of the 193<sup>rd</sup> market unit which represents the 90 percent mark for the 215 market units, 100 percent of the affordable housing units and related improvements parentheses(tot lot) must be completed. The plan shall be revised accordingly. And then I have one more thing that is to Condition K, it now reads the artichectural plans shall be revised to eliminate reference to basements in the market units in accordance with Township Planners April 18, 2016 Report, Paragraph 8.1.

MS. NATAFALUSY: What condition was that?

MS. COFONI: That was K.

MR. BUCZYNSKI: I thought you said A.

MS. COFONI: Oh, I'm sorry. That was K.

INAUDIABLE

MR. MCGROARTY: No, no, wait, wait, wait, wait, let's, let's...

MS. COFONI: No?

MR. MCGROARTY: No. The architect...I don't have the...well actually I do...

MR. SIMOFF: Can I ask a question why he is doing that?

MR. MCGROARTY: I'll explain that. Let me try and correct me if I'm wrong. The original K was the architectural plan shall be revised to reflect the size of the clubhouse at 1,600 square feet, which we've discussed to eliminate reference to basins.

MS. COFONI: Yes.

MR. MCGROARTY: What it should say is the...well I apologize; it is...we are eliminating the reference to the basins.

MS. COFONI: Yes.

MR. SIMOFF: There are no basins on anything.

MR. MCGROARTY: Right, I'm sorry. You're right.

MS. COFONI: It's just that it mentions it in the architectural plans. It references basins and that's why these need to be corrected.

MR. MCGROARTY: I understand.

MS. COFONI: Ok, alright, so that takes care of that. Joe, I will get you a revised one. Is...

MR. FLEISCHNER: Inaudible.

MS. COFONI: You want to go ahead and sign? And I can...

MR. SIMOFF: Can I ask a question?

MR. FLEISCHNER: We will vote on it first.

MS. COFONI: Oh, we have a...

MR. SIMOFF: One question on G.

MS. NATAFALUSY: Could we please identify.

MR. SIMOFF: Oh I'm sorry, Hal Simoff. On item G, it says in addition to the administrator agent for this project must secure approval from the township Council. For what?

MS. NATAFALUSY: For the affordable.

MR. SIMOFF: Oh, for the affordable.

MR. MCGROARTY: Yes. What happens in the ordinance the township ordinance requires...the township has an administrative agent...

MR. SIMOFF: Ok. It wasn't clear in that...I don't want to go back...I don't want to go to the Council for site plan approval.

MR. FLEISCHNER: No, no, no.

MS. COFONI: It refers to sections of Chuck's report and that's how it ties it in. That's why.

MR. SIMOFF: Ok.

MR. FLEISCHNER: Could we just add those clear on here? That...

MS. NATAFALUSY: ...administrative agent affordable units...

MR. SIMOFF: Yes, that would be helpful.

MR. FLEISCHNER: ...the administrative agent in...inaudible...can we do that?

MR. McGROARTY: I don't think there's such a thing as an administrative agent for market units but maybe just...

MR. SIMOFF: ...administrative agent for the affordable units?

MR. McGROARTY: Yes. So you're saying you want...but the requirement, the ordinance, the township ordinance requires governing body to approve someone other than the person...

MS. COFONI: So it's the Council approving the administrative agent.

MR. SIMOFF: Ok.

MR. FLEISCHNER: But it should be worded that.

MS. COFONI: Ok. So, in addition, the township counsel shall...

MR. FLEISCHNER: Why can't we just say, in addition the administrative agent for this project must secure approval from the township Council with regard to the affordable housing.

MS. COFONI: Ok.

MR. SIMOFF: I just didn't want to be misinterpreted.

MR. McGROARTY: And then this is already on one other project...inaudible...by way of letter...

MR. SIMOFF: Ok. No, I don't disagree.

MR. FLEISCHNER: Do we all have that? Do we understand? Any further discussion? May I have a motion to approve this resolution as amended?

MR. MANIA: I move for approval of PB 16-03 with the conditions and changes set forth by our attorney.

MR. SCHAECHTER: I'll second that.

MR. FLEISCHNER: Roll call.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
David Koptyra	- yes
Henry Fastert	- yes
John Mania	- yes
Kim Mott	- yes
John Batsch	- yes

MR. SIMOFF: Thank you. Good Night.

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**RESOLUTION – PB 16-06, MOTION, BLOCK 8200, LOT 10**

MR. FLEISCHNER: Ok. Now the third resolution PB 16-06 Motion. Tiena?

MS. COFONI: Ok, let's see. I think there's just one thing on this from what you have. Paragraph Number 6, the first sentence now reads "The applicant requests two additional variances from the ordinance provisions" and...

MR. FLEISCHNER: Which is not in the original...

MS. COFONI: The word "additional" was...added.

MR. FLEISCHNER: Ok. Alright. Fine.

MS. COFONI: And, the requirement which I'll tell you which condition number it is which this should be in yours. Condition L, the applicant is permitted to install perimeter fencing after first obtaining a Zoning Permit for the same.

MR. MCGROATY: My L is different. So, did you change the L because?

MS. COFONI: Ok. What does yours say?

MR. MCGROATY: L says the 2015 Site Plan is hereby reaffirmed and remains valid and...it goes on at length.

MR. FLEISCHNER: That's M on this one.

MS. COFONI: Ok.

MR. FLEISCHNER: They added L...then we discussed the fence.

MS. COFONI: I'll make sure everyone get the revised...

MR. MCGROATY: I'm sorry, could you just tell me what it says?

MS. COFONI: Yes, it says...

MR. MCGROATY: Does it say what I...

MS. COFONI: Yes...

MR. MCGROATY: So...

MS. COFONI: Yes, it says the applicant is permitted to install perimeter fencing after first obtaining a Zoning Permit for the same.

MR. FLEISCHNER: And then what you had is L becomes that.

MS. COFONI: Yes.

MR. FLEISCHNER: Any discussion from the board? May I have a motion? David?

MR. KOPTYRA: I'll make a motion to accept 16-06.

MR. FASTERT: Second.

MR. KOPTYRA: PB 16-06.

MR. FLEISCHNER: Henry seconded. You got that, Catherine?

MS. NATAFALUSY: Yes, with the changes.

MR. FLEISCHNER: Yes, ok. Roll call.

**ROLL CALL:**

Joe Fleischner	- yes
Brian Schaechter	- yes
David Koptyra	- yes
Henry Fastert	- yes

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**COMMITTEE REPORTS**

MR. FLEISCHNER: We are going to go to community reports. Nelson, anything from the Mayor?

MR. RUSSELL: Nothing from the Mayor.

MR. FLEISCHNER: Council, Mr. Mania.

MR. MANIA: Nothing.

MR. FLEISCHNER: Environmental Commission.

MR. FASTERT: Just that we...we had the water testing kit hand out on Saturday. Forty kits were distributed for well testing.

MR. FLEISCHNER: Thank you. Ordinance Committee? There will be an Ordinance Committee Meeting this Monday and at the next meeting we will report back what was discussed and where we stand. Howie is not here for Street Naming. Open Space?

MS. MOTT: I have nothing.

MR. FLEISCHER: Board of Education?

MR. SCHAECHTER: The Board of Ed has filed with the State of New Jersey over 60 probably close to 60 or 70 days with the plans for the addition to Sand Shore for what will be the new kindergarten wing. They will be coming in front of the Planning Board relatively soon.

MS. NATAFALUSY: They actually submitted the plans this afternoon.

MR. SCHAECHTER: Well there you go. So, we are all on board. That will be going for a referendum but we need to...

MR. FASTERT: So this is a preparation for the...

MR. SCHAECHTER: Yes, a preparation. We still don't have the final approval from the state but since we're really not asking for state money on this...

MR. FLEISCHNER: Thank you.

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**EXTENSION REQUEST – 08-22 ZBA ROCKHAVEN (AKA STROUD), BLOCK 7000, LOT 82**

MR. FLEISCHNER: Next item is an Extension Request, 08-22 ZBA Rockhaven, New Jersey, Partnership. Would you like to step up to the table and...

MS. COFONI: If you could just give me one second, Joe...

MR. FLEISCHNER: We are all a friendly bunch. You don't have to be shy.

MS. STROUD: I just didn't want to stand in front of all of you.

INAUDIABLE

MR. FLEISCHNER: Ok. Would you state your name and get this started.

MR. STROUD: I'm Bill Stroud.

MS. STROUD: Peggy Stroud.

MR. STROUD: Jared Stroud.

MR. FLEISCHNER: Thank you. And you are here for an Extension Request.

MR. STROUD: Yes.

MS. COFONI: I'm going to swear you in.

(BILL STROUD SWORN IN FOR THE RECORD)

(PEG STROUD SWORN IN FOR THE RECORD)  
(JAROD STROUD SWORN IN FOR THE RECORD)

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

MR. STROUD: Bill Stroud, 81 River Road, Flanders.

MS. COFONI: Thank you.

MS. STROUD: Peggy Stroud, S T R O U D, 81 River Road, Flanders.

MS. COFONI: Thank you.

MR. STROUD: Jared Stroud, J A R E D S T R O U D, 81 River Road, Flanders, New Jersey.

MS. COFONI: Thank you.

MR. FLEISCHNER: Ok. And you just want to tell us why you are here.

MS. STROUD: We started this project way back in the early 2000's and we are unable to finish it when the economy kind of tanked. So we had gotten a lot of the permits and the plans approved. And now we are trying to start it up again. So we are hoping we didn't have to go through the whole process all over again. And that you would extend it for us.

MR. STROUD: We have gone through the rigors of the DEP again. We have got that far already and have approval. We've scaled everything down because our son might want to live on the adjoining lot to us.

MR. FLEISCHNER: The fact that it's scaled down...

MR. BUCZYNSKI: Maybe they weren't clear but the plans were completely revised to meet DEP regulations.

MR. FLEISCHNER: Oh, ok.

MR. BUCZYNSKI: So basically they were meeting the state agency requirements.

MS. COFONI: Since their approval?

MR. BUCZYNSKI: Since their approval. And their approval is subject to DEP approval. And DEP required them to make changes.

MS. NATAFALUSY: Reduced it.

MR. MCGROARTY: I almost think they qualify for tolling.

MR. FLEISCHNER: Which is...

MR. MCGROARTY: tolling - the clock stops essentially because they...Mr. Stroud had to go through the DEP process, an outside agency process. But...

MR. BUCZYNSKI: Before it was closer to the river. It was just behind the 100 foot stream but now they had to be behind the...a lot of the work had to be behind the riparian 300 foot buffer. That's why they had to move the septic system all the way to the rear of the property. But they are allowed a certain square footage of building to be within the riparian zone. That's why they have to reduce the size. So it's all per the permit.

MR. FLEISCHNER: And this is all based on what the DEP required?

MR. BUCZYNSKI: Yes. It ends up being more disturbances in some areas that what kind of gets me. You know? They way DEP acts sometimes. It's crazy. The only question I have, if you could Mr. Chairman, the plans doesn't show a reserve bed and that's required by the...by the Health Department.

Maybe they should see this plan because the original plan had a reserve bed as required by the ordinances. I noticed when I looked at the plan this does not have one.

MR. STLOUD: We've since submitted a plan to Arif's section. And they are reviewing it. Putting a small treatment plant before the pump tank and there is a reserve bed area on the plan that's with the Health Department now.

MR. FLEISCHNER: So, my question is...you raised something interesting Chuck. Do they really need an extension if everything stopped when, you know, DEP...how much longer...if everything stopped then, what would be the time frame going now? They would still have their original approval.

MR. BUCZYNSKI: Do you know what the date of the approval is, because it's stamped. I can't read the date. Maybe your plan has it. Is there a blue stamp?

MR. MCGROARTY: To your question Mr. Chairman it would be a year from the date of approval that the variance would expires....INAUDIABLE

MS. COFONI: And that could be support but the fact that they were delayed by DEP can further support their extension request.

MR. SCHAECHTER: But she just testified that it wasn't all the DEP, it was the economy that forced them not to build.

MS. COFONI: Right.

MR. SCHAECHTER: So you have two...either way, I mean, when were your original plans approvals?

MS. COFONI: It was...

MR. STLOUD: The house has been moved from...since we lived...we've been down on the river for 35 years?

MS. STLOUD: 30 years.

MR. STLOUD: 30 years. 32 years. The original house was right on the banks of the river and then DEP advised we had to move it back a little bit. And we moved it back. And then the bubble burst and now here we are.

MR. SCHAECHTER: So we are going back like 2007?

MS. STLOUD: 2008 I think.

INAUDIABLE

MS. NATAFALUSY: The approval was February 2009.

MS. COFONI: Right. February 2009. So it expires February 2010.

MS. NATAFALUSY: They did get a Zoning Permit back in 2009. They also donated money to the tree fund in 2009. So they started...they started the process.

MR. STLOUD: We were all ready to drill the well. And then the bubble burst. And we had to stop. We've been recouping, you know trying to hang on with...

MS. COFONI: And do you know when your DEP approval was?

MS. STLOUD: Just like maybe a month ago.

MR. STLOUD: No, we think it was a month ago. It was...

MS. STLOUD: A couple months ago maybe...

MR. STLOUD: Probably six months ago.

MR. BUCZYNSKI: You think it was six months ago? I wish I could read it.

MS. NATAFALUSY: Ok. I have a letter from Careaga. It says the newly submitted plans were prepared on June 19, 2015 and have been updated to Revision Number 2B, November 17, 2015.

MS. COFONI: Ok.

MR. FLEISCHNER: Then we should really just treat this as a request for an extension.

MS. COFONI: And those are the...two of the reasons the DEP approval and then the economy.

MR. FLEISCHNER: And what kind of extension are you looking for in time?

MR. STOUD: Anything we can get.

MR. FLEISCHNER: Throw out a number.

MS. COFONI: When do you think you would be able to complete it?

MR. STOUD: Years wise? A couple of years.

MS. STOUD: Two.

MR. FLEISCHNER: You are looking for a two year extension?

MR. STOUD: Yes.

MS. COFONI: From today?

MR. FLEISCHNER: From today's date?

MS. STOUD: Yes.

MR. FLEISCHNER: Gene, you want to comment?

MR. BUCZYNSKI: No.

MR. FLEISCHNER: No problems? Members of the board? Could I have a motion? Well, let me open it to the public. Anyone from the public wish to question these folks. Seeing none, closed to the public.

MR. BUCZYNSKI: Joe, just one thing before you take a vote. In the resolution should we also mention something about they could still have to get a revised approval from the Health Department?

MS. COFONI: Yes.

MR. FLEISCHNER: Yes.

MR. STOUD: That's in the works right now.

MR. BUCZYNSKI: Right.

MR. FLEISCHNER: So that would be a condition in the motion that they have to get approval from...

MS. COFONI: ...Health Department for the revised plan.

MR. FLEISCHNER: ...for the revised plan. Any further discussion then from the board? If not, would someone kindly make a motion.

MR. MANIA: I move for an extension of three years with the approval from the Board of Health.

MR. FASTERT: I'll second that.

MS. NATAFALUSY: Who was the second, please.

MR. FLEISCHNER: Henry. Henry seconded it because Kim didn't speak up fast enough. Roll call.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
David Koptyra	- yes
Henry Fastert	- yes
John Mania	- yes
Kim Mott	- yes
John Batsch	- yes

MR. FLEISCHNER: It's approved you have a two year extension.

MR. & MS. STOUD: Thank you.

MR. FLEISCHNER: Good Luck. Remember you do have to get that approval from the...

MR. MANIA: Board of Health.

MR. FLEISCHNER: And the resolution has to be...yes, Catherine, you were saying?

MS. NATAFALUSY: Scott came in...we have to note the record.

MR. FLEISCHNER: Note the record that Scott is back.

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**DEVELOPMENT MATTER – PB 15-34, D'EDIGIO, BLOCK 5800, LOTS 15 & 16**

MR. FLEISCHNER: Letter G, Development Matter, PB 15-34, Joseph D'Edigio, Minor Subdivision with Variances, 44 & 46 Ironia Road, Block 5800, Lots 15 & 16. Good Evening.

MS. STONE-DOUGHERTY: Good Evening.

MR. FLEISCHNER: Please state your name and...

MS. STONE-DOUGHERTY: Absolutely. Attorney Rosemary Stone-Dougherty on behalf of the applicant Joseph D'Edigio. Address is 54 Main Street, Chatham, New Jersey. To refresh the board's memory, we were last here, sorry...I moved the whole table here...on March 10, 2016 regarding a request for a reverse subdivision and merger of the two undersized lots and then also for variance relief to be able to build a single family home on said lots. At the end of the last meeting, the board had a couple questions regarding some of the grading and drainage on the site and there was also a request to bring in some professional planning testimony. So tonight I'd like to start with Mr. Stewart who will go over the revisions to the plan which all the Board Members, you have in your packet dated April 3, 2016. And then just as a road map we will call Mr. Marucciwho was the professional planner.

MR. FLEISCHNER: Please state your name, address, and then we can get to that.

MR. STEWART: Alfred Stewart, S T E W A R T, 148 East Main Street, Rockaway, New Jersey, Professional Engineer and Land Surveyor.

MS. COFONI: Mr. Stewart, you remain under oath from the previous meeting.

MR. STEWART: Ok.

MS. STONE-DOUGHERTY: Mr. Stewart as you just heard me recap. There were some current concerns by the adjacent neighbor at the end of the last hearing regarding the alleged wet condition of the property and drainage concerns. And you went back out to the site, correct, and did some additional elevation shots and some calculations, correct?

MR. STEWART: Well what we did were some soil logs on the site to update the soil logs which we would need to do anyway for Health Department approval for the septic system which was based on their letter because the soil logs were stemming back from, I believe 2004, if I remember correctly. So we did perform new soil logs on site. Three of which were located to the rear of the property. One was located towards the front. They're acceptable to my standards and the state's standards. As far as the septic system goes, the one in the front was completed for a drainage system that we are also proposing on the site. Which is in accordance with your...your requirement for a single family home. Which we also did provide a design of a drainage system which is on Sheet 2 of the plan that I revised to 4/3/16. You can see we are proposing an infiltrator system which is basically half a pipe system. That's an arched pipe, I guess you would say an arch, within the ground surrounded by gravel which will accept the roof runoff and then help to detour the runoff coming from the property towards the roadway. And that's in accordance with your standards. We also revised the drawing to show the dimension footprint of the dwelling as requested the last time we were here. We also provided a grading plan which is the major revision we have here in front of you which reflects a swale going down the right hand side of the property as you are looking at it from the roadway or the easterly boundary which will go basically from the rear towards the front towards the existing drainage line that's crossing Ironia Road which I do...from what I understand from the email from Mr. Buczynski, he went out there...oh, it was just the next the day.

MR. BUCZYNSKI: The next day, the next morning.

MR. STEWART: Yes, after the last meeting to inspect that drainage system in that area because of the complaints that were heard at the last meeting. And as he stated in his email, it does need some maintenance which I would think that the DPW did go out there and perform that maintenance to that system to help clear it out and make it function properly.

MR. FLEISCHNER: Has that happened, Gene, do you know?

MR. BUCZYNSKI: You know, I don't know. I talked to Tim the next day and he said he would take care of it. But when I was out there...I think I sent some pictures, I'm not sure if all the board members got them, but one of the inlets across the street, you could walk right by it and it was completely covered. So I actually kicked everything out that day to clear it. But there was another concern regarding supposedly some potholes in the roadway, they were all filled in the day...the next morning when I got there, so evidently the town had filled it in prior to last meeting.

MR. STEWART: So I do believe we addressed the concerns. The main one was the grading plan that you have in front of you now. With this grading plan, I don't see any issues. The runoff is draining towards the roadway as it should into that existing drainage system.

MS. COFONI: Mr. Chairman, if I may just interrupt for a minute, I just want to say for the record that Nelson Russell has listened to the tapes and signed certification saying that he has done so. Just so he's...it's clear he is eligible to vote.

MR. FLEISCHNER: Thank you. Have you been out to the site since...with regard to cleaning of the drainage? Do you know if it's been done?

MR. STEWART: I don't know if it's been done. I have been to the site since the last meeting but I don't know if the cleaning of the pipes have been done.

MR. BUCZYNSKI: I will check, Joe, tomorrow with Tim to make sure it's done.

MR. FLEISCHNER: Yes, please. Because moving the water there, if the drains aren't cleared it's not going to do any good.

MR. STEWART: Well the water does go there now as it should. And we are proposing an underground detention system basically for the roof runoff so we are...it should be reducing some of the runoff coming from the proposed project.

MR. FLEISCHNER: Any questions, board members, for this witness? Planning Board Members. I'm sorry, Chuck.

MR. MCGROARTY: Mine is not obviously about the engineering of it that's not my...but the swale that's proposed would fall on the...it will be within the new lot. But it will be on the Roxbury side of the municipal boundary. That probably doesn't have any effect at all I know we talked last time about an

accessory structure being built. I guess what I'm wondering is should there be any other sort of an easement placed on that swale? And some sort of demarcation in the field because I...you know...I don't know the time that people are really going to know...I'm sure they'll figure out where their property boundaries are but I don't know if the person in their house in Roxbury or...inaudible...you know the person that might live in this house at some point might wonder why there's a gully on the side of their property and just have it leveled out.

MR. STEWART: Well it's not really a gully. It's not going to be like a ditch running through the yards. What it is is a low area that is going to collect the runoff from...direct it towards the front of the property.

MR. MCGROARTY: A gully was an exaggeration but I mean in times where there are swales, I've seen situations where people...in the future they may even know why they are there and they just level out the yard. So I don't know. I'm just offering it. And there may be one other occasion or another application in another town where something...where the source of arrangements occurred, the suggestion was to have the board's resolution filed with the deed.

MS. STONE-DOUGHTERY: And I was just going to actually mention that. That's actually become more and more common so that any of the nuances and conditions of approval are now noticed in title so any predecessors/purchaser down the road is aware of it. I mean...

MR. BUCZYNSKI: It's really...because it's really not a defined swales. It's just some grading that's pushing the water a certain way but there's no leading depth to that swale.

MR. STEWART: No, not at all. Basically, like you said, it's just a depression in the ground. It's basically sloping of the ground...a low area and directing it towards the roadway. It's not really like a defined ditch or channel or anything like that.

MS. STONE-DOUGHTERY: I mean we could handle it also just as instead of an easement maybe recording a maintenance agreement regarding the swale. I mean that could be another option as well. Because then it will be an easement...I mean...and I know your board attorney knows reading title searches that would come up in every title search if it's listed as...rather than just attaching the resolution to the deed because four owners in the future they may not even read that old deed, four people back.

MS. COFONI: Now, you're saying an easement between the two property owners?

MS. STONE-DOUGHTERY: No, just on this property. Because the swale is solely contained on this property.

MS. COFONI: Oh, it's only on...Oh, I see...

MR. STEWART: Yes, it's only...

MR. MCGROARTY: Well, technically...technically the property is in Roxbury. The lot...it will be on this lot...but that portion of the property is in Roxbury. Again, it probably has no bearing on this but...

MS. COFONI: Yes, that doesn't change...

MR. BUCZYNSKI: There really isn't much of anything the swale.

MR. SCHAECHTER: Yes, but until owner number two comes in and then goes, you know what my side yard is wet and I'm going to fill it in and then you've got...you've created a problem out of something that's not.

MR. FASTERT: If owner number two comes in, the swale is on his property, he's only going to make life problematic for himself if he does something to it.

MR. SCHAECHTER: Or pushes it...

MR. MCGROARTY: I mean stuff happens. Experience shows that stuff happens for good or bad reasons or people do things, they may put a swing set over there, they may put whatever, you know. Things happen.

MR. FASTERT: This swale is to stop - is the direct water runoff that's heading in the direction of Lot 16.

MR. MCGROARTY: Correct, yes, correct.

Mr. FASTERT: So, if the person who now owns...the second person to own Lot 16 decides to now remove it, well then he's going to find out why it was there. Well the first rainstorm he will figure out why it was there.

MR. MCGROARTY: The point is, if it's important enough to put on the plan if it works and it's designed the way it works, and you know, Gene's comfortable with it, then some measure...some recognition of it should be documented.

MS. COFONI: Maybe an even point, although...you know... admittedly this is...going somewhere between the two opinions...is a condition that the...and I'll get a better description...but the swale be maintained for drainage purposes and that the resolution be attached to the deed.

MR. MCGROARTY: I think that makes sense. Then...inaudible...

MR. FLEISCHNER: Scott.

MR. VAN NESS: You also have to keep in mind that any grading changes required be permitted...inaudible...

MR. FLEISCHNER: So it really needs to be documented.

MR. VAN NESS: Well this resolution would be in the Planning Board File which is referred to at anytime an application is...

MR. MCGROARTY: It will also be referenced in the deed which is really critical. And there's a case that talks about that.

MS. COFONI: Ok.

MR. MCGROARTY: Why that makes sense because...some towns...not this one...some towns don't have really the...over time things get lost.

MR. FLEISCHNER: I'm shocked.

MR. MCGROARTY: No, it's really not a problem for Mount Olive but just better safe than sorry.

MR. FLEISCHNER: I agree 100 percent. You have any problems with that?

MS. STONE-DOUGHTERY: No...we...not an issue.

MR. FLEISCHNER: Members of the Board, are you alright with that?

MS. COFONI: I'm saying a condition of the swale on Lot 16 must be maintained for drainage purposes and the resolution of approval must be recorded with the deed.

MR. FLEISCHNER: Anything else? Gene? Chuck?

MR. BUCZYNSKI: No.

MR. FLEISCHNER: Members of the Board, any questions? Further questions for this witness? Members of the Public, do you have any questions? Step up to the podium please, and state your name and address.

MR. MATHUS: Glen Mathus, I live at 2 St. Andrews Court, I'm going to be the house most that's most affected by the building of this house. First of all, as far as when the soil from the foundation is out and they elevate around the house, the house is going to be elevated, that's all fine on the left and right. This little gully we are talking about, that's fine. I have one next to my house...next to me, my neighbor...and the water comes down, as long as it don't pull and has a place to go, it's only about five days out of the year that there's a little water in there until it stops raining and it's gone and its' grass, the whole other time. So that's fine. That's a non-issue. My...my...I just want...

MR. FLEISCHNER: Question. Remember you are asking a question.

MR. MATHUS: Ok. Ok. What is this plan do to the water behind the house when you elevate it. Because if you back it up, it's going to back up on my property where the water comes down from the pump house in Roxbury it goes downhill. If you elevate, it's going to back it up to my property.

MR. FLEISCHNER: Question, is elevating this what does it do to the water that drains in that direction? That's your question? Am I correct?

MR. MATHUS: Right. In my backyard.

MR. FLEISCHNER: Ok.

MR. STEWART: Understood. Basically when the area near the house is elevated, that is elevated slightly more than the swale itself which the runoff will run towards that swale and eventually run towards the roadway.

MR. MATHUS: So, it is going to go around the elevated foundation and to the roadway? Because if you look at it today...

MR. FLEISCHNER: That's testifying. You'll get a chance later. It's just a question you are asking.

MR. MATHUS: Ok. Alright. So you're saying that your design will not allow the water to back up on my property?

MR. STEWART: I'm not sure what happens on your property but any water that we are receiving on to our property and towards the house, basically from the house in the rear, will run towards the east and the west depending where you are in relationship to the home which basically they are creating a high point near the home. And then from there the runoff will go either to the right or the left, and proceed towards the swale on the right and eventually towards Ironia Road or on the left side it will drain towards the left and again keep flowing as it does today across our property towards Ironia Road, more towards the left.

MR. MATHUS: Can you guarantee me it will not back up on my property? Because you will elevate it because that's a lot of dirt from the foundation.

MR. STEWART: If it's constructed as per my plan, that's what's going to happen.

MR. MATHUS: Alright. Will the township hold him to that? If they build this and I start getting flooded, what's my recourse?

MR. FLEISCHNER: I think we can only approve plans that are put in front of us based on...we can't...we can't go by hypotheticals in all honesty...

MR. MATHUS: Understood.

MR. FLEISCHNER: The gentleman testifying says this is the way it's constructed. Our engineer, do you have anything...

MR. BUCZYNSKI: As long as it's constructed as Mr. Stewart said per the plan and the grading is per the plan it's not going to affect Mr. Mathus' property.

MR. MATHUS: Alright. Because I'm just...when you elevate the house, water is not going to go up hill, it's going to back track, unless like he says he does go around...

MR. FLEISCHNER: That's what...that's the testimony we are hearing.

MR. MATHUS: That's my question for now.

MR. FLEISCHNER: It's up to the code enforcement to make sure the house is built according to what's submitted by plans.

MR. MATHUS: Alright. I'm good with that.

MR. STEWART: Thank you.

MR. FLEISCHNER: Am I correct? Anybody else from the public wish to question this witness? Anyone from the board. Thank you. Your next witness.

MS. STONE-DOUGHTERY: Yes. Thank you. Next we'd like to call our Professional Planner, Mr. Anthony Marucci.

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

(ANTHONY MARUCCI SWORN IN FOR THE RECORD)

MR. MARUCCI: Anthony Marucci, M A R U C C I, my office is located at 116 Whippany Road, Whippany, New Jersey.

MS. STONE-DOUGHTERY: Mr. Marucci can you give the board a little background as to your credentials?

MR. MARUCCI: I received my degree in Civil Engineering, Bachelor's Degree in Civil Engineering, from Newark College of Engineering which is now known as NJIT. That was in 1973. I received my license as a Professional Engineer in 1978 and my license as a Professional Planner in 1979 and Land Surveyor in 1981. For the first 28 years of my career, I served in municipal government starting as an Assistant Engineer for the City of Orange, being promoted to City Engineer and that was 1985 to 1987 from 1988 to the year 2001 I served as Township Engineer for the Township of Bloomfield. And from 2001 to the present day, I am Principal with Marucci Engineering Associates.

MR. FLEISCHNER: Anyone from the board have any other questions, otherwise I accept you as...

MR. MANIA: quite a background.

MR. MARUCCI: Thank you very much. Thank you, Mr. Chairman.

MS. STONE-DOUGHTERY: Mr. Marucci, I know you were not at the last hearing but you met with me, the applicant, and were brought up to speed as far as some of the concerns regarding the application. Correct?

MR. MARUCCI: That is correct.

MS. STONE-DOUGHTERY: And you had an opportunity to review the revised plans dated April 3, as well as the previous plans and also visit the site in question.

MR. MARUCCI: I did, yes.

MS. STONE-DOUGHTERY: And why don't you just jump in and tell the board your thoughts from the planning perspective.

MR. MARUCCI: The subject property is known as 44 Ironia Road. It's actually in between St. Andrews Court which is in Mount Olive and Wright Court which is in Roxbury. It's the only piece that's left in this block that's vacant. It actually consists of two lots in Mount Olive, Lots 15 and 16, on the Tax Maps, in Block 5800 and it's Lot 35, Block 201 in Roxbury. Now, from the subdivision map that I've seen, Roxbury has already approved a subdivision where a portion of the property in Roxbury will become part of this property, if this board also approves it. That area is approximately 6,013.4 square feet. It's important to know that this is an undersized property and the only variance that's being requested is the lot area. All of the other bulk and setback regulations will be complied with and that's important because it keeps the house at a minimum so you don't get one of those McMansions. So this is the only variance that's being requested. The applicant has done everything possible by acquiring the land on the Roxbury portion and it is my understanding that he tried to acquire land from the adjoining neighbor next door in Mount Olive which I guess was not...was declined. And he also, it is my understanding, that he asked if the adjoining neighbor would buy the property...and that was declined. So, when you put that all into perspective, this becomes a c-1 hardship case and under the c-1 criteria, it authorizes the grant of bulk variances justified upon finding of hardship arising out of exceptional narrowness, shallowness or shape of a specific piece of property. And as I said this is a specific piece of property. It's

the only piece left between the two side streets. So, with respect for the positive criteria, I believe that several purposes of the Municipal Land Use Law are promoted. And I just have one more comment before I get into that. The applicant also agreed to dedicate approximately 7,000 square feet of his land for roadway purposes in order to widen Ironia Road. That's what's also is making this property restrictive. So with that said, the first zoning purpose that's promoted is the public health, safety, morals, and general welfare by widening that road, we're helping the general welfare in traveling on that public road. The re-grading that was brought up by Mr. Stewart before also helps from security from flooding which is also one of the purposes of zoning. And as I stated before the fact that we are not asking for any other variances so the house is restricted in size, there are no other bulk variances. I believe that we are providing adequate light air and open space which is another purpose of zoning. And finally, Purpose D that there is no conflict with development and general welfare of neighboring municipalities. Again, there is a house in Roxbury right next door that would be very similar to this, so I believe that we are in compliance with the adjoining municipality. So, with those purposes, I believe that we meet the positive criteria. With respect to the negative criteria, there cannot be any substantial impairment to the zone...to the zoning ordinance; well again this is a specific piece of property. There is no other property to be developed here in this block. So, I believe that there is no substantial impairment with paring of the zones, planners zoning ordinance. And the second part of the negative criteria that there...cannot be substantial detriment to the public good. Well again, I believe that by this applicant dedicating land for roadway purposes is actually helping the public good so I don't see any detriment there. One final comment with respect to planning, there is case law with undersized lots such as this one and I will refer to the Dallmeyer vs. Lacey Township, in that case Judge Serpentelli summarized what the law requires of the applicant in undersized lot cases. Number 1, to provide both the positive and negative criteria which I believe I have. Number 2, to demonstrate that efforts were made to bring the property into conformity by attempting to acquire land, which again the applicant has done on the Roxbury side. Or to...to sell the land to...the non-conforming land to adjacent owners, which I believe the applicant has tried, has asked, and was declined. The third point that the judge brought out in that case was to submit plans to show that the new home will comply with local codes. And I believe that's shown on the plan that the house will be modest in the sense that it will be all the other bulk standards and comply with the other house that's in Roxbury. The fourth point that the judge made was to demonstrate compliance with the use, side yard, and setback requirements. Again, I believe this application does that. We are not asking for any other bulk or setback variances. And Number 5 that the proposed use does not violate traditional zoning purposes such as light, air, and open space. And I believe I covered that by not asking for any bulk variances other than the lot area. I believe that there is going to be adequate light, air, and open space if this application is approved.

MR. FLEISCHNER: Chuck, Gene?

MR. BUCZYNSKI: Just one thing. Not planning related. But Mr. Marucci mentioned about widening the road. We are not widening the road. What it is the existing property goes out to the middle of the roadway. So they're basically dedicating 25 feet as required by ordinance for this type of roadway. But the application...just so the board knows...the application doesn't involve any road widening, just dedication of right-of-way.

MR. MARUCCI: But it can be widened in the future and that's...and you would need the dedication for it?

MR. MANIA: Gene, is anything proposed in the future there?

MR. BUCZYNSKI: No, not at this point.

MR. MANIA: Not at this point.

MR. FLEISCHNER: Chuck, do you have anything?

MR. McGROARTY: No, I don't.

MR. FLEISCHNER: Ok. Alright, I just wanted...members of the board, do you have any questions for this witness? No? Any member of the public have any questions for this witness? Please step up to the podium again.

MR. MATHUS: I forgot your name.

MR. MARUCCI: Anthony.

MR. MATHUS: Anthony, I'm Glen. You stated that the...

MR. FLEISCHNER: Could you just state your name again...

MR. MATHUS: Glen Mathus, 2 St. Andrews Court. That the owner of the land tried to buy land from me. That is not true. I have 1.1 acres and I would not make my lot a non-conforming lot. I did not...you tried...you did ask my wife, and my wife reminded me if I was interested in buying some land. But you wanted \$200,000 for it.

MR. FLEISCHNER: Wait, wait, wait, I'm going to have to stop...

MR. MATHUS: Well, it has to do with what he said...

MR. FLEISCHNER: The question has to be, did you...did they offer to buy it or not? That's...that's got to be a question.

MR. MATHUS: Did they offer to buy it? Alright well, I'll just say right now that I was not asked to sell any of my land and I wouldn't of because I would have a non-conforming lot anyway and why would I do it and get closer to that lot? So, that statement is false. Alright, and I'll save all the other stuff for later.

MS. STONE-DOUGHTERY: Just as a point of clarification, this testimony did come up at the last hearing back on March 10, and I think if the board listens to the tapes, he did indicate that he was approached, he said it had been several years ago, that he didn't have any interest and he reiterated that due to his economics today, he would not have any ability to buy. And he certainly wouldn't sell because he's got the pool and everything else. Went all through this, back in March. So I just want to be clear that, that you know, Mr. Marucci is not fabricating a statement that is on the record.

MR. FLEISCHNER: Thank you.

MR. BUCZYNSKI: Just one more item. I'm not sure if we should bring Fred back or not. At the last hearing, there was a question about the status of the letter of interpretation from the DEP. Has that been addressed at all?

MS. STONE-DOUGHTERY: At the last one in my notes...

MR. BUCZYNSKI: You did...ok...

MS. STONE-DOUGHTERY: ...we stipulated we would get it renewed. Because there was a lot of talk about the permit extension act. We feel we comply with it, but Mr. Chairman had indicated that he really felt it needed to be renewed. And we spoke to the applicant who did agree, and we stipulated it be renewed. I actually have it in my notes as a condition if the board were to approve it.

MR. BUCZYNSKI: Ok, thank you.

MR. FLEISCHNER: Members of the board, any further questions of this witness?

MS. NATAFALUSY: Did you close this to the public now?

MR. FLEISCHNER: What?

MS. NATAFALUSY: You closed it to the public?

MR. FLEISCHNER: Yes, I think I did. If I didn't, it's closed to the public. Ok. Thank you.

MR. MARUCCI: Thank you.

MR. FLEISCHNER: Anything else you wish to...

MS. STONE-DOUGHTERY: Just to reiterate, I mean I don't really want to belabor the topic, I mean the applicant has really tried to do everything they could to get the largest lot possible and even picking up the land from the Roxbury lot which was a long ordeal and process. I'm sure the board is aware of. With the Deed of Dedication, we still end up with a net smaller property then if we had the original two lots just merged together. But obviously for ordinance purposes and for planning purposes, that still

makes the most sense. I mean this is the last lot. I think one of the board members said last time they kind of always knew this application would be coming down the road sooner or later because you're not going to have an empty lot, you know, so I mean we really feel we've met all the criteria. It's a classic-1 Case, it's a unique piece of property, and there is just no further land to acquire. Thank you.

MR. FLEISCHNER: Alright, before we discuss again with the board, I want to open it to the public for any general comments.

MS. COFONI: Mr. Mathus, if I can just swear you in before you testify.

(GLEN MATHUS SWORN IN FOR THE RECORD)

MS. COFONI: If you could state your full name and your address again, please.

MR. MATHUS: Glen Mathus, 2 St. Andrews Court.

MS. COFONI: Thank you.

MR. MATHUS: Flanders. What I'm hearing today is...that the developer now is given extra consideration to the road. And the township and the road. But whatever is done, it's still a non-conforming lot. What will they do for me, to give me some privacy that this is my investment? I'm 61. What will they do...you know this is going to hurt my property value. Who is going to want to buy a house with a house looking right over your pool? It's going to hurt me. There's nothing you can do that's not...unless you give me privacy...but I have not heard them address me, the most affected. You're going to be...maybe cars, but I'm there 24/7, 7 days a week, 365 days a year. I got \$70,000 invested in my yard when I was working. I have heard nothing about privacy that...eight/nine years ago, he cut down trees, town ordered him to plant 20 plus more. He never did. Can we please give me some privacy. And then I don't have that much of a big deal with it. But I just...this is my investment. This is the last house I'm buying before 65 or 70 and it's a struggle to live there with the taxes now. But could somebody please tell me the landscaping of it? That's...that's...and nobody said nothing about that. That's my issue, privacy. I want...when somebody goes to buy my house and looks at it, what am I going to have to charge, 20, 30, 40, 50 thousand less to sell my house because of this non-conforming house, lot? It makes no sense.

MR. FLEISCHNER: Chuck, do you want to...

MR. MCGROARTY: I have to...to the gentleman's comments, and one we checked the file after last year and there was a letter in the file from the Zoning Officer at the time that two trees were removed from the property, not 20, but two.

MR. MATHUS: I think it was more than that, but...ok.

MR. MCGROARTY: I'm only telling you what the letter said...

MR. MATHUS: Ok, ok...

MR. MCGROARTY: ...I didn't write it.

MR. MATHUS: It's a long time ago.

MR. MCGROARTY: Well it says two trees, it's in the file.

MR. MATHUS: Ok.

MR. MCGROARTY: The question though about privacy. We don't have buffer requirements between like uses. So, residential to residential does not require a buffer. I think that the applicant's planner testified that and accurately so that it meets the setbacks, the house. So, if the lot is less than the full one acre but yet still meets the side and rear setbacks, I'm not sure what the issue is. Rather, I understand the gentleman's concern but it...it's a conforming placement of the house if you will. Now the lot area may not meet the full acre and it can, and I think the testimony...I frankly think the testimony...I think it's one of those rare situations where clearly it seems to me a hardship variance. But...but if there were...if the proposed house were outside the building envelope and encroaching into the rear yard setback, well perhaps. But that's not the case here.

MR. MATHUS: Well I'm worried about dogs, you know playgrounds, loud music, I'm worried about all that too. And my privacy.

MR. MCGROARTY: But the concerns would make you...you still might have that concern because it is an unusual configuration. It's just the way this lot exists, or these two lots existed in the subdivision in which you live came many years later. Of course, we were here when it came in and we remember it. But you don't normally see this type of arrangement where this property sort of juts into yours but in fact since those lots were there first, that's the way...that's the way the landscape fell as it were. When this subdivision with St. Andrew Court was created, in order to get another lot in there, that what they did. I mean in some respects maybe that corner lot should have never been created. But in any event, if it's less than 43,560 square feet but still meets the setbacks, what...

MS. COFONI: Essentially the point I think is that even if the lot were fully conforming and the right size, the house could still be in the same place where it is now.

MR. MATHUS: Alright. Well...that...now I haven't looked at the map today but if the house...the position of the house hasn't changed, right?

MR. BUCZYNSKI: Correct.

MS. COFONI: No.

MR. MATHUS: What about the septic that they were talking about possibly hooking it up to Roxbury at our last meeting. I haven't heard anything about that.

MS. STONE-DOUGHTERY: Well first off, it wouldn't be septic being hooked up. It would be sewer. And it's not a mandatory condition of the application but we did testify at the last hearing that the applicant would like to try to pursue that whether or not he can get that is unforeseen but that's why the plan shows a septic system, that's why it's going for the updated Health Department approval and that's why the additional soil logs were done.

MR. MATHUS: What about my super pump that I use to...irrigate and to fill my pool up? That's about the same level as septic waste. Is it going to be in the middle of the house or is it going to be more over towards Roxbury?

MS. COFONI: I think you need your engineer.

MR. STEWART: I'm here.

MS. STONE-DOUGHTERY: Fred, can you point where the proposed septic system is going to be on the lot?

MR. STEWART: Sure it's basically shown along the northern boundary which is right in this section here.

MR. MATHUS: Can I go over there and look?

MR. STEWART: Yes, absolutely.

MR. BUCZYNSKI: Just a question, Fred, could you reverse the locations of the proposed septic? The proposed reserve area? You know, get it further away from the pool area.

MR. MATHUS: My pool is right here. And my pump is right in the corner closest to the house. My pump is right in the corner of the pool closest to where that's going to be. You can't tell me that I'm not going to be sucking up urine.

MR. MCGROARTY: But we talked about that last time.

MR. MATHUS: I know, but then we paused because they were going to look into tying into Roxbury.

MR. MCGROARTY: Let me just ask, if I may, Mr. Chairman...

MS. STONE-DOUGHTERY: And just for clarity, we didn't pause because we were going to be tying up. We had a long, lengthy discussion about his pool pump.

MR. MCGROARTY: Yes, the pump that you're drawing water from the ground. That's not a pump that you got a permit from the town.

MR. MATHUS: No, that was because when we put the pool in, we hit water.

MR. FLEISCHNER: Yes, but that's...we have no control over that.

MR. BATSCH: Mr. Chairman, I have a question.

MR. FLEISCHNER: Yes.

MR. BATSCH: Just refresh my memory, the six foot high fence with berm and trees. Is that yours or is that...?

MS. STONE-DOUGHTERY: That's his.

MR. MATHUS: That's mine. There's an issue with that too but I can't prove it. They used to be...they used to be lush and everything, now they're dead on...on the lower half facing that property.

MR. BATSCH: But there are trees, they are on the berm.

MR. MATHUS: Now they are all twigs. The top of them are healthy, but...

MR. BATSCH: Because...

MR. MATHUS: They're mine. But if they were healthy like they were two/three years ago, I'd have privacy but they've been killed.

MR. FLEISCHNER: But that could be caused by anything, in all honesty.

MR. MATHUS: Yes, but...

MR. FLEISCHNER: That could be caused by anything and it's on your property, it's not on the applicant's property.

MR. MATHUS: Right.

MS. STONE-DOUGHTERY: And if I just may...

MR. FLEISCHNER: Yes, please.

MS. STONE-DOUGHTERY: If I could make a statement, what the neighbor is saying as far as the applicant not taking into consideration the neighbors is the furthest from the truth. In fact when we were here for the last hearing, we opened with the fact that we intentionally pushed the house furthest over to the Roxbury line, we put the garage on this side so this is his house, this is the proposed living space, and we even submitted to the board because we testified to it a proposed layout that even takes into consideration the layout of the house. How the living room and the family room were in front of the home not even in the rear. That's where the dining and kitchen is and even if you look at the upstairs the bathrooms are facing more towards the rear than the bedrooms so this applicant despite the innuendos and accusations of the neighbor has taken the neighbor 100 percent into account as far as how to design this house and have it as far from his property and even his pool where the living space is looking at dead space in his own yard per his own testimony at the last hearing. Plus he has these very large berms and fencing that he supplied his own pictures of to the board. I mean, it's...I mean the applicant really can't show any more good faith as far as the place the home. He's not required to place the home there. As your planner said, he could have placed it further over, but he didn't.

MR. MATHUS: Listen, I appreciate that. I appreciate that.

MR. BUCZYNSKI: Maybe at some point we can have the engineer come back and answer the question about reversing where the proposed septic is and reserve bed. To just reverse them so the septic system is further away from the pool area. It would just help.

MR. FLEISCHNER: Could you just step up to the table please?

MR. STEWART: Sure. Is this loud enough? Can you...mikes ok? Ok. Basically what we have here. We did the soil logs in the area of our proposed septic system as per the requirements of the state. And they were inspected by the Health Department. So we are expecting to move forward with this design if we are approved tonight. The septic design before the Board of Health, if we were to relocate the system over in this area, we do have to perform another soil log because of the fact we are only required by your ordinance to have one soil log per reserved area which we do have and two for the septic area. So that's what we are doing here.

MR. BUCZYNSKI: Wait you only have...in the area of the proposed septic there is only one log.

MR. STEWART: There's three. One, two, and three.

MR. BUCZYNSKI: ...soil log number 2...

MR. STEWART: Yes, so there's actually there's number 3, 2, 1. One is in the reserved area, 2 and 3 are for the septic area. So that's why we did them like that. But even so, we still meet state code with the septic design. State code requires us to be only ten feet away from a boundary line which we are in excess of ten feet. I think we're at...I think we're at about 12 or 15, so we do meet state code. And we do meet...we will meet municipal ordinance as well with this design. So to force us to hook this around, it's not really necessary as far as urine flowing to his pool, really it takes two feet of filtration for the effluent from a septic to be filtered out properly and that's under state code. We do meet all those standards.

MR. FLEISCHNER: Henry.

MR. FASTERT: I guess I'm going to reiterate Gene's question. Why not flip, there's no cost to you in doing that.

MR. BUCZYNSKI: soil logs

MR. STEWART: There is a cost of going out and doing another soil log in that septic area. And we do have to pay for the application or inspection fee to...

MR. FASTERT: The plan I have shows a soil log for that.

MS. COFONI: He needs two.

MR. FASTERT: Oh, I misunderstood.

MR. STEWART: You need another one in that location because in this location with the proposed system, we are over here with the reserve, if we flip it, we still need one more for that septic system. So that's an additional expense down the line.

MR. MCGROARTY: The neighbor is pumping water out of the ground with no approvals, nopermits.

MR. FLEISCHNER: How can you...

MR. FASTERT: Just an accommodation to the other neighbor.

MR. FLEISCHNER: I understand that but what Chuck is saying...

MR. FASTERT: Oh, no, I understand exactly what Chuck is saying...

MR. FLEISCHNER: ...violation code to begin with.

MR. MANIA: Right.

MR. FEISCHNER: And you can't force someone to do something to adhere to a violation which is against the law.

MR. BUCZYNSKI: You can't force them and if they gave testimony on what would be more expensive, is there a need for it? We're just trying to accommodate the adjacent property owner. That's what we are trying to do. We understand.

MR. FASTERT: What's the cost of the soil log?

MR. STEWART: It's not the cost, it's the time of re-filing...

MR. BUCZYNSKI: You got to get a machine, you got to get a machine out there too.

MR. SCHAECHTER: How about redrawing the plans?

MR. STEWART: There's a machine for the day, there's the inspection fee, there's my fee,

MR. FLEISCHNER: There's new paperwork, new plans, new files, it's not a simple process.

MR. BUCZYNSKI: \$2,000?

MR. STEWART: Like he did say...the neighbor is actually pulling ground water out of the ground, basically illegally. That's a well. It doesn't have a permit. He even said it himself, he just installed it for the pool. We're trying to do something so he can still keep doing something that's against state regulations and municipal regulations as well.

MR. MATHUS: That well...that pump was put there when they dug the pool and hit water. They said I needed it because the liner rises...if it's a bad rain, it will rise and then it settles and then I got wrinkles which I already have one big one. So that was put in because, and only because, and I don't drink it, so I had to do something with it so I just put PVC on there instead of using well water to fill up the pool, I just take it from underneath and put it in the pool or I'll water the grass with it. But I'm not drinking it. It's not a drinking well. It's a necessity when I installed the pool. Covered by the permit.

MR. FLEISCHNER: If I may, unfortunately when they said you needed to do something, you actually needed to go to your township and get a permit to do that.

MR. MATHUS: I did...when...that was all included in my pool. I didn't do that, that was when I installed the pool. They couldn't do the liner because the water was there. They put stone under there, they had to dig it out a little deeper, and put stone, and a pump underneath, a PVC underneath to suck out the water from underneath the pool. They hit water. I mean that cost me an extra who's knows how much. That's 12/13 years ago.

MR. FLEISCHNER: Anything else you wish to raise?

MR. MATHUS: No, but does this design include any planting of trees at all?

MR. FLEISCHNER: They don't need to, not required.

MR. MATHUS: I guess I have nothing else.

MR. FLEISCHNER: Ok. Thank you. Anything else by the applicant?

MS. STONE- DOUGHTERY: No.

MR. FLEISCHNER: Closed to the public. Any further comments from the board? Yes, Mr. Mania.

MR. MANIA: I just think the applicant has shown good faith to keep the privacy of Mr. Mathus, and I think we should take a vote.

MR. FLEISCHNER: Anybody else from the board? With that being said...Gene, Chuck, anything else?

MR. BUCZYNSKI: I have nothing else.

MR. MCGROARTY: Nothing else, thank you.

MS. COFONI: No.

MR. FLEISCHNER: I'll entertain a motion.

MR. RUSSELL: I'll move to PB 15-34 be approved.

MR. MANIA: Second.

MS. COFONI: I can tell you the conditions.

MR. FLEISCHNER: The conditions, please.

MS. COFONI: The recording of the minor subdivision per the MLUL, the deeds to be review and approved by the board attorney and township engineer, the swale on Lot 16 must be maintained for drainage purposes, and the resolution of approval must be recorded with the deed. There's various conditions in Gene's report on Numbers 1 through 9 that I will articulate, obtain Zoning Permit prior to any disturbance, the renewal of the LOI. I think that's all I have.

MR. RUSSELL: My motion includes the...

MR. FLEISCHNER: Conditions, Nelson? Motion includes the conditions. Anything else?

MS. COFONI: No, that's it.

MR. FLEISCHNER: Do I hear a second?

MR. MANIA: I seconded it.

MR. FLEISCHNER: Oh, I'm sorry. Sorry, John. Second is by John Mania. Further discussion?

MR. RUSSELL: Any conditions that the attorney may have that we haven't stated?

MS. STONE-DOUGHTERY: The big one that I didn't hear was the board wanted it stipulated that the house dwelling would remain 100 percent in Mount Olive. And that was for taxing purposes.

MS. COFONI: That the house, is that what you said?

MS. STONE-DOUGHTERY: Yes, the dwelling itself.

MR. FLEISCHNER: 100 percent within Mount Olive.

MS. MANIA: For tax purposes.

MS. STONE-DOUGHTERY: And we did stipulate that, right.

MR. FLEISCHNER: Is that ok with you Nelson, John?

MR. RUSSELL: Yes.

MR. FLEISCHNER: Roll call, please.

ROLL CALL:

Joe Fleischner	- yes
Brian Schaechter	- yes
Nelson Russell	- yes
David Koptyra	- yes
Henry Fastert	- yes
John Mania	- yes
Scott Van Ness	- yes
Kim Mott	- yes

MR. FLEISCHNER: Thank you.

MS. STONE-DOUGHTERY: Thank you very much.

INAUDIABLE

MR. FLEISCHNER: Ok. We're going to take a five minute break. That means really five minutes. Ok. And then we going to hear Mount Olive Baseball and Softball Association. So why don't you make your way up to the table.

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**DEVELOPMENT MATTER, MOUNT OLIVE BASEBALL & SOFTBALL ASSOCIATION**

MR. FLEISCHNER: Ok, if you could just step up to the table. This is Mount Olive Baseball and Softball Association for Capital Review, Russ Nagle Field. So you want to just state your name, and your official position...

MR. CALLAHAN: Matthew Callahan, I am a...board... stepped down from the board...I've been on the board for Mount Olive Baseball and Softball for 11 years now. This is my first year I stepped down. I've done multiple projects with the township at no cost to the taxpayer's money. I do want to thank Joe and Catherine and Ms. Cofoni for pushing this through and getting us here tonight. The president of our association unfortunately was stuck in 280 in the car fire traffic and he's in Parsippany at this point. I just texted him.

MR. FLEISCHNER: It's ok. We're happy you're here.

MR. CALLAHAN: That's why we're here is to propose the press box at Russ Nagle Field.

MR. FLEISCHNER: Everybody should have a write up in their packet and I believe you all have a map of where this is...

MS. NATAFALUSY: That...that was done by me because I didn't have rendering to show where...

MR. FLEISCHNER: Well, thank you, Catherine.

MS. COFONI: Nice, Catherine.

MS. NATAFALUSY: ...where it was being placed.

MR. BUCZYNSKI: Did you sign it?

MS. NATAFALUSY: So I just put a little box behind the...

MR. CALLAHAN: It is...I...

MR. FLEISCHNER: Have you seen this?

MR. CALLAHAN: I've had it. And I looked at it. I went over it with the Careaga Group. And I...Peter has the plans in his hands tonight.

MR. FLEISCHNER: The question that I would have is there any way you put some shrubbery around the back side or plant something so that it's just not so visible from the road...I mean it's going to be visible because of the height of this. But from the stand point of planting some shrubs or something and I don't know I'd have to kind of guess what size and Brian if you want to comment.

MR. SCHAECHTER: Can we go a little...you know take one step back. First off, I would have probably asked as a courtesy you would have noticed some of the neighbors. Because as I was driving out of the development today I noticed a nice big sign that's now staring at our face. I find a couple things wrong with the...with how the field is maintained. The netting is never maintained. It's frayed, it's hanging down, there's the outfield wind screen is fallen apart, and to come in front of the Planning Board even for courtesy review, and you're going to be putting what I would assume some sort of announcements, loud speakers here that could go on till, you know the lights could stay on till 10:00 o'clock at night, I'm sure that the sound ordinance would probably cut that out at 9:00 during the week but I mean now we are going to be affecting some of the people in the development, who enjoy their property, I would have thought we might have had a courtesy. Out of courtesy at least notice the folks within 200 feet of the property.

MR. CALLAHAN: The PA announcements have only been used during tournament time which is very far and few in between which we have permitted for. We've done it for years at Russ Nagle Field as well as Dan Jordan Field in the middle of Clover Hill Development and...

INAUDIABLE

MS. COFONI: Do you plan on continuing with the PA in that fashion, that it will only be for announcements?

MR. CALLAHAN: Just for tournament only. Tournament only.

MS. COFONI: Ok.

MR. CALLAHAN: And we've done that in years' past.

MS. COFONI: And it's it a portable PA system that you are using?

MR. CALLAHAN: Totally.

MS. COFONI: So there's not one going to be one installed permanently?

MR. CALLAHAN: It's not a permanent PA.

MR. SCHAECHTER: Are we sure about that?

MS. COFONI: Well, that what was said in the letter.

MR. SCHAECHTER: Ok. How about the wind screen?

MR. CALLAHAN: The wind screen situation...on the softball end we are on our fourth year. We've hosted three years in a row with 500 families coming into our township. I'm born and raised here. And I played for Russ Nagle for 11 years straight with a State Championship in high school. With that said, we've done...the township has been fantastic with the actual field. The wind screen that is hanging on Russ Nagle right now is only two years old. It was taken down...it was taken down this winter and then put back up and then I'm sure you all remember with the severe wind storms that we had early...earlier it did shred it. We have plans for the...we hosted last year with the boys, was our first year at Turkey Brook at the AU Level with the Babe Ruth Organization which I'm very involved with, not only in Mount Olive, but throughout the country, I've been to Florida with them, I've playing in the World Series and our team took, my team that I coach with took second last year in the World Series. So Mount Olive is very well cherished within the Babe Ruth Organization, which in fact happened for us to host the quote on quote the older boys 60-90 field, the fill size field which is the reason why we want to do these improvement to Russ Nagle Field. I've been in touch with the Nagle Family who, you know I've been in touch with my whole life...and we really...I want to set it up and host this regional tournament and make it the best experience for our children that I possibly can.

MR. SCHAECHTER: I'm glad it's about sentimental value to you. For me, there is 221 homes across the street that have to pass by and look at this every single day. So I want to make sure we're doing the right thing for the other 221 home owners that are in that community. I will tell you that property is not kept up. Those nets have been falling down since day one. I pass by them, I see the nets. Is there anyway instead of building the...the stand, maybe look at re-working the cage? So that you don't need nets and you put a clam shell in there so foul balls won't go into the street. But they way the nets are cars get hit all the time. It's not very protective if it's not maintained and kept up right. And there's no plan for redoing that.

MR. FLEISCHNER: I have a question though, is the park town property?

MS. COFONI: Yes.

MR. CALLAHAN: Yes, it is.

MR. SCHAECHTER: Baseball maintains...

MR. FLEISCHNER: I'm just saying that...well why doesn't...why is baseball forced to maintain...if it's town...if it's a town park, shouldn't it...the town allows baseball to be played there then maybe the town needs to be responsible for...I'm not...

MR. VAN NESS: No, I don't know how to answer the question. If the town has to take care of or maintain specific sport related parks, then the town doesn't have that kind of money to do that kind of maintenance.

MR. FLEISCHNER: We are not...we are not talking about money. Can't talk about money. Money has nothing to do with that.

MR. VAN NESS: The point is it's going to end up being a grass field or woods. So, you know if baseball wants to have a field and they are willing to maintain it, like they have been forever, just like soccer did, just like lacrosse does, just like everyone else, if these sport organizations...they are organizations for a reason and one is to have their participants be able to play and two is to be able to maintain and infrastructure for them to play on.

MR. FLEISCHNER: How long how that park been there?

MR. SCHAECHTER: I've been here 16 years so...

MR. CALLAHAN: Twenty years...

MR. FLEISCHNER: It went with the development.

MR. VAN NESS: The town does do basic...

MR. FLEISCHNER: I'm sure they do. I'm sure they do.

MR. SCHAECHTER: Yes, but there is...

MS. COFONI: Well that's not something we're controlling here. We're not controlling what the town does and doesn't. I think what Brian is saying is there's some maintenance issues that need to be addressed here. They're trying to improve the look of it, I'm sure you want to improve the netting and everything else.

MR. CALLAHAN: Which we will, we will have new...

MR. SCHAECHTER: What guarantees we're going to put a building up or they're going to put a building up and then it's going to be an eyesore in two years because the winds going to come and...and take it down or it's not going to get painted or it's not going to get any...they've have shown a history of not maintaining it.

MS. COFONI: What's the material for the building?

MR. CALLAHAN: I believe it like a T1-11 which is wood or it could be a...you know...I don't have the actual detail on it. It's not plywood. It will look nice...and we're talking about doing the whole front of it nice. As far as shrubbery is concerned that's a...that's something that will definitely be done. As far as walkways...and I'm just trying to improve the look of the park.

MR. FLEISCHNER: Nelson.

MR. RUSSELL: Will this building be constructed by volunteers or...

MR. CALLAHAN: Correct. It will done all voluntary. Very similar to the way I sat in front of the board five years ago and constructed the Dan Jordan bathrooms as well. It's complete volunteer work.

MR. RUSSELL: And you have artichectural drawings for it?

MR. CALLAHAN: We do. Through Careaga in town. He's been a tremendous help as well.

MS. COFONI: There's some right here.

MS. NATAFALUSY: I have one.

MR. McGROARTY: It is a town field. The town could...if the governing body and the Mayor wish to do so that...I believe they could use funds from the tree fund for landscaping...

MR. MANIA: We have to be careful we don't set a precedence here.

MR. McGROARTY: Right.

MR. MANIA: Ok.

MR. SCHAECHTER: It's for township plan.

MR. McGROARTY: It's for township plan. That's what the ordinance...that's why you collect the money.

MR. FLEISCHNER: The tree bank does allow...

MR. McGROARTY: For public parks.

MR. FLEISCHNER: ...for public parks.

MR. MANIA: I don't have a problem with the trees then.

MR. McGROARTY: I'm just saying that, you know...

MR. FLEISCHNER: And that's a very good point.

MR. McGROARTY: ...one thing, and we said this before, I'm not saying if we should or shouldn't do it here, one thing is generally not a good idea not to spend that money. If you collect the money and it sits in a fund and never gets spent, it undermines the integrity of the ordinance and that's been...but it is a public park and one of the criteria for the tree ordinance was to allow for planting on public properties.

MS. NATAFALUSY: Right.

MR. MANIA: Mr. Chairman,

MR. FLEISCHNER: Mr. Mania.

MR. MANIA: I think we need some assurance from the gentleman here that they will maintain the field to the upkeep that...

MR. FLEISCHNER: It deserves.

MR. MANIA: ...necessitates.

MR. FLEISCHNER: Right. You don't have a problem with that?

MR. CALLAHAN: I don't. We, like I said, the wind screen that is up there...with my years experience between building Turkey Brook and maintaining it and rebuilding fields last year with the contractor I work for, the wind and weather conditions in our township are tuff to deal with at times and we do...we do plan on all new wind screens and maintaining...we plan on doing a nice monument for Russ Nagle and putting...making sure it's Russ Nagle Field in Flanders Park and bringing the Nagle Foundation back into this and making it as good as it's been in the past with...the the scholarships they've awarded since 1996.

MS. COFONI: So are you going to fix the wind screen prior to your tournament?

MR. CALLAHAN: Absolutely.

MS. COFONI: When's the tournament?

MR. CALLAHAN: In July, the third week in July.

MR. SCHAECHTER: Are you going to do the nets too?

MR. CALLAHAN: The nets are...the township had put up the nets for us.

MR. SCHAECHTER: Are you guys replacing the nets and the township put them up again.

MR. CALLAHAN: Excuse me?

MR. SCHAECHTER: You purchased the nets...

MR. CALLAHAN: We will purchase the wind screen. I know that.

MR. SCHAECHTER: No, I'm talking about the nets that protect the highway that are falling apart. If you guys purchased the nets, I'm sure the town will put them up again.

MR. CALLAHAN: Yes, we've...we've...I've dealt with that before with the township, yes. There is an existing net there now.

MR. SCHAECHTER: Yes, I know. It's falling apart.

MS. COFONI: Do you guys want to see the...

MR. CALLAHAN: And that net is actually not that old either. The winds...

MR. SCHAECHTER: But, I mean it's part of doing business. If the wind takes it out and you have make sure it's up.

MR. FLEISCHNER: Nelson.

MR. RUSSELL: Our property in this town is in such demand. What kind of security provisions are you putting on this building being you will be storing equipment there?

MR. CALLAHAN: Actually, since I've been involved with it, I've had...actually when we rebuilt Dan Jordan Field we had an issue with vandalism at Dan Jordan years' back and I actually did fake cameras there and spread the word throughout the children that I deal with on a daily basis and spread the word that we're on it and we're not going to tolerate it and we've had absolutely no vandalism at all at Dan JordanField. We have had vandalism in the past at Flanders Park. We've had...I know there's been toilets blowing up with the building done, but...in the future we've...I would love surveillance cameras there. But you know, it's township property. Am I going to survive it?

MR. SCHAECHTER: No. Put some of those up, it was worth it.

MR. CALLAHAN: I would love to have it. We're in a new age now where I think that could easily be done.

MR. SCHAECHTER: One last thing and I'll let you off the hook.

MR. CALLAHAN: Ok. Brian.

MR. SCHAECHTER: The sign that you guys erected, is that the same size as the sign...scoreboard that was there?

MR. CALLAHAN: No it wasn't.

MR. SCHAECHTER: It's bigger.

MR. CALLAHAN: Yes, it is.

MR. SCHAECHTER: So we didn't get a courtesy review of that either.

MR. CALLAHAN: I was...I...I said it was bigger when I was at town hall last week. And I...so...

MR. MANIA: Who did you tell that to? Who did tell at town hall that it was bigger?

MR. CALLAHAN: I spoke with Catherine.

MS. NATAFALUSY: I got an email from someone on Monday that said it was the same size as was previously there. Not size wise, it said it was being replaced and not relocated. When I have emails back and forth with the Mayor. I was told...

MR. CALLAHAN: I know the permit was...submitted...and when we got the...and I was told we had the green light to erect it, which we did and I had electrical permit with an additional 150 foot of trench from the existing location to the new location which was inspected and approved.

MR. SCHAECHTER: On the building permit did they have to have the size of the...of the scoreboard? Catherine?

MR. McGROARTY: Well, it's not regulated by zoning. Signs on public property are not regulated by zoning.

MR. FLEISCHNER: Mr. Mania.

MR. MANIA: Quick question. How much bigger is this sign than the previous one?

MS. COFONI: You just said 150 square feet?

MR. SCHAECHTER: It's a lot bigger.

MR. MANIA: A lot bigger.

MR. CALLAHAN: It's definitely twice the size.

MR. FLEISCHNER: But they didn't require a permit. It's not required.

MS. COFONI: I think the point is it should have been part of this courtesy review.

MR. FLEISCHNER: Right.

MR. SCHAECHTER: Before it went up.

MR. MANIA: I think that's what Brian is alluding to. A courtesy.

MR. SCHAECHTER: Right. That's where I'm going. It should have been part of this before it was erected.

MS. COFONI: Yes.

MR. SCHAECHTER: But you guys jumped the gun. So...that seems to be the case. And I agree with that as well. In all likely hood, no one is going to object to the signs going up but talking about modern signs, now we're talking about lights, we're talking about potentially bright lights, how are they going to reflect into the neighborhood and so on and so forth.

MR. CALLAHAN: No brighter than the lights that are lighting the field.

MR. SCHAECHTER: And we know that. However, it would have been the proper discussion to have and courtesy...but someone's got to look at that sign. Someone might not want to stare at a billboard now. A scoreboard is one thing, but you doubled it. And it was so large when I existed the community today, I went "What the? That's something brand new that we haven't seen" I thank the people at Callaremi for making that donation. I'll be sure not to buy a car there because it is staring me in the face every day. So I mean it would have been nice that...you know...courtesy.

MR. MANIA: You probably won't buy concrete from me because I donated the concrete.

INAUDIABLE

MR. FLEISCHNER: I think...either way...I think what we're really asking is because this is not a yes or no vote.

MR. SCHAECHTER: It's just a courtesy.

MR. FLEISCHNER: Right. But you know I think what board members are saying is when you do make alternations to existing facilities that you let the board know ahead of time. And granted you don't even have to take our...our advise. That's up to you but we would encourage you to listen to what the members are saying. I mean I would encourage you to go to the Town Counsel now and request once your building is...you're getting ready to build it, request that the town provide trees to...from the tree bank because I mean I asked maybe eight months ago because no one could tell me who...how much money was there until I went to Sherry and she said "Oh, it's like \$160,000 something, that's a lot of trees. Ok. So, I think and then to discuss with...Chuck or Gene where the exact trees should go should the town agree to taking money from the tree bank and...

MR. MANIA: I don't see it as a problem.

MR. FLEISCHNER: And Mr. Mania is obviously is a Councilman, but you need to go to the Council to request that. I would encourage you to do that and the town has the money, the tree bank has the money and it's...you heard Mr. McGroarty say just sitting in a tree bank without planting trees makes no sense. Because that's what it's for. So that we can provide some more buffers which will help the neighbors across the way and provide something that...you know...looks better.

MR. BUCZYNSKI: The people also once they...once Matt or somebody from the group goes to the council and gets approval, I think that he can work with Jim Lynch...

MR. FLEISCHNER: Ok. I mean...

MR. BUCZYNSKI: ...for the trees.

MR. CALLAHAN: I work...I've worked with Jim Lynch my whole life and they've done...and the past few years especially as our township is bringing in like 500 families for the fourth year in a row with our hotels and restaurants and everything. Jim Lynch and the township employees have been top notch in coordinating with these tournaments. Up to 45 teams with our girls' tournament and we're probably going to be up 16 to 20 teams with the older boys tournament for the first time this year. And we were awarded that because of the way we operate as an association.

MR. SCHAECHTER: And don't get me wrong. I mean baseball and softball do a phenomenal job with the kids. And even my position with the school board, it's all about the kids. So, don't...don't...

MR. CALLAHAN: That's right.

MR. SCHAECHTER: ...don't take this as...

MR. CALLAHAN: No, I've been here before. I understand how it works.

MR. SCHAECHTER: Yes, this is just...

MR. FLEISCHNER: Mr. Mania.

MR. MANIA: I just want to compliment Matt. Matt has been, I'll tell you, unbelievable in the things he's done. And with this company, unbelievable. I mean, we don't know half of the things that he's done. So I want to congratulate you, Matt.

MR. CALLAHAN: Thank you, John.

MR. MANIA: Great job.

MR. CALLAHAN: Thank you.

MR. FLEISCHNER: Hey, I appreciate it. Both my sons played little league. I coached and played the old Flanders School as a field.

MR. CALLAHAN: That's my backyard.

MR. FLEISCHNER: Right. That's where...

MR. CALLAHAN: And I rebuilt that field as well.

MR. FLEISCHNER: ...we used to play. So, it's like we played everywhere in town.

MR. CALLAHAN: And I put a gate in so they can get their foul balls.

MR. FLEISCHNER: No lights. We didn't have any lights.

INAUDIABLE

MS. NATAFALUSY: Just for record, I got an email from Pete DiMaggio on Monday that said the scoreboard is set forth on coming here for courtesy review. It's just a replacement of the existing one.

MS. COFONI: So they're making it sound like...

MR. SCHAECHTER: A replacement times two.

MR. CALLAHAN: I'm sorry, Nelson, I didn't hear you.

MR. RUSSELL: I'd like to congratulate Pete DiMaggio on this letter. It's very, very helpful.

MR. MANIA: Any relation to Joe DiMaggio?

MS. COFONI: If he would be here, they would be building...

MR. CALLAHAN: His sons a good ball player I'll put it that way.

MR. FLEISCHNER: Anything else? Anybody else have any questions?

MR. SCHAECHTER: Thank you.

MR. FLEISCHNER: Thank you for coming.

MR. CALLAHAN: Thank you all for making this happen for us.

MR. FLEISCHNER: Please go to the council and get them to...put the trees.

MR. CALLAHAN: I can help with that also.

MR. MCGROARTY: It doesn't have to be trees either, it could be some kind of landscaping. Do you know where in the ordinance that language is to reference that, if you don't, tell Catherine. It will probably speed the process up. She can zero in on a section that says that's what it's for.

MR. CALLAHAN: I will find that. And Catherine if there is any miscommunication there, you know you and I've spoke before all this happened and...I apologize for anything that...

MS. NATAFALUSY: Ok. I just want to make it clear on record that I was told it was just...you know...replacing. And that's why...

MR. CALLAHAN: Well that's why...when you asked me if it was the same size, I said no. And that's why we took it a step further.

MS. NATAFALUSY: Ok.

MR. CALLAHAN: And I apologize for anything that can go wrong there.

MR. MANIA: I think when you come before counsel come with the species of the trees, how high we want them to grow...

MR. CALLAHAN: I'm sure Jim...Jim Lynch and I we communicate basically a daily basis and we will make that happen.

INAUDIABLE

MR. FLEISCHNER: Any other...any other...folks, any other new business, old business?

MR. SCHAECHTER: Just a motion to adjourn.

MR. FLEISCHNER: Motion to adjourn.

MR. MANIA: So moved.

MR. FLEISCHNER: Seconded?

MR. FASTERT: Second.

MR. FLEISCHNER: Meeting's adjourned.

(MEETING ADJOURNED AT 8:48:39 PM)

Transcribed by:  
Mary Strain, Secretary  
Planning Department