

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, October 14, 2021 at 7:00 pm
Remote/Virtual Meeting

In accordance with Township Ordinance # 26-09 the Mount Olive Planning Board is authorized pursuant to N.J.S.A. 40:55D-25(c)(2) to hear all variance applications including the six variance categories set forth in N.J.S.A. 40:55D-70d.

MINUTES

Public Meeting / Remote Virtual Meeting of the Mount Olive Planning Board of October 14, 2021 commenced at 7 pm.

The Pledge of Allegiance was recited.

Open Public Meetings Act Statement was read into the record by Ms. Strain, PB Secretary

Roll Call

Present: Mr. Schaechter, Ms. Mott, Ms. Natafalusy, Mr. Mania, Mr. Ottavinia, Mr. Batsch, Mr. Weiss

Excused: Mr. Scapicchio, Mr. Forlenza, Mr. Nelsen, Mr. Ouimet

Board Professionals in attendance were:

Present: Chuck McGroarty, PP/AICP, Board Planner
Michael Vreeland, PE, Board Engineer
Walter Lublanecki, PE, Traffic Consultant
Edward Buzak, Esq., Board Attorney
Susan Crawford, Esq. Board Attorney
Mary Strain, Board Secretary

Audio and video technology and platform.

Mr. Weiss: Welcome everybody. Let's start. I'm going to jump right in. Does anybody have any committee reports, any news they'd want to bring to the Planning Board? Kim, Open Space?

Ms. Mott: No.

Mr. Weiss: Catherine, Environmental?

Ms. Natafalusy: No.

Mr. Weiss: Brian, Board of Ed?

Mr. Schaechter: No.

Mr. Weiss: I have nothing from Street Naming. Anybody else? Have I missed anything? Ed, Chuck, any kind of update.

Mr. Buzak: I have nothing. Chairman. Thank you.

Meeting Minutes

January 21, 2021 Public Meeting

Mr. Weiss: Okay, perfect. Thanks so much. Let's jump right into the approval of the meeting minutes. The first one on the agenda tonight is from January 21, 2021. It was a public hearing. We've been sent a copy of that. Will someone please make a motion to approve the minutes of January 21, 2021?

Mr. Mania: I'll make a motion we approve those minutes.

Mr. Weiss: Thank you. Second?

Mr. Schaechter: Second.

Mr. Weiss: Thank you, Brian. Any comments? Any questions? Seeing none. Roll call, please.

Roll Call:	Brian Schaechter	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Howie Weiss	Yes

September 9, 2021 Public Meeting Minutes were pulled from the meeting. See Page 3

Mr. Weiss: Second set of minutes for approval this evening is from September 9, 2021. Once again, we've got a copy of that. We're looking for an approval of our public meeting from Thursday, September 9, 2021 will someone please move that for us.

Ms. Mott: I'll make a motion to move the minutes from September 9, 2021.

Mr. Mania: I'll second it.

Mr. Weiss: Thank you, John Mania. Any comments or questions? Seeing none. Roll call. Mary, roll call please.

Roll Call:	Kim Mott	Yes
	John Mania	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes

Extension Request

PB 15-20(4) Windt, Michael & Cholish, Leonard, 28-1 Bartley Road, Block 6900, Lot 29

Mr. Weiss: Okay, thank you very much. Let's move on with our agenda, we have one extension request this evening. It's for application PB 15-20(4) for Michael Windt and Leonard Cholish. It's an extension request for a variance at 28-1 Bartley Road, Block 6900, Lot 29. I'm not sure Chuck who was here from the applicant.

Mr. McGroarty: I just promoted Mr. Cholish. I wonder if Mike is the other gentleman.

Mr. Weiss: It could be, Michael Windt, perhaps let's pull that up and see if it is.

Mr. McGroarty: Yes, but if it's not, I'm not sure how to put them back down.

Mr. Weiss: Well, let's just bring up Mr. Cholish, and he can tell us if Mike is that other person.

Mr. Schaechter: Before we move on Howie. On the minutes for the public meeting on September 9th.

Mr. Weiss: Yes.

*Mr. Schaechter: We don't have a quorum for those...we don't have the majority. Does that matter? You only had four people out of eight that are eligible. Should we pull those?

Mr. Weiss: Ed, you're muted.

Mr. Buzak: Yes, we should hold them. I didn't catch that, Mr. Schaechter.

Mr. Weiss: Okay. So we can retroactively just push that to another agenda.

Mr. McGroarty: Which one was that? September 9?

Mr. Weiss: September 9.

Mr. Schaechter: You only had Mr. ...you had Kim Mott, Mr. Mania. Paul Ottavina and Mr. Batsch. It's the four out of the eight.

Mr. McGroarty: I don't know where Mr. Cholish is. I hope he's...at the facility to join us. There he is.

Inaudible

Mr. Weiss: As you getting ready to appear, Mr. Cholish. You're muted, so...

Mr. Cholish: I think...can you hear me now?

Mr. Weiss: You might want to....shut your phone...lower your phone. It looks like you're...

Inaudible

Mr. McGroarty: Mr. Cholish, we can hear you.

Mr. Cholish: Okay, I'm up there now.

Inaudible

Mr. McGroarty: We can't see you, Mr. Cholish.

Mr. Weiss: You need to turn the video on.

Mr. McGroarty: You have your video.

Mr. Cholish: We're trying.

Inaudible

Mr. Cholish: If I can hear it...it's fine...yes, okay...I could hear you so...we're in the same room with Mike. I think we're getting an echo because two of us are in the same room.

Mr. Weiss: That is correct. That's why you can shut one of them down.

Mr. McGroarty: Is Mike raising his hand, Mr. Cholish?

Mr. Cholish: Yes. Mike is doing it. Yes.

Mr. McGroarty: No, that's not my question. Is Mike raising his hand on this?

Mr. Cholish: Yes.

Mr. McGroarty: So Mike...if Mike is with you, we don't need to...we don't need to promote him as well. But we need to see you.

Unknown Speaker: I know, Mike, I'm trying to. I'm actually doing this, maybe we should...

Mr. Schaechter: Left hand corner.

Inaudible

Mr. Cholish: You can see me now?

Mr. Weiss: Yes, we can see you now and we can hear you. Thank you, Mr. Cholish. Okay, so I introduced the extension request. I made note for the record, Mr. Cholish...inaudible. So maybe

you can...what you can do is explain to the Planning Board why you're here for an extension request after a year.

Mr. Cholish: Okay, so I was going to do that.

Mr. Buzak: Mr. Cholish....Mr. Cholish, before we begin. This is Ed Buzak. I'm the attorney for the Board. We need to put you under oath.

Leonard Cholish was sworn in for the record.

Mr. Cholish: Leonard Cholish, C H O L I S H. 9 Elaine Court, Califon, New Jersey.

Mr. Buzak: Thank you, sir. You may continue.

Mr. Weiss: So now, Mr. Cholish, you can answer...you can explain to the Planning Board what brings you here? Why is your need for an extension and tell us anything else.

Mr. Cholish: Okay. A year ago, after we had the meeting and I was approved for a six month extension, Mike proceeded to get some plans together and he took plans down to the Building Department and spoke to them a number of times. And I guess what happened is at the end, we're get everything together. I guess something to do with the Health Department needed a verification of the approval from wetlands. And we found out that we...the wetlands exemption had expired. So I had to hire a wetlands expert, and he's in the process of waiting for the wetlands too give him the verification that I can still maintain that exemption.

Mr. Weiss: I do understand how difficult that process can be, Mr. Cholish. If this was the... if this was...if this issue is resolved, are you otherwise ready to start your construction?

Mr. Cholish: Positively, yes, he has the plans already. He's ready to go. All we're waiting for is approval from the Health Department of Mount Olive, so we have to give them this plan and then he's ready to go. He has engineers ready with the septic design, and that's the only thing that's holding us back now. So, he has the plans, he has the engineer, he has a septic design. The only the only problem is we can't do anything without this letter from the...from the wetlands and my...the gentleman doing this for me, I thought it was going to be just a month or six weeks and it's just been longer. I call him and he says they're backed up, they're backed up.

Mr. Weiss: Mr. Cholish, who is it that you've hired to handle the wetlands? Who's your wetlands engineer?

Mr. Cholish: Oh man, I don't have it in front of me.

Mr. Weiss: That's okay. No problem. I was just curious.

Mr. Cholish: I can probably run down...he's up in...he's up near High Point...up in that area.

Mr. Weiss: Not really important. I was just concerned. I know that it's a difficult task. And just for the record, Mr. Cholish is actually waiting for... guess, Chuck, tell me if I'm wrong a LOI from the state, not really a hold up from our Health Department. Is that right?

Mr. Cholish: Well, the Health Department can't approve it until I get this verification from the state because my prior 2006 or 2008 exemption had expired, so I had to renew the extension.

Mr. Weiss: Perfect.

Mr. Cholish: ...from wetlands and highlands.

Mr. McGroarty: Right. And just for the purpose of, for Mr. Buzak if the Board would approve this. the reason and I have firsthand knowledge of this having dealt with Mr. Cholish and with his engineer, they cannot get their septic field located without the LOI. And that's a local Health Department requirement. And they had to wait to get the LOI going because it was when this came to their attention it was the middle of winter snow on the ground. They couldn't actually do the work.

Mr. Weiss: That's how I understand it, so listen, I don't think we need to really hear much more. We all understand the potential delays that come out of the state when it when it comes to wetlands and the LOI. And I certainly do believe that as they come into a quieter season with the winter, they can catch up, get you what you need and we're looking to hopefully get you started immediately. I don't...your request here tonight, Mr. Cholish, is what kind of extension?

Mr. Cholish: You know...you might know better than me how long this wetlands stuff takes. You know, we're just coming at the tail end of COVID. So, I'm not...I'm not...I'm not sure. I mean...

Mr. McGroarty: Mr. Chairman...may I Mr. Chairman...

Inaudible

Mr. McGroarty: Mr. Cholish, hold on. Mr. Chairman, there's been, and I think Mike is...can verify this as well. There's a lot of backlogs at the state level. I think one more year would be plenty of time to make sure everything is done and done correctly and then get the septic approved and move on.

Mr. Weiss: Okay, that's fine. Then I think then...I guess, Mr. Cholish, you're going to... you're going to request a one-year extension on your application. That is what the Planning Board will entertain unless anybody has a question from the Planning Board for Mr. Cholish. I'll open it to the public and then let's move this. Any questions from the Planning Board? I don't see anything. Chuck, do we have anything, anybody from the public?

Mr. McGroarty: Just like Mike, if Mike is the same Mike with Mr. Cholish.

Mr. Weiss: Mike?

Mr. Windt: Yes.

Mr. Weiss: You can unclick your hand raise, Mike. That would be helpful for us we go on with their meeting, thank you very much.

Mr. Windt: Did it work?

Mr. McGroarty: Yes.

Mr. Weiss: I think Mike is gone, so that's fine. It's disappeared.

Mr. Buzak: Mr. Chairman, before you entertain a motion, I just wanted to call to the Board's attention that under the prior Resolution, there was an extension granted to May 11, 2021. So, this has been expired for a while. I know that I believe Mr. Cholish was on the agenda either before that or just after that and there's been some delays and whatever. My only point is if we're talking about a year, do we run it from the May 11 date, do we run it from today's date? That needs to be...

Mr. Weiss: It might be...it might be smart for us to keep a good solid record. Maybe let's go 18 months from May 11. Would that help? That way, it's a year in a month. It's 13 months from now. So, it would basically bring us to October, November, is that correct? November of 2022.

Mr. Buzak: That's right, November of 2022, so it would be November 11, 2022.

Mr. Weiss: Yes, I think that's plenty of time. It's technically 13 months, but it's 18 months from the last one. And that way we have every month accounted for if we look to put the puzzle back together one day. So, then I'll just...we'll go forward and just say, we're going to request...we're going to vote on an extension through November of 2022. Going back to May of 2020. Anybody have a question about that? I see none. Let me just check with the public to make sure the public doesn't have an issue with that. I see nothing from the public. Let me close it to the public. If someone from the Planning Board would please make a motion to grant an extension to November 2022.

Mr. Mania: Mr. Chairman, I'll make that motion to for an extension to November of 2022.

Mr. Weiss: John Mania, thank you very much. Will somebody second that please?

Mr. Batsch: Second.

Mr. Weiss: John Batsch, thank you for the second. Any comments? Questions? I see none. Mary, Roll Call.

Roll Call:	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: Mr. Cholish, hang in there. The process will work itself out, and hopefully you have some nice weather and construct your project.

Mr. Cholish: We're trying, we're trying. I appreciate it.

Mr. Weiss: Have a great night.

Development Applications

PB 21-15 Scheuten, Carl & Michelle, 38 Kevin Drive, Block 7101, Lot 26

Mr. Weiss: Let's move on with our agenda to our first developmental application. We'll bring up application PB 21-15. Carl and Michelle Scheuten here for a variance on their detached garage. A property at 38 Kevin Drive, which is Block 7101, Lot 26. I see you were bringing up Carl Scheuten. Carl, if you would unmute yourself, turn your camera on and we'll get started when you're...there you are. Good evening, Carl.

Mr. Scheuten: Good evening, everyone.

Mr. McGroarty: Mr. Chairman, just let me check. Mr. Scheuten, do you have anyone else?

Mr. Scheuten: No, it's just me tonight. My wife, unfortunately, is out with the kids.

Mr. Weiss: Okay. So, as I said, Mr. Scheuten, I've introduced the application describing to the Planning Board that you here for a variance for a free standing garage. We have a copy of the report that was prepared by Mr. McGroarty, we have the report from the Health Department. I think before I begin, I just wanted to direct you to Page 3 of Mr. McGroarty's report, which is Section 5, and I just want to make sure that you're prepared to answer the questions. The comments under 5.1, because that really will be the basis for this entire application.

Mr. Scheuten: Yes, I am.

Mr. Weiss: Okay. Well, I welcome you here to the Planning Board, and even though I had mentioned that we have the reports, why don't you explain to the Planning Board the current situation, what you'd like to do, and what you will hope to accomplish.

Mr. Scheuten: Sure.

Mr. Buzak: Mr. Scheuten, I'm going to interrupt you if I may. We need to put you under oath.

Carl Scheuten was sworn in for the record.

Mr. Scheuten: Carl Scheuten S C H E U T E N. Address is 38 Kevin Drive, Flanders, New Jersey.

Mr. Buzak: Thank you, sir. You may proceed.

Mr. Scheuten: Sure. So, my goal is to put in a detached garage at the bottom of my driveway adjacent to the house. And the reason for the variance is the extreme topography of my backyard, where it has a drastic slop after about 25 - 26 feet off the back of my driveway. And...you know...to move it further back from that and to avoid moving it closer to the property line, I'm applying for a variance to keep it about 6 1/2 feet or so from my house, from the corner of my current two car garage that's attached to the house.

Mr. Weiss: Okay. Let me just jump in real quick and Chuck just to confirm that one...the variance that Mr. Scheuten is requesting is for the setback of this structure, correct?

Mr. McGroarty: Yes, a detached accessory structure requires 15 feet separation from the house, which is the principle structure. And as you just heard, the proposal is to be within 6.5 or 6 1/2 feet to the house.

Mr. Weiss: Okay, so it sounded to me, Mr. Scheuten, that the problem that you have by placing it anywhere else on your property, say if you were to try to conform to the zoning is that you have a very steep slope that is making it prohibitive to put this garage in a more conforming location. Is that accurate?

Mr. Scheuten: That is correct.

Mr. Weiss: All right. Okay. And that makes sense. I think we're looking at the plans. I don't see...hold on, I could be wrong. Did you submit a...let me look...a drawing of what the garage will look like?

Mr. Scheuten: I did submit...

Mr. Weiss: Go ahead.

Mr. Scheuten: I did submit the...there is a handwritten drawing on the on the actual survey and then we also I also gave Mr. McGroarty the plans for the garage itself.

Mr. Weiss: Okay.

Mr. McGroarty: Yes, they were shop drawings. We didn't...I didn't...multiple pages, Mr. Chairman, but I can tell you if I may...20 or 30 pages of shop drawings, but the structure measures 22 feet. I think I have this in my report, but 22 feet and width, 24 1/2 in depth. 16 feet in height. Is that right, Mr. Scheuten? Do I have that correct?

Mr. Scheuten: That is correct, yes.

Mr. Weiss: Okay. Do you have any other testimony for us, Mr. Scheuten, anything else that we'd...you don't really have any other issues. I wouldn't even get into what's currently there. It seems to be all confirming. The addition of this garage, Chuck, doesn't increase the impervious coverage to a concern. I would imagine if it did, you would tell us in your report. So, I don't see any issues there. Does anybody have any questions for Mr. Scheuten? Because it seems to be straightforward. I'm going to jump...of course, we've looked at the report and I don't want to downplay any of it. I'm going to jump right to that Section 5.0. You have an obligation, Mr. Scheuten,

to provide the positive and negative criteria. And although sometimes that's a...it's an intimidating task by you telling us of the steep topography and the fact that putting the garage anywhere else wouldn't work because of that, I would imagine that you fulfilled the obligation of the positive criteria as noted in bullet point Number 1 in Mr. McGroarty's report. Probably would also cover you in bullet point Number 2. If not, maybe all three of the bullet points might be met. Would you agree with that? Or would you confirm that your testimony, the fact that for the positive criteria would be based on your testimony?

Mr. Scheuten: Yes, that's correct.

Mr. Weiss: You also have an obligation, Mr. Scheuten, to testify to the negative criteria, and as under 5.2, you have an obligation at least to provide testimony as to why the construction of such a structure would not have any kind of negative detriment to the community. And perhaps you can talk a little bit about the garage in your home and your residential district.

Mr. Scheuten: Sure, sure, I'm happy to. Obviously...you know...one of the reasons we want to put the garage here is that we're approaching 5 drivers or 4 drivers in our household and to keep an orderly way about our garage, we feel that...you know...this would allow us to put the cars in and out of...you know...not being shuffled all over the garage itself or the driveway itself. And...you know...what my goal was to keep it away from the property line, so it's not impeding on any of our neighbors. So...you know...that I made sure that the setback from the sideline was in order from our property line. And...you know...just based on that and...you know...where it's going to sit on the property, I don't feel that it would...it would...you know...bother any neighbors. I've spoken with neighbors personally and discussed it with them, and no one really seem to...

Mr. Weiss: I know the answer to the question I'm about to ask. But you did notice all your neighbors are 200 feet from on the property line? You just said that you didn't have any concerns back. We'll find out if any of them have anything to say. Like I said, you wouldn't be able to be here if you didn't contact your neighbors. I'm going to just change the direction a little bit, Mr. Scheuten, by building a garage in your home in this residential district, would you say that is something that is not common? Is it common to have a garage in a residential district?

Mr. Scheuten: Yes, there's...there's...I think every home in this neighborhood has a garage and there are other detached garages that I've seen as driving around. Yes, it's not uncommon.

Mr. Weiss: So, would you think that the building of the garage would be any kind of detriment to the zone plan in the Township of Mount Olive?

Mr. Scheuten: I personally do not think so. I don't know exactly what the...what the 15 foot rule was in place for, but I don't see it was a detriment to the zoning...

Mr. Weiss: Perfect. Yes, my question was more when you build something like a garage or a swimming pool or a deck or a shed in a residential neighborhood, my question was, are those things that are commonly found in a residential neighborhood? And it sounded like you confirm that those things are common in the zone. And that would to me that would satisfy the negative criteria. Mr. Buzak, I don't really need to beat this to a pulp. It sounds like Mr. Scheuten testified to the fact that his property has some topographical restrictions. It sounds like he's building a garage in a

neighborhood that garages would normally be found. I don't know if there's anything that we might want to speak about.

Inaudible

Mr. Buzak: I just have a couple of items. Mr. Scheuten, I'm looking at the photograph that was in Mr. McGroarty's report, and I'm looking at your survey. Is it true that there's a wood fence between your property and your neighbor's property? I'll say to the left because I'm sure the north arrow on the survey.

Mr. Scheuten: There...there is a wood fence that doesn't run the full length of the property, but yes, they're in the front. There is a wooden fence to the left.

Mr. Buzak: And it would be running along the same...as long as the length of the new garage next to your neighbor's property. Is that correct?

Mr. Scheuten: It would not be next to my neighbor's property. It would be approximately 22 feet, I believe...

Mr. Buzak: Hold on, I'm sorry. I'm sorry, sir. The fence...the fence runs...

Mr. Scheuten: Yes, I'm sorry.

Mr. Buzak: Pass the garage that you plan to build. Is that correct?

Mr. Scheuten: It does, yes.

Mr. Buzak: Okay. And there's...there's also in the photograph, there's a...it looks like there's pretty big trees along that fence. Are those your trees? Are those your neighbor's trees?

Mr. Scheuten: Those...yes, there's the bushes that you see there are our trees or our property. On the other side, there is a tree, but it's actually set back. It's hard to tell from that photograph, but it is...it is. The tree is set back. It's just hanging over there and that part there.

Mr. Buzak: Is it fair to say that the...that your garage is going to be behind the fence, that's perpendicular to the fence we were just talking about?

Mr. Scheuten: It's going to be...yes, that fence would have to be removed. It would be about where that is...would be...you know...from...that fence would be...that part of the fence would be removed...the part that's going across.

Mr. Buzak: And beyond the new garage is...are there trees? Is it just...

Mr. Scheuten: It's an open yard. We have an open yard, but it does...it does slope down pretty drastically.

Mr. Buzak: Okay, thank you. Thank you, Mr. Chairman. Thank you, Mr. Chairman.

Mr. Scheuten: Sure.

Mr. Weiss: Thanks, Mr. Buzak. Chuck, did you have any input you might want us to consider?

Mr. McGroarty: No, nothing beyond what was testified to.

Mr. Weiss: Perfect, it did sound like Mr. Scheuten was making a suggestion that Mr. McGroarty to give up a career in photography, but that was just my impression of his testimony. I'm fine with the picture, by the way, if anybody's asking. Anybody from the Planning Board have any comments or questions for Mr. Scheuten? I see none. Does anybody from the public. If so, you'll raise your hand. I'm going to look to see if...I see nothing from the public. We're going once, going twice, and I see nothing from the public, so let me close it to the public. And I guess...there you are Mr. Scheuten, I guess there's really nothing else you need to testify to. If you had any comments, which I don't think you do. I will then turn it over to the Planning Board for someone on the Planning Board to make a motion for approval of your application and for the record, again, it's PB 21-15.

Mr. Buzak: Mr. Chairman, may I just ask one more question? Mr. Scheuten, you know when you might begin construction because there is a one-year time period on the granting of these variances, as you may have seen from the previous application, you have some idea of when you're going to start?

Mr. Scheuten: Depending on when I can get a contractor to commit to...to assisting me one year should be plenty. I would love to have it done. Again, depending on when I can get a contractor and then what the ground is to dig the footings and all that. You know, depending if it's the winter, it may have to wait till the spring, but I would want to get it done as quickly as I can.

Mr. Buzak: Okay. And just for your information, the Board can grant extensions of time from that if you run into problems, as has been...as you saw, if you were observing the previous application, Mr. Chairman, I'll pass it back to you.

Mr. Weiss: And I guess just for the record, the project has to get started. It doesn't necessarily have to be finished by the end of the year.

Mr. Buzak: Right.

Mr. Weiss: So really, that's fine, Mr. Scheuten. So as long as you feel that you can get this project started within the year, that's fine. And as Mr. Buzak pointed out, there is a process in place if you have any kind of situation and you'll see that the Planning Board is willing to listen. That being said, and there's nothing else to add. We certainly don't have any conditions. If someone would please make a motion to approve or to move this application.

Mr. Schaechter: I'll move PB 21-15.

Mr. Mania: I'll second it.

Mr. Weiss: Okay, Brian, thank you very much. John, thank you for the second. John Mania, thank for the second. Any questions, comments, or concerns? I see none. Mary, roll call, please.

Roll Call:	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: And Mr. Scheuten, I'm sure you'll build a beautiful garage. We look forward to seeing it. Good luck with the project and in about a month from now, we will vote on the Resolution, which will memorialize this process. Once you get that, you can then go ahead and go apply for your building permit.

Mr. Scheuten: Great. Thank you all. I appreciate your time tonight.

Mr. Weiss: Have a good evening.

Mr. Scheuten: Thank you. You as well.

PB 21-17 Fratelli Beretta USA, Inc., 650 International Drive, Block 107, Lot 3

Mr. Weiss: We're going to move on with our agenda and I'm going to bring up application. PB 21-17 Fratelli Beretta, USA, Inc. here for a combined preliminary and final site plan with a d-4 FAR variance. The property is located at 650 International Drive, Block 107, Lot 3.

Mr. McGroarty: I'm bringing up their professionals now and the applicant himself.

Mr. Mania: Mr. Chairman, I don't believe I can vote on this. It's a d variance?

Mr. Weiss: That is correct, Mr. Mania, so you go home, you get better, you get some rest. And we look forward to seeing you again.

Mr. Mania: Thank you everybody. Have a good weekend. Stay healthy.

Mr. Buzak: Thank you. Take care.

Mr. McGroarty: You too, John.

Mr. Weiss: Okay, I guess we have...we're getting everyone up.

Mr. McGroarty: Mr. Monahan, who is the attorney, and then we have...

Mr. Weiss: I see.

Mr. McGroarty: The professionals...

Mr. Weiss: I see Simone is here.

Inaudible

Mr. Weiss: So, it looks like everybody is here. You'll let me know otherwise. Mr. Mania's name is coming off. Jay Troutman, he's part of your plan. I don't see his video, nor do I see Pete Chandler's video, though I'm sure they'll come up in time. But let me do this. Let me turn the application over to you, Mr. Monahan, as I welcome you back. Why don't you do your thing? Tell us about the application, why you're here, and let us know who we're going to hear from.

Mr. Monaghan: Thank you, Mr. Chairman. I did want to take a minute just to advise Mr. Bocchini that we have...I think, six members of the Board eligible to vote. We are requesting a variance, which requires a majority of the entire Board to approve. So, we would...we would need five affirmative votes in order to get our application approved tonight. Under these circumstances, it's possible to request that the Board adjourn us to a night when there would be more members of the Board present and eligible to vote. But I think we've put together a good application. I'm hoping we can be persuasive over the Board. And if you want to go forward, I just want you to let you know that you need five out of six votes to be successful.

Mr. Bocchini: Understood, let's proceed.

Mr. Monaghan: Okay, very good. Thank you, Mr. Chairman. Members of the Board and professionals. We're here on an application with respect to 650 International Drive. Site plan application with accompanying variances and some waivers and exceptions. Fratelli Beretta is once again embarking on a project to expand its business in Mount Olive Township, which has been extremely successful and Mr. Bocchini will describe it and this proposed project again. The members of the Board may recall that we were here in March of this year for the improvement of 700 International Drive, which is across the street from 650, which is the subject of tonight's application. Once again, it will be an expansion of the manufacturing facilities Fratelli Beretta has been maintaining in Mount Olive for quite a long time now, and we believe that although there are some constraints on the site a successful project is possible. This evening, you will hear from Simone Bocchini, who is CEO at Fratelli Beretta USA, Inc. Peter Chandler of Suburban Consulting, who is our engineer. And Lisa Vale, who is the architect from Ware Malcolm and Jay Troutman, we have on hand as a traffic expert and the last, but not least certainly Jessica Caldwell, who is our planning expert. And all of these folks will have testimony which will support our application. We do have a couple of requests for waivers. One is the Environmental Impact Statement, and another is a utility and will serve letters. The environmental impacts, I believe, were adequately addressed in a report previously provided to the Board with regard to this site in connection with an application that was not was never completed. But we don't believe that environmental circumstances affecting the site have changed since that time. And so we would like to incorporate by reference that Environmental Impact Statement or request a waiver of the Environmental Impact Statement requirement. In terms of utility will serve letters, the entire Free Trade Zone Industrial Park is served by public utilities, and service has been provided in connection with both of the prior Fratelli Beretta projects, and we're confident that the utilities will serve this building if the application is approved and the site is developed. Of the waivers and variances we're looking for, we have a couple of aspects of our parking which require waivers,

including the number of spaces, the dimensions of the spaces and isle width and a variance for parking in a front yard. We also have a variance requested for the buffer from International Drive because of our parking in our front yard. We don't meet the specified buffer or front yard setback. In addition, because of topographic features on the site, we're requesting a variance for retaining wall height. Some of the retaining walls that are necessary in order to be able to develop the site exceed that set forth in the ordinance. And also, we are locating retaining walls in the front yard, which is also not permitted under the ordinance. The two more most significant of our waivers are floor area ratio, impervious coverage waivers and the floor area ratio is the d variance that was referenced before. So, we'll be providing testimony from Mr. Chandler and Ms. Caldwell to support our request for those waivers and variances.

Mr. Weiss: So, Mr. Monaghan, I just want to just go over to Mr. Buzak real quick. I've been writing down what Mr. Monaghan has been saying. Is the first order of business, Mr. Buzak, an opportunity for the Planning Board to discuss the waiver of the EIS?

Mr. Buzak: Yes, the waivers that...our application waivers or completeness waivers are the Environmental Impact Statement, the utility will serve letters and the listing of easements, although there are none. And Chuck, just correct me, is the soil removal plan...the application has been submitted to the Morristown Soil Conservation District, so we don't need to do anything with that?

Mr. McGroarty: Yes, correct.

Mr. Buzak: So it's just the EIS, Mr. Chairman, the utility will serve letters...

Mr. McGroarty: Well, there's actually...I listed them on the first page of my report. There's also a traffic study, which technically is part of an Environmental Impact Statement, but typically it's...inaudible...separate. As they indicated, the applicant submitted one, and I know Mr. Troutman is here this evening. But submitted one for the earlier...an earlier site plan for this site. But they did do some traffic analysis and of course, Mr. Lublaneski is here as well. The owner signature, that's just the procedural thing we can always take care of. DOT Application is not applicable. And I think that covers it.

Mr. Weiss: Okay, so is it possible to handle the utility will serve as a condition of approval? Obviously, they don't have control, but we do know that the public utilities are in the trade zone.

Mr. Buzak: From my end, Mr. Chairman, yes, we can do that for. And we would do that anyway. I think this is a matter of completeness since this wasn't provided. You need to make those waivers so that the application can go forward.

Mr. Weiss: That's what I thought. So perhaps we'll have a quick conversation with the Planning Board about the applicant's request for a waiver from the EIS. Does anybody have any comments or want to discuss that? So, I'm assuming that nobody in the Planning Board has a concern or an issue with us waving the EIS. We know the topography up there, we know what's happening for the most part. And as Chuck pointed out, even though we're waving the EIS, we are going to hear a traffic...we are going to hear from the traffic expert with some traffic testimony from both the applicant and from our expert. So, I don't personally have a problem with it. And if nobody else does. Do we have a roll call on that, Mr. Buzak?

Mr. Buzak: I think what we do, Mr. Chairman, is take a motion to deem the application complete, granting whatever...whatever is necessary in order to deem it complete.

Mr. Weiss: You're freezing up a little bit.

Mr. Buzak: I'm sorry. A motion should be made to deem the application complete and grant any waivers necessary in order to do that.

Mr. Weiss: Okay, fair enough. So based on what Mr. Buzak just recommended, we're going to look for a motion to deem the application complete through this waiver of the EIS.

Mr. Buzak: And any other items, Mr. Chairman.

Mr. Weiss: And any other items that would prevent it from being complete.

Mr. Buzak: Exactly.

Mr. Weiss: Okay. Will someone please make that motion?

Mr. Schaechter: I'll make that motion.

Mr. Weiss: Brian Schaechter, thank you very much.

Ms. Mott: I'll second that.

Mr. Weiss: Very nice, Kim, thank you on the second. Any questions or comments? See, none, let's...

Mr. Buzak: We could just have a voice vote, Mr. Chairman, all in favor and not in favor.

Mr. Weiss: Perfect.

All in favor: Aye.

Mr. Weiss: Any opposed?

Opposed: None

Mr. Weiss: Okay, so we have just handled that, so we'll deem the application complete, the request for a waiver of the EIS has been granted. And I think we can move forward. Anything else will serve in the soil plan. Those all things could be standard conditions of approval. So, I'll go back to you, Mr. Monaghan. And I won't stop you.

Mr. Monaghan: All right. Thank you, Mr. Chairman. Our first witness is Simone Bocchini. Please administer the oath.

Simone Bocchini was sworn in for the record.

Mr. Bocchini: Simone Bocchini, B O C C H I N I, address is 750 Clark Drive, Budd Lake, New Jersey 07828.

Mr. Buzak: Thank you, sir. Mr. Monaghan, you may proceed.

Mr. Monaghan: Mr. Bocchini, you are affiliated with the applicant Fratelli Beretta USA, Inc. Are you?

Mr. Bocchini: I am the president and CEO of the company.

Mr. Monaghan: Okay, thank you. And I'm going to just refer to the applicant as Beretta. If that's all right with you.

Mr. Bocchini: Correct.

Mr. Monaghan: Save a couple of syllables. Could you please describe what Beretta would like to do at 650 International Drive?

Mr. Bocchini: It's part of our expansion of production capacity in Mount Olive, as we did the expansion of the 750 Clark Drive and the new facility at 700 International, 650 will serve as our increase of prosciutto dry curing capacity.

Mr. Monaghan: And why does Beretta want to build this facility? You had talked about increasing capacity.

Mr. Bocchini: Correct. Basically, since the beginning of our presence in Mount Olive in 2015, we were curing about 2,500 legs of prosciutto a week. Thanks to the Board that they gave us the opportunity to expand the 750 Clark Drive. Since last year, we jump our production to 5,000 legs of prosciutto a week in terms of starting curing. Our need today is about 9,000 legs. So, we are almost shy of 4,000 legs a week based on the demand that we have. And that's the current situation as of today. As we know prosciutto, by the nature of the product itself, require almost one year to be cured. So, if this application is granted, the construction of the facility will start expeditious as possible. We're going to start salting the leg, but realistically, we're not going to see it till the end of 2023 as a sellable product. Our vision, considering the growth of the company as we stand today will allow the 90,000 square foot facility will allow us to have enough capacity to satisfy the current demand and what we feel to be the demand coming up in the next two years.

Mr. Monaghan: And Mr. Bocchini, you mentioned the 90,000 square feet that does trigger the need for some variances here. Would a smaller facility serve Beretta's needs?

Mr. Bocchini: Unfortunately, not. Because the situation, as I explained the 9,000 legs need that is today, is envisioned to be at a growth rate of 10 to 15 percent, as we are experiencing right now in need of about 12,000 legs in the year to come. And a smaller facility due to the nature of the product itself will not allow that kind of capacity.

Mr. Monaghan: Okay. Thank you. Does Beretta have a facility in the vicinity of 650 International Drive now?

Mr. Bocchini: We have one across the street that is coming up as we speak 700 International.

Mr. Monaghan: And there's also a facility at 750 Clark Drive. Is that correct?

Mr. Bocchini: Absolutely, yes. Our original starting point in Mount Olive, about 229,000 square feet.

Mr. Monaghan: And with the operations proposed at 650 International Drive be comparable to or similar to what goes on at 750 Clark Drive in connection with prosciutto manufacturing?

Mr. Bocchini: The prosciutto manufacturing process will be exactly the same as is going on at the 750 Clark Drive at the moment, so no additional problem with smell, inaudible...or noise.

Mr. Monaghan: Okay, and that was my next question. Was any glare, vibrations, air or water pollution or safety hazards associated with the operation at 750 Clark Drive?

Mr. Bocchini: No, absolutely not.

Mr. Monaghan: And has Beretta received any complaints about the operations at 750 Clark Drive?

Mr. Bocchini: We have not.

Mr. Monaghan: All right. And you would expect that to be the case if this application is approved and you're being in operations at 650 International Drive?

Mr. Bocchini: Yes, sir.

Mr. Monaghan: How many employees would you expect to work at 650 International Drive?

Mr. Bocchini: Consider the amount of legs we're planning of salting at that location, we are expecting an average of 18 workers at that facility. Prosciutto is a very unique product and some of you that tour our facility at 750 Clark is a stationary item beside the moment that I receive it, after that is like warehousing leg for 12 months. So as the initial part of the salting of it that required part of the employee, the monitoring of the curing timing is basically demanded to one person. Is not that is a very labor intensive operation.

Mr. Monaghan: So, a large part of the facility would be dedicated to aging and yet would only have one employee working there.

Mr. Bocchini: Correct. Because once you go through the first phase of receiving the leg, salting the leg, the remaining nine months or 10 months of the operation are basically just moving the product or stationery the product at different temperature for those 10 months.

Mr. Monaghan: Thank you. I'd like to ask you about traffic, what kind of traffic you expect the operation at 650 International Drive to generate. Let's talk about trucks.

Mr. Bocchini: Trucks were starting four to five trucks a week, mostly for incoming raw material. And then any other movement of truck at that location will not be a direct shipping warehouse. So, any product made at 650 International is not going to go to the final customer, but we only going to be moving between 650 to 700 or 650 to 750 Clark Drive. Inaudible. So, it's going to be mostly an internal movement between our facility.

Mr. Monaghan: And does Beretta use its own trucks for that?

Mr. Bocchini: For that portion of the transportation is going to be small truck? Yes. Box truck not long. Inaudible. So, it's going to be a small operation now of traffic.

Mr. Monaghan: Okay. And in terms of...you said the four to five trips per week and mostly between...amongst the facilities.

Mr. Bocchini: Correct.

Mr. Monaghan: How many automobiles would you expect to be parking at 650 International Drive?

Mr. Bocchini: I believe the 18 is full employee working or driving by themselves based on the labor force that we are having right now and the labor force that will most likely have at 650 International, I'm expecting people to come in in carpooling. So, seven to eight maximum 10. Being only a manufacturing facility and not having offices on that location. Besides the production office and the USDA Mandate Office that will need to have, even visitors will be fairly limited, maybe once a month or twice a month. So, it's not going to be a rolling facility where we have a lot of customers coming through

Mr. Monaghan: So, many fewer cars than you would expect with a facility, a 90,000 square foot facility?

Mr. Bocchini: Correct.

Mr. Monaghan: Thank you. Is Beretta proposing a free-standing sign in front of the 650 International Drive property?

Mr. Bocchini: Yes, it's definitely the same form or shape as the one that was proposed for 700 International as well as 750 Clark Drive.

Mr. Monaghan: So, anybody who wants to see what that sign is going to look like, can go to 750 Clark Drive and basically see the...

Mr. Bocchini: Absolutely, yes, exactly...inaudible...our brand name and the address, nothing more.

Mr. Monaghan: Does Beretta propose to have a generator at 650 International Drive?

Mr. Bocchini: We're going to have a small generator on top of the roof or on the technical area, on the ground and is going to be obviously for light, light security, so the automatic lights and safety lights and emergency exit lights.

Mr. Monaghan: Okay. There's a grease trap associated with the process and also a...some sanitary sewer connections. One of the comments we received was that Beretta should be required to perform the maintenance on the...on site sanitary sewer system and the grease trap. Would Beretta be willing to perform the maintenance on those items?

Mr. Bocchini: Absolutely, yes. We already have contracts in place with several companies that are taking care of the current grease trap and sanitary sewer in the 750 Clark Drive, and we take care of the 700 International. Same company will be hired to take care of that 650 International.

Mr. Monaghan: Okay, thank you. And what hours of operations are proposed for 650 International Drive?

Mr. Bocchini: 6 am to 5 pm in the afternoon single shift. As I say, the prosciutto is not a crazy, labor intensive work, and the most likely is the warehousing and waiting for it to be ready, so watch it.

Mr. Monaghan: And do you propose to have a lighting in the parking lot at 650 International Drive?

Mr. Bocchini: Yes, we do.

Mr. Monaghan: And what hours would those parking lot lights be on?

Mr. Bocchini: That would be on a timer. They go on at 5 pm or as soon as it gets dark, 30 minutes after sunset, and they're going to shut off at 8 am in the morning. And then a 4 am to 10 pm. Sorry, 8 am to 4 am. Yes. Dusk to dawn or I don't know, I was always confused.

Mr. Monaghan: Okay, yes. I think in connection with 700 International, the testimony was 5 am to 8 am and then again from 4 pm to 10 pm. It'll be that...it will be the same lighting schedule as at 700 International, correct?

Mr. Bocchini: Absolutely, yes.

Mr. Monaghan: Okay, that's good. Will there be illumination on the exterior of the building at 650 International Drive?

Mr. Bocchini: Yes, entrance, the sign, and emergency exit door.

Mr. Monaghan: Okay, and what hours would those lights on the building be on?

Mr. Bocchini: Same as the parking lot, except the emergency lights that are going to stay on 24/7.

Mr. Monaghan: Okay. All right, and the free-standing sign that we talked about for 650 International Drive, will that be illuminated?

Mr. Bocchini: Yes, exactly the same as illuminated right now at 650 Clark and the way is going to be illuminated 700 International.

Mr. Monaghan: Okay, and is that...are those hours comparable to the parking lot hours?

Mr. Bocchini: Correct? Yes, that is the same one of the parking lot.

Mr. Monaghan: Okay, you mentioned the generator that is going to be located either on the roof or in a...I think...technical area...inaudible...there will be an HVAC system associated with the building. Will that be located on the roof?

Mr. Bocchini: Depending right now, the design to propose if is approved by the Planning Board actually locate the equipment, everything on the ground. So, on the first main floor.

Mr. Monaghan: All right. And besides the HVAC system and the generator, are there any other large mechanical equipment associated with the construction?

Mr. Bocchini: What we call the...inaudible...is basically the controlling temperature and humidity of the room for the curing of the salami. So other than that, not going to be any steam generator or anything of that magnitude...inaudible.

Mr. Monaghan: 650 International Drive is covered with trees at the present time, is it not?

Mr. Bocchini: Yes, it is.

Mr. Monaghan: And of course, in order to build a building, some trees will have to be removed. Mount Olive, like many communities, has a tree replacement requirement. I know we went through this with regard to 700 International, the number of trees to be removed I was told there's approximately 1,100.

Mr. Bocchini: That's an estimate right now that we have...based on of course what can we see, but yes.

Mr. Monaghan: All right. And we'll hear more about the actual plan of the building. But once the building is constructed, will there be room to plant 1,100 trees at 650 International Drive?

Mr. Bocchini: Unfortunately, not because the topography of the land that the building will sit on as a large area of wetland. That, of course, cannot be disturbed, so there's not going to be room to build to plant them.

Mr. Monaghan: So fortunately, the ordinance does provide for in lieu of planting trees, making a contribution to the Tree Replacement Fund. Does Beretta have a proposal with regard to making a contribution to the Tree Replacement Fund to satisfy the requirement of the ordinance?

Mr. Bocchini: Absolutely, yes. And we took into consideration what was the requirement for the 700 International that was almost double the amount of tree that we are talking in this particular instance. And Beretta made the contribution of \$50,000 towards the funds on that application. So, we are proposing in proportion a \$25,000 contribution to the fund.

Mr. Monaghan: And those are all the questions I have for Mr. Bocchini. I'm sure the Board has some questions

Mr. Weiss: Anyone else in the Planning Board have any questions for Simone?

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Yes, go ahead.

Mr. McGroarty: Not a question, just to just to make note of the fact that the \$25,000 contribution will need to spend a little more time on that when Mr. Chandler testifies, their engineer, in terms of the actual number of trees to be removed. I do actually...if I if I can, Mr. Monaghan, give us those hours again for the lighting?

Mr. Monaghan: Yes, better Mr. Bocchini, than me, Mr. McGroarty.

Mr. Bocchini: Everything is going to be on a timer, so they're going to go on...they're going to go off...sorry...in the morning. They're going to go on in the morning at 5 am or half an hour before sun come up and they're going to shut off at 8 am, especially in the wintertime, when the weather, of course, is cloudy and dark. And then they're going to go on at 4 pm in the afternoon, out at 10 pm in the evening. Tell me everything is going to be on timer. So, depending on the situation, that will change according to the weather...inaudible...lighting.

Mr. McGroarty: Thank you.

Mr. Weiss: Anybody on the Planning Board have any questions? Simone, I have a question if you can help put things in perspective. We all love what's being built over at 700 and now you're proposing 90,000 square feet...inaudible. Tell us what we see now at 700, what is the size difference or is this going to be bigger or smaller in different? Tell me the difference what we're going to see.

Mr. Bocchini: The higher...the 650 is going to be smaller because...they're not right now. The 700 is about 221,000 square feet. The reason of being in front of you again after six months of the other application is because the 700 International will be dedicated for...inaudible...manufacturing versus 650 is going to be dedicated for prosciutto manufacturing. We will love to combine both together, but then fully our needs right now are growing on both directions, salami as well as prosciutto. Prosciutto...the waiting time unfortunately...the key element on this, so we are moving expeditiously on the 650 International application because we feel that is a need for our growth.

Mr. Weiss: Sure. And so 650 is just going to be slightly smaller than 700. That's under construction now.

Mr. Bocchini: Correct. It's going to be about 30,000 square feet smaller, yes.

Mr. Weiss: We could put that in perspective, it's about a third, smaller plus or minus. All right. Anybody have any questions for Simone? I see none, Simone...inaudible...here in Mount Olive. It's always a pleasure having you in front of us and sit tight in case we need you anymore.

Mr. Bocchini: I'm here.

Mr. Weiss: Thank you. So let me go back to let me go back to you, Mr. Monaghan. You'll bring up your next witness.

Mr. Monaghan: Any questions from the public?

Mr. Weiss: Yes, I was just going to do that. I was going to say, if anybody from the public has any questions for Mr. Bocchini. I don't see any...I don't see anybody raising their hand, so I'm going to close it to the public, and now I will certainly formally dismiss Simone. And Mr. I'll turn it back over to you.

Mr. Monaghan: Thank you. Our next witness is Peter Chandler, who was the engineer on the application. Please swear Mr. Chandler in.

Peter Chandler was sworn in for the record.

Mr. Chandler: Peter David Chandler, C H A N D L E R. I'm a civil engineer employed by Suburban Consulting Engineers. We're located at 96 Route 206 in Flanders.

Mr. Buzak: Thank you, sir. I want to go through his credentials in terms of his licensing and so forth. I'm sorry, Mr. Chairman.

Mr. Weiss: But before we do that, I know that Mr. Vreeland had a small conflict. I see that you're there. Mike, is it really you? Are you back?

Mr. Vreeland: I may have to step away in a short period of time.

Mr. Weiss: Okay. I just don't know if that would...if we're best to bring up the applicants engineer until Mr. Vreeland can be back. I'm just thrown it out there. Mike, you have any...any suggestions.

Mr. Vreeland: I mean, if it's possible, it would be helpful if maybe we can change the order and bring up the next witness first and then...I don't think I'll be away for a long...15 or 20 minutes. Inaudible...where I have to go yet.

Mr. Monaghan: Okay. Sure, we could go to architecture and traffic, but we can't go to planner until after we have the engineer.

Inaudible

Mr. Weiss: I was going to say we have a backup, but I prefer that if it's only a few minutes that Mr. Vreeland needs, let's hold off. And I do appreciate it, Mr. Monaghan. As long as we can,

and if we come to the point where there's a conflict, we'll go to our Plan B with the engineer and we'll bring up your engineer before we go into planning. I appreciate that.

Mr. Monaghan: Okay. We're happy to do whatever helps the Board. So, Peter, hold tight.

Mr. Chandler: I'm not going anywhere.

Mr. Weiss: Thanks.

Mr. Monaghan: Okay, Annalisa Viale is our architect. And I'd like to have her sworn, please.

Annalisa Viale was sworn in for the record.

Ms. Viale: Annalisa Viale, A N N A L I S A V I A L E, last name. The address I work for Ware Malcomb and the address is 110 Edison Place, Newark, New Jersey.

Mr. Buzak: Thank you, Ms. Viale. Mr. Monaghan?

Mr. Monaghan: Sure, Ms. Viale, what is your position with Ware Malcomb?

Ms. Viale: I'm job captain, senior job captain.

Mr. Monaghan: Okay, thank you. And did you work on the architectural plans for the project at 650 International Drive?

Ms. Viale: Correct.

Mr. Monaghan: Okay, great. Thanks. I'd like to go through some of your qualifications so that the Board can understand that you're an expert in architecture. So, could you please describe your educational background?

Ms. Viale: I'm an architect licensed in Europe, in Italy, specifically. And I worked in the US for 15 years. And I am...I am the second project manager for the Fratelli Beretta project.

Mr. Monaghan: Ok, and where did you go to school and get your degree?

Ms. Viale: In Venice.

Mr. Monaghan: Okay, the University of Venice?

Ms. Viale: Yes, it is. Yes.

Inaudible

Mr. Monaghan: Okay, thank you. Any education beyond your degree there?

Ms. Viale: I'm also a teacher before becoming an architect. I got a teacher degree, and I also took some after graduation courses and industrial design. And as I said, I'm registered. So, I'm...

Mr. Monaghan: Very good. And have you had the opportunity to testify in front of Planning Boards or any other governmental boards in connection with clients attempting to get approval for projects?

Ms. Viale: Yes.

Mr. Monaghan: Okay, where else have you testified?

Ms. Viale: I testified in Long Island.

Mr. Monaghan: Okay. Good. All right. But you have not testified in front of the Mount Olive Planning Board in the past, have you not?

Ms. Viale: No, correct.

Mr. Monaghan: All right. I submit Ms. Viale is an expert in architecture and would like to present her testimony with regard to this application which she worked on.

Mr. Wiess: I just have one question, Mr. Monahan. I just want to find out is you...is your expert architect licensed in the state of New Jersey?

Ms. Viale: No.

Mr. Weiss: Does that pose a problem, Mr. Buzak?

Mr. Buzak: Well, I'm wondering how...and maybe I'll pose this question to Mr. Monaghan how that...those architectural plans that are submitted. I know the firm, I believe, is in Newark, if I understood it correctly, is that is that right?

Ms. Viale: That's correct.

Mr. Buzak: How does that? I mean, typically the experts can be licensed in the State of New Jersey, and their licenses should be current in order to testify in their particular area of expertise.

Mr. Monaghan: I do understand that that is the typical situation, Mr. Buzak. But it's important for us to present a witness who's actually familiar with the with the plans that she's going to testify about. Beretta as a United States company, but its parent, is an Italian company. Its products are traditional Italian products. They have selected an Italian architect for this project, but I do believe that based on her education and experience, she has the expertise to present or present the application and answer the Board's and the public's questions.

Mr. Buzak: Mr. Chairman, with the caveat that Ms. Viale is not licensed in the State of New Jersey, but given the credentials that she has and the explanation that Mr. Monaghan has provided tonight, I think the Board can listen to the testimony, give it whatever weight that it needs to give it and the...the issues related to architectural aspects of this building, I think, to be adequately answered. And if they're not, then we're going to have to deal with that at that...at that point in time.

The more important witness, obviously, is our engineer and planner or their engineer and planner in connection with this application.

Mr. Weiss: Well, my question might be rhetorical. We know the applicant. We know the work that Mr. Bocchini does and it...none of us have any concern. But my question ultimately is, let's say the expert architect testifies to this...the nature of the...of the materials being used and then they change it. And do they have to...I'm sure the applicant has to hold firm on the testimony that the architect provides, regardless of the fact that she's licensed or not?

Mr. Buzak: That is correct, and those are the factual kinds of statements I think that we're looking at. I think at the end of the day, the plans that will have to be submitted to the township in order to obtain a construction period would have to be signed by a licensed architect in the State of New Jersey. You know, I don't get involved in those kinds of things directly, but that is my understanding, and I'll defer to Mr. McGroarty, who may have a little bit more familiarity with what is actually submitted.

Mr. Weiss: I'm only concerned about accountability. Accountability is like exactly what you said. We're going to talk about the nature of the building. And at the end of the day, if the plans don't match, who is going to sign off on that? It's got to be a licensed architect.

Mr. Buzak: Yes. Well, the plans that are ultimately submitted to the township need to be consistent with what this Board determines, what the testimony is or what the Board determines in its Resolution. So, I think...I think we're going to be covered, Mr. Chairman, with that.

Mr. Weiss: Okay.

Mr. Bocchini: If I may?

Mr. Weiss: Go ahead, Simone.

Mr. Bocchini: I just want to bring it to the attention that Annalisa Viale works with Ware Malcomb. Ware Malcomb would be the office license in New Jersey, of course, to submit the plan to the Building Department for the architectural. We want to have a testimonial today because she worked with us in conjunction, of course, with Ware Malcomb as part of Ware Malcomb for the construction of the 700 International. And she because of Italian and easier for her to communicate with my engineering team or my design team in Italy that then refer to her, as well as to Mr. Chandler for the engineering part. She's very familiar with the needs and the material that would be used. The building itself, and we can go into details, of course, with her as well as with Peter Chandler is going to be exactly the same material that we are using at the 700 International Drive. But Mr. McGroarty, the submission to the town will be done by a licensed architect in New Jersey from the Ware Malcomb Office.

Mr. Weiss: Okay, I just think the inconsistency is noted for the record, I have no fear, Simone, that you'll build another beautiful building. I just wanted to note the inconsistency, so I don't have a problem. Ed, I have your blessing. Chuck, did you have any other comments on it?

Mr. McGroarty: I have none.

Mr. Weiss: Okay, so let's continue. Then I'll throw it back over to you, Mr. Monaghan.

Mr. Schaechter: Hold on. Hold on. Yes, time out here. You know if someone's not licensed and they're saying...you know...she's licensed in Italy. And...you know...although architects are architects, New Jersey has their own set of rules. I would be more comfortable if she would testify to...you know...maybe the architectural needs of prosciutto production and how it would fit into this building, then the actual testimony of...of the architecture of the building. You know...if their specific needs that have to get made or needed, I would say that that would be acceptable. But if we're talking about architectural plans, they need to have their certified attorney. I mean, Fratelli Beretta has been in front of us numerous other times and not once has brought in an architect from...from Italy over here. Maybe they have a consultant. Maybe they consulted with them. But this is...you know...this is a bit of a bailiwick. You know...we would never accept an expert who wasn't licensed in the state. I mean...and really...you know...but if she wants to testify of the...of the architectural needs of prosciutto manufacturing, not a problem with that. I think she's an expert in that. But don't testify about the plans when you're not certified to do that in this state.

Mr. Monaghan: If I may, Mr. Schaechter, with all due respect, I have had architects who are not necessarily licensed in New Jersey testify in front of other Planning Boards in connection with other applications. It's up to the Board to determine whether they think that the individual has the expertise to testify about the subject matter. There's nothing in a Municipal Land Use Law that says architecture expert has to be licensed in the State of New Jersey.

Mr. Buzak: Mr. Monahan, have...are the plans that have been submitted, what...I have to assume that they were signed by someone from Ware Malcolm who was or is a licensed architect in the State of New Jersey. Am I incorrect on that?

Mr. Monaghan: That is correct.

Mr. Buzak: And is that...was that person unavailable or is that person unavailable?

Mr. Monaghan: Yes, I'm sorry, I don't have the name in front of me, but I'd have to pull up the plans, but when I contacted Ware Malcolm, Ms. Viale was the witness that was available this evening.

Mr. Buzak: I have nothing further, Mr. Chairman.

Mr. Weiss: Mr. Buzak, is an accurate statement that you don't need to be licensed in the State of New Jersey to testify in front of a Planning Board?

Mr. Buzak: Well, there's nothing in the MLUL. Mr. Monahan's point was that there's nothing in the Municipal Land Use Law that...that addresses experts or witnesses. That's a matter that's left for Board's discretion and also license...license licensure requirements within the State of New Jersey in terms of submitting signed and sealed plans to various entities like us that we have here. And that's why I wanted to get that question answer because I do not have a set of the architectural plans. I think that Mr. Schaechter raises a good point regarding the architectural expertise. And maybe, maybe what we ought to do was let, let's proceed. And Mr. Monaghan is aware of concerns, and I think Mr. Schaechter raises some good points there. And we'll see how this proceeds and if we get

too far off the mark in terms of perhaps the limitations that she has. Let's see where it goes. And we'll...I think we can make that decision if that's okay with the Board.

Mr. Weiss: Okay, let's see what happens, and of course, if there's any doubt Mr. Schaechter can make his decision based on how he feels. So, I'll go back to you, Mr. Monaghan, let's continue.

Mr. Monaghan: All right, well, thank you. Ms. Viale, could you briefly describe the architectural plans and the building that's being proposed to be constructed at 650 International Drive?

Ms. Viale: The building is has a regular shape. It's a building very similar to what has been built on the other side of the street at 700 International. The materials will be basically the same precast for the outside or tilt up walls. The color will be the same that was selected for 750 International...750 Clark Drive and 700 International. That the inside will be dedicated mostly to the curing of prosciutto. So, it's going to be mostly warehouse, but we will have also a smaller, smaller areas dedicated to production. And we will have just two docks, so one dock for receiving and the other one for the product to leave the building and a small office and the lockers for the workers. Then we would have a parapet that going back to the to the envelope outside, we will have a parapet squirming, hiding everything that's going to be on the roof and the building will be 33 feet tall. But the small area where the stair is because we will have like a bulkhead on top, the stair will be going up to the roof and that that area will be 42 feet, 6 inches tall.

Mr. Monaghan: Good. As far as colors, I think you just described the finished materials as being the same as were selected for 750 Clark Drive and 700 International.

Ms. Viale: Correct.

Mr. Monaghan: What colors are we talking about?

Ms. Viale: It's a brown, the same brown that you can see at the building. The current building in Clark Drive 750.

Mr. Monaghan: Mr. Vreeland's memo had a couple of items that I think were directed to architectural aspects of the application. He had a question about the number of steps on the southerly side of the building. Do you know what steps he's referring to?

Ms. Viale: Yes, I know. That side has a slope. And also, it's a minor slope, at least close to the exit where the stairs are located. But looking at the plan, you can see that all that area, it's like it's attached to the to the main building. But at the same time, it's kind of independent. All the entrances are from the outside. There is no connection between the big building, the main building, and this area that area is all three feet, three inches taller than the floor. So, it's three feet, three inches above zero. The finished floor.

Mr. Monaghan: So, we're only talking about a very few steps, a couple of steps.

Ms. Viale: We are talking about...if you...if you do the math, the maximum for a step is seven inches. So if we have 36...39 inches, it's more than three steps. The math, as you...and also we have...we originally have like a step there anyway because there was like a gentle slope. And yes,

and that the idea of having that raised floor was given by the civil engineer because, as I said, there is a bigger slope close to the that area and it would be better to have the doors for the utility rooms at the same level as the ground outside.

Mr. Monaghan: Thank you. You had mentioned a parapet. I think one of the comments in Mr. Vreeland's memo related to screening of equipment that would be located on the on the roof. Mr. Bocchini indicated that a decision is still being made as to whether the equipment will be located on the roof or in a technical area on the ground. But if the HVAC equipment...a generator were located on the roof, is the proposed parapet sufficient to screen them from the view of the public on International Drive?

Ms. Viale: Yes.

Mr. Monaghan: Thank you. Mr. Bocchini also talked about exterior lighting on the building, and I believe it's shown on the architectural plans as well. Do you believe that the exterior lighting that is being proposed is appropriate and sufficient for a building of this type?

Ms. Viale: I believe so, yes.

Mr. Monaghan: Okay. And Mr. McGroarty in his memo, specifically asked about describing facade finishes and very specifically asked about whether there would be any in...an architectural wood grain screen as part of those finishes.

Ms. Viale: No, we have those at the building. We are building now on the other side of the street. We have those screens in two locations. We don't have those screens at this for this building. They are not they're not going to be part of this building. It's going to be very simple. Just precast or tilt up walls, concrete walls.

Mr. Monaghan: Okay. All right. Those are my questions for Ms. Viale.

Mr. Weiss: I do have just one question before you, Chuck. If you go back to Mr. Vreeland's report Page 8, Item Number 4.4, I just want to make sure that that's addressed...inaudible.

Mr. Monaghan: Ms. Viale, Mr. Weiss has just pointed out something that was on my notes, and I skipped over. Mr. Vreeland note 4.4 was architectural plans should provide the gross floor area of the proposed building and labeled the 252 square foot of office area shown on the site layout plan, parking analysis calculation. Will Ware Malcolm put the gross floor areas on the plans and label the office area in connection with the resubmission or the submission of plans for final approval?

Ms. Viale: Correct. The only difference with the civil drawings is that we combined the manufacturing and warehouse square footages, but there has been the find lately, so Peter Chandler will let you know the numbers that are going to be more precise. With that, the distinction between production and warehouse.

Mr. Monaghan: And those more precise numbers will be put on the architectural plans as requested, recommended by Mr. Vreeland.

Ms. Viale: Absolutely, yes.

Mr. Monaghan: Okay. Thank you. Thank you.

Ms. Viale: No problem.

Mr. Weiss: You had a question. Go ahead.

Mr. McGroarty: Just a couple. What actually, Mr. Monaghan, that was something in my report as well. So, what I'm saying is the floor plan...we would ask you to provide us the square footage for each of the three functions warehouse, manufacture and office. And the ancillary stuff as well.

Inaudible

Mr. McGroarty: Yes, so that particularly it's important, particularly in an application like this where the applicant is seeking a floor area ratio variance. So, we want to make sure site plan and architectural plan are consistent with respect to the square footage. The plans that we got, as I indicated in there, I call them black panels. I don't know what else to call them. We'd like something a little bit more informative in terms of when you do the revised plans. If you're not doing the grade wood screen as much as you are across the street, but at least show us the panels that are solid black. I mean, I guess that's just because they were copies, so that would be better if we have that. And then maybe some detail on there in terms of the color, as you just indicated. It's important not only that you give us that information and testimony, but the color, if it's indicated on the actual architectural plans, would be helpful as well

Ms. Viale: The color is indicated on the drawings, the exact color that has been selected. And if you would like, we can send a sample of the color.

Mr. McGroarty: I just...I don't know if we need the sample, but just again, just to...it would be good to have when this is done to have these plans for the for the record, that don't show this is a big black cube, which is what it looks like right now. Unless that's what you're proposing.

Ms. Viale: No, no, no.

Mr. McGroarty: So, the testimony would be that it's going to be similar to what's being constructed at 700, but not identical. So, you're not going to have that other element. The woodgrain screen, and I may have missed it, but are you doing any facade signage, any building signage?

Ms. Viale: No.

Mr. McGroarty: No.

Mr. Bocchini: And if I may, I was looking at the documents that were uploaded before the meeting. I see that the architectural drawings show the building to be the brown color that we chose. So, I don't know where the black cube.

Mr. McGroarty: We didn't get those. We must have gotten reproduced copies.

Mr. Bocchini: Okay, now because I see what has been uploaded on today's agenda and whatever attachment was next to it, show brown. Anyway, there will be the same color. The building will be exactly the same color, everything else that we have.

Mr. Weiss: Anybody else on the Planning Board have any questions for Ms. Viale?

Mr. McGroarty: That was probably the digital version, by the way, which we got the paper copy. So that's probably the reason why we didn't see it. One other question, though, Mr. Chairman, could you tell us, please, the height of the parapet?

Ms. Viale: The height of the height of the parapet? I can't tell you right now.

Mr. McGroarty: But how...how are you confident then it will screen any roof utilities...if our mechanicals, if they go up there?

Ms. Viale: Because 33 feet, we believe it would be enough being just a one floor building.

Mr. McGroarty: But the height of the building. I don't have the architecture in front of me, but the height goes up to 33 and then, as you mentioned there's the other elements. But what's the difference between the roof grade and the top of the parapet? Is it a matter of feet or only six inches, what's the difference?

Ms. Viale: Between...I'm sorry...between that the bottom of the grade and the parapet?

Mr. McGroarty: The roof...at the roof...how high is the parapet?

Ms. Viale: I...I can't tell you right now because we don't have...we still have to coordinate the structure. It's...it's a work in progress. It's not finished. So, it's not defined.

Mr. Bocchini: Inaudible...based on the current building across the street that is basically sharing the same kind of height and the units that in this particular building, as we are...as of today, they're going to be located actually in the technical area. What we have on the roof are only condenser, and they're are very small, not that tall. And the section where depending where the roof is going to pitch, the parapet can be as low as one foot or as high as three feet. So, we're going to screen from 700 considering also the inclination of the road that we're coming up and this view from the street.

Mr. McGroarty: Well, then okay, so then the testimony then would be...there will be no HVAC units on the roof. The only thing on the roof is going to be a condenser.

Mr. Bocchini: That what is exposed right now, as you see on the plan. We have a section as Ms. Viale was testifying about where the little three steps, five steps go up, that is going to be our technical area. So instead of doing what we are doing right now, 700 of what we did, 750 we would like to keep all the equipment on the ground floor for terms of maintenance and accessibility.

Mr. McGroarty: I just...you know...maybe some way you can represent to the Board then that in the event that changes, and the condenser is larger than you anticipate or the other units go on the roof instead of on the ground for whatever reason, you will have...

Mr. Bocchini: Absolutely, yes.

Mr. McGroarty: The parapet may actually be more than three feet, maybe five feet.

Mr. Bocchini: Might need to be revised if that's the case, but again, as we stand today is not the option that we are going with.

Mr. McGroarty: I understand, but that's today.

Mr. Bocchini: So, if we change, we'll raise the parapet to be...inaudible...at the screen, any view of any condenser unit or any particular unit that is going to go on the roof from 700 International.

Mr. McGroarty: And that would be a condition of approval for any approval. You would agree to that.

Mr. Bocchini: Yes, we send you, we send you over the revised detail if that change.

Mr. McGroarty: That's subject to the Board, of course, but just...Thank you.

Mr. Bocchini: Of course.

Mr. Monaghan: I mean, if I may, I believe we have a similar condition in our Resolution of approval at 700 International that the screening of any rooftop equipment has to be satisfactory to the Board's professionals.

Mr. Weiss: Okay, does anybody else on the Planning Board have any questions for the architect? I see nothing from the Planning Board. Is there anybody from the public that has any questions for the testimony presented tonight by the architect, Ms. Viale? And I'm looking...I don't see anybody having a question. Let me close it to the public. Ms. Viale, thank you for your testimony this evening. Mr. Monaghan, what I'm going to suggest...it's 8:30, let's take a 10-minute break when we come back, Mr. Vreeland, are you back yet? Okay, so we can jump back on your schedule, we can come back in 10 minutes, and if you choose to do so, we can go right back to engineering.

Mr. Monaghan: That would be fine.

Ms. Viale: Thank you.

Mr. Weiss: Let's come back at 8:45, that's actually 13 minutes and we'll come back into order. We'll come back into session.

Break

Mr. Weiss: Okay, I think we can pretty much get it started, Mr. Monaghan. I think you had said, we'll get ready for your engineering. I guess you're going to bring up Mr. Chandler.

Mr. Monaghan: That's correct.

Mr. Weiss: And I do believe that we swore in Mr. Chandler. You about ready to ask for his qualifications when I interrupted. So, let's pick it up from there. Mr. Chandler is sworn in, and we were now going to question his qualifications.

Mr. Monaghan: Mr. Chandler, have you testified in front of the Mount Olive Planning Board in the past?

Mr. Chandler: I have.

Mr. Monaghan: Did you testify in front of the Board in March of 2021?

Mr. Chandler: I did.

Mr. Monaghan: And were you accepted as an expert in engineering at that time?

Mr. Chandler: Yes, I was.

Mr. Monaghan: Mr. Buzak, I'd be happy to go into more detail about Mr. Chandler's qualifications. If you or any member of the Board would like me to, but I know that the Board is well acquainted with Mr. Chandler.

Mr. Buzak: I think that's why, Mr. Monahan...inaudible...the chairman and he can see if any one of the Members have a question. I certainly don't have anything.

Mr. Weiss: I think there's only one question to ask, and that's to make sure that you're still licensed in the State of New Jersey since you were last in front of us.

Mr. Chandler: Yes, sir, I am.

Mr. Weiss: There's no change to the status. I'm willing to accept Mr. Chandler as our expert engineer. Welcome back, Mr. Chandler.

Mr. Chandler: Thank you very much.

Mr. Weiss: Mr. Monahan, and let's get it going.

Mr. Monaghan: Mr. Chandler, I think you prepared an exhibit that you might want to refer to in the course of your testimony. Is that correct?

Mr. Chandler: Yes, I have.

Mr. Monaghan: Okay, and do you have the ability to pull that up when you need to refer it to it?

Mr. Chandler: I can do it right now, if you'd like.

Mr. Monaghan: Okay, well, let's just show the Board and mark the exhibit and then you'll have it ready as it comes up in the course of your testimony. Mr. Chandler, can you describe what this exhibit shows?

Mr. Chandler: Sure. Good evening, ladies and gentlemen, my name is Peter Chandler. I'm here representing the applicant for Fratelli Beretta USA for a preliminary and final major site plan at 650 International Drive. I work...I'm a civil engineer employed by Suburban Consulting Engineers. And tonight, what I have for you is this beautiful rendering we've made of the proposed site. Again, it encompasses Block 107, Lot 3, International Drive which is 650 International Drive in Mount Olive. It's in the FTZ-3 zone, in the ITC, and it resides at the corner of International Drive and Waterloo Valley Road.

Mr. Buzak: Let's mark this Exhibit A-1.

Mr. Chandler: A-1, sure.

Mr. Monaghan: And Mr. Chandler, you just gave a nice overview of the application. Would you like to describe the site plan and a little more detail?

Mr. Chandler: Sure. So the existing site is a fully wooded site. It's got mature forest on it. It's also contains about a third of the site is classified as wetlands, which are on the northern side of the site adjacent to Waterloo Valley Road. It has a 50-foot buffer associated with it and has been issued an LOI in conjunction with that classification by the NJDEP, which is still there. The lot is 5.1 acres. As I previously indicated, it's located in the FTC-3 zone, and we're proposing a food production facility of 90,748 square feet, which is shown by the brown area here on the drawing. It's surrounded by a circulation drive where we're proposing one way circulation in a counterclockwise pattern around the building with a single point of access on to International Drive for both ingress and egress. It will be limited egress, as was previously testified to by Mr. Bocchini, where all the exiting traffic will be exiting in the southbound direction or turning right out of the facility to either go to the 700 International Drive facility across the street or back to the 750 Clark Drive facility. There are 18 parking spaces. I'm sorry, there's 22 parking spaces proposed on the facility, including one handicapped space. There are two loading docks located on along the northern wall here and here, facing in a westerly direction. And there's three doors located here facing the easterly direction, which are going to be for the recycling facilities. The primary access of the building is located on the northern face as well here, and there are some other emergency exit points located along all the different kinds of buildings, with the major equipment room contained on the southern side of the facility has that appendage on the short wall...short access of the building.

Mr. Monaghan: Mr. Chandler, you mentioned the wetlands, are there any other constraints associated with the site?

Mr. Chandler: There's just some critical slope areas that are....needs to be impacted associated with the project. I can show...I could pull up the page of the site plan to show everybody if they'd like, just to enhance that. We indicate that on Sheet 3 of our plan set that we submitted to the township the existing conditions and demolition plan. They're denoted by the colorized green and red areas. The majority of those areas critical small areas, although whatsoever...

Mr. Weiss: Hold on, one second. We'll need to mark this as A...

Mr. Buzak: Need to mark this A-2. This is Sheet 3...

Mr. Chandler: Does this need to be marked? It was a submitted drawing?

Mr. Buzak: Yes, yes. We mark everything that is put up on screen and that...inaudible.

Mr. Chandler: Okay. So, this will be A-2?

Mr. Buzak: This will be A-2.

Mr. Chandler: And that is drawing...

Mr. Weiss: Sheet 3 of the plans, correct?

Mr. Buzak: Yes, that's existing conditions and demolition plan.

Mr. Chandler: Inaudible...and what this plan denotes, among other things, is the critical slope areas on the site by the green and red areas, as you can see, the majority of those areas are along the western side of the property adjacent to the railroad tracks, and those are technically a manmade slope. But the township ordinance does not differentiate between manmade and natural slopes, hence why they're still classified as critical areas. But they were...that slope was created when a cut was performed and the railroad was constructed, as you can see by the parallel contouring on the opposite side of the railroad.

Mr. Monaghan: Thank you. Mr. Chandler, did you hear Mr. Bocchini's testimony as to why Fratelli Beretta is seeking to build a 90,000 square foot building at this proposed location?

Mr. Chandler: Yes, I did.

Mr. Monaghan: Right. And were you involved in the discussions as to the size of the building that would be needed to meet Fratelli Beretta's objectives?

Mr. Chandler: Yes, I was. I worked in conjunction with the Fratelli people to design the facility.

Mr. Monaghan: Okay, and you've designed a facility that will meet those requirements and that has resulted in the need for a floor area ratio and impervious coverage variance request. Is that correct?

Mr. Chandler: That's correct. The size of the facility is what's driving most of the relief needed for the building, and the size of the facility is required for the product that they're trying to develop.

Mr. Monaghan: Right, and not so much the steep slopes, but the wetlands also have an impact on the location of the building and its relation to the setbacks and the other requirements of the ordinance. Is that correct?

Mr. Chandler: That's correct. That's correct.

Mr. Monaghan: Okay. I would...it could...could you just to give a brief description of what the impacts on the setbacks and the buffers are, perhaps back to A-1, for example, the need to locate parking in the front yard?

Mr. Chandler: Sure. So, in an effort to provide a compliant plan to the maximum extent we possibly could. We met with township officials, sat down, talked about what we wanted to do on a conceptual basis, got their feedback that would be from the township professional's...the planner and the engineer. Got their feedback and tried to incorporate that into our final plan set that we have submitted along with the application. What we had done was locate the building and size the building, such that it didn't require any building yard setbacks. But what that did, combined with the limited leftover areas due to the natural constraint primarily from the wetlands, was it forced us to provide the parking in the front yard.

Mr. Monaghan: And some retaining walls required in connection with the construction of the building.

Mr. Chandler: Yes, that's correct. There is a retaining wall that stretches roughly from the center of the eastern face of the building facing International Drive...excuse me...to the north around the corner of the building adjacent to the wetlands. And again in the westerly direction towards the railroad tracks. That was put primarily in place to separate the site from the wetland area.

Mr. Monaghan: And one of the variances that's required is for the height of the retaining walls. Is that correct?

Mr. Chandler: That's correct.

Mr. Monaghan: Okay. And could you discuss how you determine the height of the retaining walls and whether or not you could have developed a property with retaining walls that complied with the height limitation in the ordinance?

Mr. Chandler: Sure. So, the retaining walls were required to be the height they are due to the limited access into the property and the existing slopes across the property. The existing property slopes from the south to the north. We put the access point again in location. We felt, was most suitable and with feedback from the township professionals to give us proper separation from the intersection of Waterloo Valley Road and what that did was that drove...was a primary driver in the height of the retaining wall. Because the elevation was fixed where we're tying into International Drive and we're limited in the slopes we can utilize for the circulation areas, the retaining wall was basically the barrier between the proposed usable areas and the wetland areas, which are left in their natural state and unimpacted.

Mr. Monaghan: And does the proximity of the wetlands also limit or eliminate the ability to terrace the retaining walls as was suggested in one of the review notes?

Mr. Chandler: Correct. Again, and in order to provide the size facility that was required by the client due to the specialty nature of their proposed product, we had to conserve as much space as we possibly could, and hence we didn't have enough room to terrace the wall in compliant fashion with the ordinance required.

Mr. Monaghan: We were fortunate to have a very thorough memorandum from Mr. Vreeland, who went through the application in a great deal of detail. A lot of individual items, I know that you had some discussions with Mr. Vreeland even before the application was submitted and after the initial submission. And did you prepare revised drawings and submit them in response to a number of the comments in Mr. Vreeland memo?

Mr. Chandler: Yes, we did.

Mr. Monaghan: Okay. And the memo was kind of divided into some sections, and the first section is 51 items long and rather than go through each one of those items. Did you revise the Stormwater Management Plan in response to the comments from Mr. Vreeland?

Mr. Chandler: We did, and we're following up with his office to resolve some minor technical, outstanding items.

Mr. Monaghan: Ok, but he has the first 25 comments. I believe you told me they had all been addressed in the course of the revisions to the Stormwater Management Plan. Is that your understanding?

Mr. Chandler: That's correct.

Mr. Monaghan: And likewise, with Comments 32 through 51?

Mr. Chandler: Correct.

Mr. Monaghan: Okay. That leaves with regard to the Stormwater Management Plan Items 3.26 through 3.31. For example, pre-treatment can extend the functional life of the infiltration center; a stormwater management measures guards to be installed to minimize the amount of course particles and vegetation that may enter the infiltration system. Has the Storm Water Management Plan now reflect precautions to prevent that?

Mr. Chandler: Correct.

Mr. Monaghan: And the 3.28 calls for the applicant owner to be responsible for ensuring the proposed stormwater management measures are relatively regularly and effectively maintained. Is it your understanding the applicant will do that or and the applicant does that with regard to its other properties in the...

Mr. Chandler: Yes.

Mr. Monaghan:...free trade zone?

Mr. Chandler: Yes.

Mr. Monaghan: So I can represent to the Board that the applicant will comply with Mr. Vreeland's comments, 3.26 through 3.31.

Mr. Chandler: Yes.

Mr. Monaghan: Moving on to Section 4 of Mr. Vreeland's memo, which relates to utilities, I believe. Oh, I'm sorry, lay out in circulation. You describe the rationale for the circulation plan, as shown on the Exhibit A-1. I believe in your resubmission; you verified the angle of the proposed parking spaces as being 45 degrees. Is that correct?

Mr. Chandler: Yes.

Mr. Monaghan: We addressed 4.4 with Ms. Viale's testimony and 4.5. The other comments in Section 4 of Mr. Vreeland memos, 4.5 through 4.15 are addressed in the revisions that you submitted to the Board.

Mr. Chandler: Correct.

Mr. Monaghan: Okay, 4.16 is deferral to the traffic engineer regarding the traffic impact, and I believe Mr. Lublanecki has provided a memo and based on his review of Mr. Troutman's traffic report, and we'll address that in Mr. Troutman's testimony. Section 5 of Mr. Vreeland's memo relates to utilities. I believe we provided the testimony that was called for. I believe you've made the changes to the plans that are called for in comments such as 5.2, 5.3, 5.4. But I'd like to ask you more specifically about 5.4, which is relating to the sanitary connection and manholes being relatively close to the property line, five feet. Can you discuss how the location of those items was determined?

Mr. Chandler: Sure. I'd like to pull up the utility plan for that if I may.

Mr. Monaghan: Okay. Mr. Buzak, shall we call it A-3?

Mr. Buzak: Yes, we shall. What sheet is this, Mr. Chandler?

Mr. Chandler: This is going to be the utility plan, it will be Sheet number 9, I believe. Correct, Sheet number 9 of the plan set the utility plan.

Mr. Buzak: A-3.

Mr. Monaghan: So, Mr. Chandler, could you show the Board where the sanitary connection and manholes...

Mr. Chandler: Yes, sure. So, the sanitary facilities were envisioning for this facility are going to have two lines exiting the building, one with the food waste, which will be routed through a grease trap and one with the water, which will be bypassing the grease trap. They'll both be joining into this manhole and then be conveyed through a pipe network. As you see here. Out to the existing sewer line, which is located in Waterloo Valley Road. There'll be a segment of that line...this one colored red that passes underneath the wetland buffer area that we're going to have installed via directional drilling to again not impact the wetland areas. So, I believe Mr. Vreeland's comment was concerning this manhole here, in particular being located in close proximity to the property line, which is this black line here. The westerly property line with the railroad. So that manhole, as you can see between the rim and the difference between the rim and the invert elevations, is approximately seven feet deep. It's located approximately five feet from the property line. We believe it could be easily constructed in that location if it's so chosen that we need to coordinate for a temporary construction easement to

install it, we could once that it'll be a precast manhole. And then once that's in place, a trench guard could be used to install the adjacent pipeline proceeding towards the building. Again, the one proceeding under the wetland would be done via directional drilling. So, we would utilize the excavation for the manhole to do the directional drilling and then install the main.

Mr. Monaghan: And bidirectional drilling, you just mean a horizontal orientation to the coring item? Or what do you mean by directional?

Mr. Chandler: Correct. It's basically horizontally drilling through the Earth rather than utilizing an open cut trench to the surface that preserves whatever land features may be above it on the surface, in this case, a wetland buffer.

Mr. Monaghan: And after construction, do you believe there'll be a means of accessing manhole, I guess three or the manhole you've been discussing...
Inaudible

Mr. Chandler: Yes. Again, there'll be a there'll be a human access man with a lid extended to grade, so access into the to access to the sewer line will be relatively easy.

Mr. Monaghan: I can represent it to the Board that the applicant will comply with Comment 5.13 if it's required by the Sewer Department. We made the same...accepted the same condition in connection with the application at 700 International Drive. 5.14 is providing access to the township in order to inspect the facilities or ensure that they're functioning properly, and the applicant will permit that access. Mr. Chandler, I want to move on to landscaping. Did you have discussions with the landscape architect? I know that both Mr. Vreeland and Mr. McGroarty had some comments on landscaping.

Mr. Chandler: Yes.

Mr. Monaghan: Please describe your discussions with the landscape architect, who I believe is Mr. or Dr. Keller.

Mr. McGroarty: No, Dr. Keller is the town's environmentalists, he's not the landscape architect.

Mr. Monaghan: Oh, I apologize then. Mr. Chandler, I'll shut up and you can describe the conversations with the landscape architect.

Mr. Chandler: Okay. So again, during the course of the planned development, I had coordinated discussions with township professionals to get feedback from them as the plans were being developed. What we came up with as far as landscaping again due to the shortage of area for replacement trees, we came up with the strategy to do a tree replacement count. I'm going to refer back to Exhibit A-2 for that. Which is the existing conditions plan where we have our tree replacement calculations located here and here, these two charts located on the page, we in conjunction with the ordinance requirements, we utilize two sampling areas located...shown as these dashed lines and call that a tree sample areas A and B. Representative...as representative areas on the site. They were 10,000 square foot areas, each 100 by 100, and we calculated the number of existing trees and size and species that were located within those areas. That information was broken down and recorded in the

chart that's entitled Proposed Sample Plot Method, those two areas were averaged to get an average number of trees for each caliper size of the tree again in accordance with the ordinance requirements, and then that...those numbers were multiplied by the total area of disturbance versus the typical sample area, which was roughly 16 multiplication factor of 16.3. Because our total area of disturbance is 162,680 square feet with our...inaudible...10,000 square feet, you get a total number of trees anticipated to be removed across the entire limit of disturbance, which on this page is shown by the light green area, light green line...here and also over here. That yielded a calculation of 246 trees we anticipated to be removed. We then took that 246 trees to be removed and again utilizing the ordinance requirements from tree replacement Schedule B and the ordinance. We calculated the number of replacement trees that would be required and that yielded a number of 1,101 trees. So obviously, we weren't going to have room to replace those trees, as was previously testified to, and the decision was made to propose a contribution to the tree replacement fund instead.

Mr. Monaghan: Thank you, Mr. Chandler, and was there also a discussion with regard to street trees, the planting of street trees?

Mr. Chandler: Yes, I'd like to shift the Board's attention to the landscaping plan, which is Sheet 11 in the plan set, and I believe that we're up to A4.

Mr. Buzak: That is correct.

Mr. Chandler: Again, discussions with Mr. McGroarty and getting feedback from the town's environmentalists. We proposed an aggressive planning schedule of various trees, shrubs, grasses, land covers, and we took specific feedback about providing street trees to the south of the retaining wall between the entrance and the retaining wall, which is located in this area along International Drive. That's what's currently on the plan.

Mr. Monaghan: Okay. And I think there was some discussion with regard to or some comment with regard to the specific species of trees and shrubs to be incorporated into a hedge. And did you have any discussion or get any feedback from the town environmentalists on the suitability of the selected species?

Mr. Chandler: That's correct. So, he the town environmentalists, had issued a letter indicating that the shrubs we were proposing, which are these shrubs here located between the parking spaces and International Drive along to provide a buffer between the parking spaces we had proposed, I believe, means American Holly. I'm trying to find it on the...I'm sorry, Inkberry Holly. The Inkberry Holly hedged there. The environmental indicated in his response letter. That would be an acceptable species.

Mr. Monaghan: And this isn't specific to landscaping, but a lot of the landscaping is intended to screen between the hedge that you were just talking about and a retaining wall, will the combination of items provide some screening of the parking area, which is located in the front yard and for which we are seeking a variance from International Drive.

Mr. Chandler: Yes, it will. So, I'd just like to point out, in addition to the retaining wall itself providing a visual barrier as the site drops off as you travel along International Drive from south to north. The grade drops off down there towards the intersection with Waterloo Valley Road and hence the need for the retaining wall. The site essentially stays on a plateau, so the wall essentially becomes

larger and larger as you go from south to north. So, the wall itself will be a visual screen, and then you combine that with the proposed landscaping on top of the wall for an enhancement to that visual screening.

Mr. Monaghan: And would that same effect of the increasing height of the wall also provide some screening for the activities at the loading docks and the technical area and the refuge management area?

Mr. Chandler: Yes. So, the wall height as you get to international drive, where it begins to bend to the north and east, that's where the wall becomes its highest point there and it will provide the highest level of screening. Again, we left as much of that existing tree canopy in place as we could to provide as much natural screening as could be done. And then we supplemented that with various tree and shrub plantings, both below and on top of the wall to maximize the screening effect. It's essentially going to be not viewable from the cars passing on International Drive to see the recycling area there. I've prepared another exhibit I'd like to present to the Board. I'll mark that A-5 and I can share that on the screen here, where we've showed a sectional view of what we're anticipating that to look like. So, what this represents is a line of sight from a car, a passenger in a car traveling on an International Drive roughly along this baseline here, which is perpendicular to the face of the loading docks where the dumpsters are going to be located. And this is that sectional view. It depicts the existing grades, the proposed wall, the proposed grades on top of the wall and the building facility. There's a representative...inaudible...some shrubbery below and the shrubbery above the wall, which would provide the line of sight shown with the red dashed line, which, as you can see, extends to roughly 15 feet above that loading dock area. So, we don't believe...we believe there's going to be very limited if any visibility of the recycling area, including the roll up there was in that location based upon this exhibit.

Mr. Monaghan: Thank you. That's all I had on that section of Mr. Vreeland's memo. With regard to Section 7 talks a bit about lighting. Could you specifically speak to his Comment 7.7 regarding the...I'll call it, brightness of the lighting on the site? He had mentioned some of the ordinance requirements and where there might be some discrepancies.

Mr. Chandler: Sorry, I'm going to pull it out.

Mr. Monaghan: Sure. It's about the foot candles, and it's on page...

Inaudible

Mr. Chandler: 7.7, right?

Mr. Monaghan: Yes, there it is.

Mr. Chandler: There's a minimum 0.3 footcandle anywhere on sight, an average maximum 0.5. Statistics show an average of 0.4 footcandles for an overall sight and 1.9 for pavement and sidewalk testimony should be provided clarifying the objective of proposed lighting scheme. Okay, no problem. So, what I'd like to do is go to the lighting plan for that. Which would be Sheet 12, I believe. Yes, correct. So, this would be A-6.

Mr. Buzak: Yes.

Mr. Chandler: And what this plan represents is a point-by-point analysis of the light of the proposed lighting. What we're proposing are majority of building mounted fixtures around the perimeter of the building, with two pole mounted lights located one by the access point onto International Drive and one located at the northern side of the building adjacent to the wetlands. These...the light, the fixtures, as you could see, because individual distribution of...inaudible...readings and that is in compliance with the ordinance requirements.

Mr. Monaghan: And with regard to the 1.9 footcandles at the pavement and sidewalk areas, is it your view that that brightness is promotes the safety of for pedestrians?

Mr. Chandler: Yes, that's what...that provides a safe level of lighting for both pedestrian and vehicular traffic.

Mr. Monaghan: Just check what 7.4 and 7.6 are. Oh, were the corrections...I mean, were the additional information requested in 7.4 and 7.6 added to the plan at some point for regarding the photometric lighting symbol and 7.6 detail for the light pole foundation?

Mr. Chandler: Yes.

Mr. Monaghan: So, Mr. Bocchini covered 7.1 with testimony regarding the lighting hours of operations and Mr. Bocchini and Ms. Viale address 7.2 which was the exterior lighting and time lighting. 7.3, 7.4, 7.5 all...and 7.6 are all comments on the plans themselves, and your testimony is that those were addressed in the resubmissions?

Mr. Chandler: Correct?

Mr. Monaghan: Okay. Mr. Vreeland closes with a list of other agency approvals that Section 8. Could I ask you to run through those and update the Board on the status?

Mr. Chandler: Sure. Well, we're pending here tonight for Planning Board approval obviously. We've received approval from the County Planning Board. We have pending application in with the Soil Conservation District, which we're expecting an approval on, and the rest of the approvals needed would be all local utility-based approvals, which we will seek prior to issuance of construction permits.

Mr. Monaghan: And I think you previously testified that the existing letter of interpretation with regard to the site still has some life to it.

Mr. Chandler: That's correct. It's still a valid letter of interpretation, and no additional DEP permitting is required with our application.

Mr. Monaghan: Ok. And do you anticipate any difficulty at all obtaining service from New Jersey American Water or the Musconetcong Sewage Authority?

Mr. Chandler: No.

Mr. Monaghan: Thank you. I'm sorry. I've now completed my questions with regard to Mr. Vreeland's memo, and Mr. McGroarty also provided a thoughtful and detailed memo with regard to

the application. Rather than go through it on a point-by-point basis, I'd like to ask you about and you've already spoke a little bit to this...you know...why the building needs to be so big as to prompt the need for the floor area ratio and impervious coverage variances?

Mr. Chandler: Well, again, the size of the facility is predicated based upon the nature of the product that's being produced by the applicant. It requires an extended processing time and extended storage time in order to cure. And in order to meet the demands that they need, they needed a facility of this size.

Mr. Monaghan: And Mr. McGroarty also had comments on landscaping in the parking areas. Certainly, the ordinance calls for a good deal more landscaping being provided on the plan. Can you speak to why that is?

Mr. McGroarty: Could I suggest something, though? Mr. Chairman? Just to make sure it's on the record and maybe just go through it in a more, maybe a little bit more expeditious way, 5.1 from 5.5, those are exceptions that should be addressed. Some one or two perhaps already have, but maybe your witness wants to just go through each of those. And so there's something on the record with regard to each of those exceptions. If that's acceptable to you.

Mr. Monaghan: Yes, certainly is.

Mr. McGroarty: 5.1 through 5.5.

Mr. Monaghan: Flipping through, I am looking at...think a more recent letter I...I only did ...inaudible...

Mr. Chandler: Okay. So, 5.1 was with regard to the parking space size. The ordinance requires 180 square feet, which translates into either 9 by 20 or 10 by 18 space. We're proposing parking spaces of 9 feet by 18 feet. That's what is typical in New Jersey. It's specified for the RSIS. And although this isn't a residential application, that parking space size still seems appropriate given the fact that people are going to get in their car at their home and leave their residential spaces and arrive at their workplace. In this case, this facility in the same car, so we feel it's an appropriate exception to request. 5.2 is with regard to parking in the front yard setback. Again, we had touched on that previously in our testimony. All the 22 parking spaces are set in the front yard. That's due to the limited space that we had available to allocate for parking. 5.3 was parking lots of 10 or more spaces must be buffered from adjacent streets for a minimum depth of 25 feet of landscaping. Again, we're proposing less than that due to the fact that we just had such limited space. Despite this being in the FTZ zone and the ITC, it is one of the smaller parcels and its unique shape and characteristics, combined with the proposed facility, presented limited room for buffering, which we tried to accomplish with proposed landscaping and the retaining wall. 5.4 address the insufficient number of parking spaces. What we've come up with again there is, as Mr. Bocchini had commented on in his testimony, the facility due to its unique nature of the product, will require a limited number of employees. So hence I think he testified up to 15 people at the maximum would be employed at this facility. We've provided 22 parking spaces in compliance with the ADA requirements as well. So, we're in excess of what we believe the facility will require, although it is short of what the ordinance required.

Mr. Monaghan: Peter, I'd just interrupt for a second. I think the testimony was 18, but you still just feel the same way as with regard to 18 employees.

Mr. Chandler: Yes, it's still we're still providing in excess of what was anticipated the facility to need. So, that we think was a justified exception request. And then 5.5 was for landscaping and parking areas namely, to provide landscaping as a buffering to the parking. So again, we try to comply with that in the best manner we could and provided the rows of the hedges and the trees out along International Drive to comply with that in the best way we could.

Mr. McGroarty: It is also, yes, 5.6. I forgot about that.

Mr. Chandler: And 5.6 is with regard to critical areas. Again, we are proposing a disturbance in excess of moderate slope areas permitted by ordinance. As I previously testified to, the majority of those areas are adjacent to the western property line, which is adjacent to the railroad tracks, and the slopes were created...you know...manmade slopes when the railroad was initially constructed. So again, we feel that the disturbance of those slopes is a justified exception.

Mr. Monaghan: And those are all the direct questions I have for Mr. Chandler.

Mr. Weiss: Okay, so let's go back, let me speak. Let's bring up Mike Vreeland, I know we spent a lot of time on his report, and if you could, Mr. Chandler, you could take your exhibits down. Mike, I'm just going to give you an opportunity, I know there was a lot of time spent on your report. Did you have anything that you agreed upon, disagreed upon, or wanted to clarify?

Mr. Vreeland: I think I just wanted to point out for the Board's benefit that we had done two reports the September 17th report, and then we did receive the revised plans and did a second review. That's the October 8th memo, and we didn't reiterate the comments that were fully addressed. There are a number of technical comments that were partially addressed are going to require some additional, I think, work by the applicants engineer to resolve some, some issues. I don't think any of the issues were significant to the point that they can't be resolved. And I think if we were to have a meeting with the applicants engineer, we would probably be able to resolve. You know...all these remaining outstanding technical points without having to go through them all in detail with the Board tonight. I mean, if there's any one of these points that...you know...the Board has a question about, I'm more than happy to explain what the nature of our review was.

Mr. Weiss: But it seemed to be mostly technical items. And Chuck, I'm going to give you the same courtesy. I know if they went through your report as well, was there anything that you wanted to discuss in further detail?

Mr. McGroarty: Yes. Not in the sense that there's any problem or anything, but I do want to thank Mr. Chandler. He made an effort to get street trees in there and the plan now shows five of them in that...inaudible. I would suggest to the Board if this is approved, that the conditions specific planting conditions that Dr. Keller articulated in his memo of October 10, that those be conditions of approval. Dr. Keller will join us with the pre-construction meeting to guide that process because I think it will help the applicant long term keep those trees healthy. The other point I just wanted to make is I know that there was discussion early on about the tree contribution. If I remember correctly, though, the 700 and I don't have that file in front of me. So, I'm not...I can't testify to the accuracy of my statement. I'm just thinking that my recollection is that on the 700 International before Fratelli

Beretta took over that project, Saddleback Realty had it, and I think their true contribution was \$75,000. So, if the Board is inclined to accept half that amount, that'd be \$37,500. Not...whatever the number was that was thrown out before. I think \$25,000 so that I offered that for the Board's consideration. It's certainly less than the 200 per tree. You know, granted at 11,000 trees, that's almost a quarter million dollars. It gets a little bit high. But I think 37,500 is consistent with the type of the degree of contribution that has been asked before.

Mr. Bocchini: If I may. I don't recall exactly the amount and we can verify that, what was the contribution from the...can you hear me?

Mr. McGroarty: Yes, you know what, I should point out that I think Fratelli Beretta came in and had a \$50,000 balance to deal with, but Saddleback Realty, in order to get started, Mike will recall this as well. In order to get started with tree removal on 700 International before they sold the property, they gave the town, I think it was 25,000 up front for the tree removal.

Mr. Bocchini: Okay, I didn't know that. Honestly, I know there was a 50,000 total, and I don't know if any contribution was already made by the previous owner to the to the fund. So that's why we base our offer to that. But of course, the company, the applicant, if the plan grants the approval, would be willing to discuss the increase to a 35,000 contribution to the fund.

Mr. Weiss: Okay.

Inaudible

Mr. Monaghan: It occurs to me that I failed to ask Mr. Bocchini about the handling of refuse and recycling, and there were a couple of comments that request specific testimony on that. I understand, Mr. Bocchini, it's going to be very similar to 700 International Drive. But if you would just take a minute and describe the waste stream that is generated from the prosciutto manufacturing and how quickly how Beretta handles it, I guess at 750 Clark Drive where you have the same operation?

Mr. Bocchini: Correct. The major refusal on this one would be cardboard. And we're going to be in those containers. We use the service of Blue Diamond in the area. So, it's going to be exactly the same treatment that we apply right now at 750 Clark Drive.

Mr. Monaghan: Okay. And food waste. I think you have an interesting way of handling food waste.

Mr. Bocchini: Yes, all of them are contain...some of the product, of course, cannot be contained on site. We have a removal still handled by contractor company where they come and pretty much pick it up from the inside the warehouse on a weekly or daily basis, depending on the operation. The same way we're doing it right now, 750 Clark.

Mr. Monaghan: Okay. But that food waste is stored in the building, not outside, doesn't attract...

Mr. Bocchini: Stored in the building until the moment is being picked up for disposal from a specialized company. Correct.

Mr. Monaghan: And other solid waste that goes into a dumpster, where is that dumpster stored?

Mr. Bocchini: There's one of the...inaudible...and one of the loading dock that Mr. Chandler just point out. But is there going to be a closed container so not accessible to the element or any rodent or any kind of animals.

Mr. Monaghan: Okay, thank you very much.

Mr. Bocchini: Yes.

Mr. Monaghan: And that's all I had for follow up with Mr. Bocchini.

Mr. Chandler: Sean, if I may.

Mr. Monaghan: Yes.

Mr. Chandler: Sorry. One thing I forgot to touch on from the environmentalist letter. One of his recommendations was to provide tree wells with structural soil. After talking with my landscape team, they felt a viable alternative would be to provide a root barrier fabric adjacent to the sidewalk to prevent it from encroaching into the sidewalk and damaging it. So, I just would like to put that on the record for consideration with the Board. Thank you.

Mr. McGroarty: But if I may then...

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: If the Board is comfortable with it, those that detail can get worked out amongst Mike, myself...inaudible...with the applicant, if the Board is okay with that, I mean, the street trees will go in. The objective here is to protect them long term. So, whatever the best way to do that.

Mr. Weiss: Okay. I don't think there's a problem with that. Does anybody from the Planning Board have any questions for the testimony delivered by Mr. Chandler?

Mr. Buzak: Mr. Chairman, I have a question if none of the Board Members had a question.

Mr. Chairman: Go ahead, Ed.

Mr. Buzak: Mr. Chairman, I wanted to get back to the retaining walls and the inability to have a number of retaining walls as opposed to one high wall. I think the high point is almost 14 feet that you're going to see. I assume from...inaudible...Drive. Is that correct?

Mr. Bocchini: Peter, your muted.

Inaudible

Mr. Chandler: I apologize. I'm sorry, sorry, I had...I know your comment was pertaining to the retaining walls, but beyond that, I couldn't make out what your comment was.

Mr. Buzak: Okay, let me let me try it again. Your testimony, if I understood it correctly, was that you were unable to stack the retaining walls as required under the ordinance because there wasn't enough room in order to do that. Is that correct?

Mr. Chandler: Correct. We put the retaining walls in as a protective measure for the wetlands. Very similar to what we had proposed and had been approved on the 700 International site earlier in the year.

Mr. Buzak: Yes, I'm not talking about the reason for the walls, but you're providing one... one wall. Is that correct? Not...

Mr. Chandler: Yes. It's one single wall. That's correct.

Mr. Buzak: Right. And the reason that you gave for that, if I understood your testimony correctly, was that there wasn't enough room from where you were starting the wall next to the wetlands to be able to effectively stack the walls because it would intrude into the circulation pattern around the building. Did I have that right?

Mr. Chandler: Correct. Correct. I can...if you'd like, I could put the exhibit back up just to visually present it to you. Let me do that. Give me one second here, sorry.

Mr. Chandler: Correct. So, what we're proposing here? I don't know if...I think the Board can see it now. What is a single retaining wall again, roughly from the location at the end of the street trees here in the center of the eastern face of the building, and it runs around the perimeter of the site down along the wetlands here and terminates in this west northwesterly corner here, that is a single wall.

Mr. Buzak: The illustration, Mr. Chandler, at least on my screen, the illustration is not out. You may be referring to it, but we don't see it. I understood where it was, though. But my point was the reason that there's not enough room to do that is because the building is the size that the building is.

Mr. Chandler: That's correct.

Mr. Buzak: Or, you'd obviously be able to accomplish that, so I guess I'm trying to figure out what the hardship is for that...other than effectively...well, I have a big building and the building covers a lot of area and therefore I don't have enough area to comply with your ordinance. I'm not sure that that's a condition of the site or it's a decision that was made by the applicant.

Mr. Chandler: Well, I think that the planner can better...you know...speak to the justifications for the variances. But again, the size of the building, the use of the building is what predicates the size of the building, and the size of the building is what's predicating the relief that we're requesting.

Mr. Buzak: So, but that's a...Mr. Chandler, but that's a circular argument. I get it. I mean, I understand what you're saying, but the point is, when you make the choice to put a building in of this size, I understand the manufacturing business reason it's being done. Mr. Bocchini made that perfectly clear. And I get that. But maybe...maybe you need to put that building on a bigger lot. Maybe this is not the right lot to put the building on because all of these things and again, I understand...I understand the relationship...you know...to the building across the street, to the building at 750 Clark. I understand all of that, but I'm not sure how that justifies the variances on the one...maybe I'm jumping the gun here because Ms. Caldwell will be testifying to it. But I was so struck by the fact that, well, the reason I can't do this because the building is there, but the building is there and located where it is of the size it is because that's the choice you made. If you made the building 50,000 square feet, you have plenty of room to do that. So, I'm having some difficulty with that. And again, perhaps it's not directed to you, and I'm giving Ms. Caldwell some opportunity to give it some thought before she testifies. I just wanted to get the fact on the on the record here.

Mr. Monaghan: Mr. Buzak, Sean Monaghan here. I would also like to point out it's the wetlands that have constrained the ability to terrace the walls. In addition to...yes, the building is larger than the floor area ratio for the site would otherwise permit. But if we didn't have the wetlands, the parking wouldn't be in the front yard and we probably would have had room to stack or terrace the retaining wall. But we lose about a third of the productivity of the site to the wetlands. And I won't testify, I'm sure Ms. Caldwell will make the same points.

Mr. Buzak: I have nothing further, Mr. Chairman.

Mr. Weiss: Okay, so you don't actually keep this up. Keep this up...this exhibit. This is A-1, I believe, Mr. Chandler, right?

Mr. Chandler: Yes, yes, it is.

Mr. Weiss: I have just a real general question. If you could scroll it over, I would just want to see your point of ingress and egress. And I just have a general question. I understand that your traffic is when it...inaudible...the site is either going to go to 700 or 750 Clark. But what about for the employees that that are working here? Do they have an option to make a left out of the site and onto International Drive?

Mr. Chandler: Yes, sir.

Mr. Weiss: Okay, that's fine, because it sounded like you would...all traffic was going to be diverted to make it right out of the facility. And that makes sense. But then I started to think about the employees. So as long as you can leave the site and make a left, I don't really have any further question.

Mr. Chandler: Yes, yes, I was...I apologize. I was referring in my earlier testimony to the truck traffic. The exiting truck traffic would be turning to the right. But it is a full...it is a full access movement. It will have permitted left turns. It's just that the truck traffic is not anticipated to turn left. That is anticipated to turn right to go to either one of the other two facilities that Fratelli already owns.

Mr. Weiss: And then for the employees again, who are parking right there in the front for them to leave the site, they also have to go all the way around or will they...

Mr. Chandler: That's correct.

Mr. Weiss: Okay.

Mr. Chandler: So they're going to have to make a circuit around the building. It's one way traffic pattern and that's to promote safety.

Mr. Weiss: Will there be signage? Because I can see if you're parked at this... I'm pointing at it. But...you know...one of the first sites over there in the corner or one of the first spots in the corner and they back out...maybe they can just keep on backing out and go right out rather than running around the building. I'm just wondering if you need more signage to point out that it is truly a one way...don't go in reverse and don't go backwards.

Mr. Chandler: With this proposed signage on the facility for do not enters and directing traffic when they're coming in...so again, if that's the Board's determination, I'm sure the applicant would be happy to comply with installing another sign or two.

Mr. Weiss: I don't know. We have we have some traffic, folks we can listen to. I don't have any further questions. And perhaps if anybody is...as I can't see them. So, if you pull down Exhibit A-1 and I'll see if anybody has any questions and then we'll move it to the public. Does anybody from the Planning Board have any questions while we're waiting to just speak up, I don't see everybody. All right, so I'm going to assume that nobody from the Planning Board has any questions. Let me open it to the public. Mr. Chandler, I do need you to take this exhibit down, if you can.

Mr. Chandler: Sure.

Mr. Weiss: Thank you. All right, there we go. Well, let me now check if anybody from the public has any questions for the testimony provided by Mr. Chandler. I'll open it to the public. And I don't see anybody from the public, so I will close it to the public. I thank you for your testimony tonight, Mr. Chandler. I will send it back over to Mr. Monaghan to bring up your next expert.

Mr. Chandler: Thank you very much.

Mr. Monaghan: Thank you, Mr. Chairman. We're up to Jay Troutman, our traffic expert. Mr. Troutman, in response to one of Mr. McGroarty's comments, I believe it was prepared...a traffic report. Our original submission would have relied on a prior report. But Mr. Troutman has prepared a new report, or Mr. Lublanecki is probably the one who suggested a current report. It has been submitted. Mr. Troutman's report has been submitted. Mr. Lublanecki has reviewed it and made two comments, and both of those comments are accepted by the applicant and will be complied with. Mr. Troutman is ready, willing and able to testify if the Board wants to hear more from him. But basically we're our representation is that we'll be complying with the requirements of Mr. Lublanecki's comments.

Mr. Chairman: That is fair. Unless Walter you thought maybe there would be something otherwise. It did seem like there was a couple of points and the applicant is willing to...I'm looking at it here...the applicant is willing to comply to your points. I'll leave that up to you, Walt, to add anything.

Mr. Lublanecki: Yes, I think that's fine. As I indicated in my in my final report that Mr. Troutman prepared a study that was acceptable and his evaluation of the access and recommendation that the left turn lane between the two sites between 650 and 700 be one way south, which I feel is the safest type of alternative for this for access to both sites. So that was acceptable. He also performed capacity analysis on the...well in three locations. One, International Drive in Waterloo Valley Road and also on the subject site, which is 650 International Drive, and also on the other side, 600 and 700 International Drive. And all that analysis was acceptable. On the, I do have two comments just on signage. And one of the site plans, I indicated an R36 sign, which is a sign that shows it through arrow and a left arrow coming out of that through arrow, which indicates that...that out of that lane a through movement and a left turn movement can be made. And I say for some reason, I had a word in there. I said to it to be installed right after the striped area in the northbound direction. I'd like that sign at the intersection of 650 International Drive, a little closer to the intersection. Again, it's the traffic heading north will be used to making left turns out of left turn lanes and this will be a little different. But I don't think it's a problem. I think that sign will make it clear that people will be...can be making a left turn out of the three lane and anyone behind in the through lane going through will realize that someone in front of them may be stopped and making a left turn. The other thing I just asked for a pedestrian sign...crosswalk sign on the site at that crosswalk, which I think is consistent with what we what we recommended on the site at 700. So that's fine. But Howie, I think I think you make a good point with the with the one-way arrows. If someone not familiar with the site is halfway around that circle...that perimeter road and decides to maybe go the wrong way, it may be a good idea to install a couple of one-way arrows on that perimeter road. So, there would be absolutely no confusion as to that it is a one way circulating pattern and no one would end up going the wrong way. So again, I'd like to add that to the comments. I think that's a good one, and that's about all I have.

Mr. Weiss: Thank you. Mr. Troutman, is that...is that addition of some arrows acceptable?

Mr. Troutman: Yes, I was nodding my head because I think that's a that's a great suggestion right at that point, there were that first parking spot is, you could have a one-way arrow on the pavement. You could maybe even have a do not enter sign facing in towards the parking spot on the one side. And you can...yes...that would probably be about it. I don't think you could put like a stop bar or anything.

Mr. Weiss: Directional arrows on the pavement probably would get the job done. And, you know, I guess we might as well take advantage of the fact that we have Paul. Paul, what do you think as an Officer of Traffic, you have any concerns about traffic circulation on the site?

Mr. Ottavina: I think if you saw a few arrows couldn't hurt. Signs on the building would probably be overkill, possibly. I mean, the people they're going to be driving in there are going to be employees, they're going to be the truck drivers, they're going to be the regulars most likely. It's not something we're all someone's going to drive the opposite way. So, I find that unlikely. But a few arrows can't hurt because you may have visitors from time to time, so it can't hurt.

Mr. Weiss: And Simone did point out that there's not a lot of visitors on any daily...and any day...inaudible, but I think you're right just to...you know...sometimes they see the arrow and they'll follow the directions when see it. Can't hurt. I think that's the good motto here. Thank you

for that accepting that recommendation. Anybody else from the Planning Board have any questions about the traffic?

Ms. Mott: Are they going to address for emergency vehicles? Because the back to that one side of the building looks pretty tight, I didn't know if the fire officials looked at it.

Mr. McGroarty: The fire...

Inaudible

Mr. McGroarty: Let me just mention that as the last comment in my report, Fire Marshal did look at this site plan. He had no comments, no recommendations.

Mr. Weiss: Okay. And I think it's never too late to swear in Mr. Troutman. We might have skipped it. So, Ed, why don't we do that real quick? Change the tense of your verbs, of course.

Jay Troutman was sworn in for the record.

Mr. Troutman: My name is Jay Troutman, T R O U T M A N. Business address is 105 Elm Street, Westfield, New Jersey.

Mr. Buzak: Thank you, Sir.

Mr. Weiss: So, are there any other questions for Mr. Troutman or even for Walt from the Planning Board?

Mr. Buzak: I have a question, but I'm not sure it's for Mr. Troutman. I just noticed it as we were talking about the parking spaces and the circulation pattern, where are the doors for the employees to enter? Where is...I know physically the building fronts on International Drive, but I'm trying to figure out where the doors are or the entrance way. Can someone answer that because I'm trying to figure out how the employees get from the parking spaces in front of the building into the building?

Mr. Bocchini: If you want to show the exhibit A-1 that showed the crosswalk as well as the main entrance of the building that face International Drive.

Mr. Chandler: Okay, everybody let me know when they can see it, I'll be happy to explain that to you.

Mr. Bocchini: You're on.

Mr. Buzak: Yes, you're on.

Mr. Chandler: Ok, so we...

Inaudible

Mr. Chandler: We designed the parking facilities located here along International Drive, and we've got a crosswalk here from the handicapped space to a handicapped ramp. These are emergency doors. The black arrows are indicators of door locations. Okay? These are emergency and restricted access doors. The primary entrance into the facility is going to be this this arrow right here. So, there's a concrete sidewalk along the entire frontage of the building here facing International Drive. It wraps around the corner and leads to the entrance door right here on the northwest corner. Sorry, northeast corner.

Mr. Weiss: Perfect, thank you. Does that answer your question, Mr. Buzak?

Mr. Buzak: It does.

Mr. Weiss: All right. So, Pete, if you can pull this down? Any other questions from the Planning Board? If not, I was going to go to the public and not much left in the public. But if there's anybody from the public that has a question, and I see none. So let me close it to the public and I suppose we're left now...Mr. Monaghan, with our planning testimony. I'm sure you'll bring up Jessica.

Mr. Monaghan: Thank you, Mr. Chairman. Jessica, you need to be sworn.

Jessica Caldwell was sworn in for the record.

Ms. Caldwell: Jessica Caldwell, C A L D W E L L, 145 Spring Street, Suite E, Newton, New Jersey.

Mr. Buzak: Thank you, Ms. Caldwell. Mr. Monaghan.

Mr. Monaghan: Ms. Caldwell, do you...you're going give us some planning testimony tonight. Could you describe your qualifications to do so?

Mr. Weiss: You know, I think we can avoid this, we've seen Ms. Caldwell before. I don't think anybody on the Planning Board has any questions about Ms. Caldwell's ability to be the expert planner. And unless anybody does, I think we can move on at this late hour and skip that process. Welcome back, Jessica. Mr. Monaghan, go ahead.

Mr. Monaghan: Thank you.

Mr. Buzak: Your licenses are current Ms. Caldwell?

Ms. Caldwell: Yes. Yes, all my licenses are current. Yes.

Mr. Weiss: Thank you, Mr. Buzak.

Ms. Caldwell: Nothing has changed.

Mr. Monaghan: All right. Ms. Caldwell, you've listened to all the testimony that's come before you, including the applicant's testimony about the operations and the reasons for the project being designed the way it is. Mr. Chandler's testimony with regard to the constraints that affect the site. And we just had a brief discussion with regard to traffic, which I don't think goes too much to the planning

aspects or the required planning testimony. Let's talk about the variance for the floor area ratio first. Could you...have you developed an opinion as to the appropriateness of the variance or granting of the variance?

Ms. Caldwell: Yes, we do need a floor area ratio variance, and I think there are some key factors that have been brought up over the course of this evening's testimony and they are kind of circular in a way, as Mr. Buzak pointed out. But there I think it's interesting because it's an interesting case that everything's sort of interrelated on the site. I think a lot of the variances are interrelated, as well as the need and the justifications for the variances. And for one thing, the need obviously is for a larger building because of the length of the processing of the product, the prosciutto and the building. But there really are some mitigating factors that go along with that and the fact that the process is longer and slower. It's not as high of intensity of a use as a typical manufacturing warehouse type use could be. So, because of that, there are fewer employees on the site. There's a lesser need for parking, there's lesser need for shipping and therefore also lesser traffic, as we heard. So, I think all of these things really mitigate the fact that we need the larger building on the site. There are also some issues with the site itself. So as we heard, it's one of the smaller pieces of property left in the FTZ Zone. We also have about 30 percent of the property covered by wetlands on the corner of Waterloo and International Drive. We're also on a corner lot where we have two front yards and then we're constrained in the back by the railroad and steep slopes that were created when the railroad was constructed. So I think all of those issues really kind of drive the way the site is designed. You've got about 30 percent already taken up by the wetlands and with a 60 percent maximum impervious coverage. We are over on impervious coverage by 5.7 percent, but you're talking about 5 percent that we're missing in 30 percent of the properties already taken up by the wetlands. And it's hard to meet many of the issues of providing for open space and front buffering in front of the property. And then the parking has to be pushed up in front because of the steep slopes in the back. And then the whole building is pushed to the south because of the wetlands on the north side. So everything's really kind of interrelated on the site in terms of how the variances are driven. But with respect to the floor area ratio, really what we have to show is that the site can accommodate the larger than permitted building. And one of the factors I think that really goes to that is really looking at the purpose of the zone and the fact that the FTC zone was really made for this type of use. I think and that really offsets the need for this larger building and how it fits into the zone. It talks about the foreign trade zone and linking manufacturing, warehouse, and office activities together in a manner that will preserve important natural features and achieve superior design by offering flexibility in site design and creating an attractive working environment. So, I think the zone really was made for this type of use that's linked to the use across the street. So, I think in that in those terms and this being a smaller lot, that even though this is a larger building thing than is permitted on the lot, it still fits onto the lot with those mitigating factors of not needing as much parking, having fewer employees, not needing as many shipping areas, the larger building can still be accommodated on the site. We also have some offsets to the fact that we have this building and the parking in the front that we have the walls is noted...inaudible...block some of the views of the building from International Drive. We are proposing some landscaping on top of those walls to buffer the property, so I think some of those mitigating factors also offset any negative impacts, and we have a building that's going to match the building across the street. It fits in. The use is permitted. I don't see any negative impacts to surrounding properties. And with respect to the zone plan, I think this is really the type of use that the zone was made for. I think it really promotes the purpose of a zone plan and the zoning ordinance.

Mr. Monaghan: Ms. Caldwell, we'll just be real specific about this...the positive criteria and negative criteria and balancing. It sounds...you identified no negative impacts and you've identified positive impacts from the development.

Ms. Caldwell: Yes, so with respect to...you know...the bulk variances, I mean, even though we have constraints on the site, I don't think it's strictly a C1 type of hardship. I think, as Mr. Buzak pointed out, while there are limiting factors on the site, we could make for a smaller building, right? So we have the C2 flexible C or the benefit...inaudible...variance where we think it's a better planning alternative to provide for this use. And then there's the...inaudible. There are certain principles that are better...higher principles within the zone than some of the things like the gold standards, but with the use and the use that are proposed within the zone, the fact that this gets so well within the zone. I think it also promotes purposes of Municipal Land Use Law, which is to provide for sufficient space and appropriate location for a variety of uses. Also, purpose N to encourage coordination of public and private procedures and activities shaping land development with a view toward lessening the cost of such developments. It's a more efficient use of land. Also purpose I a desirable visual environment linking the buildings across the street with this building and positive architecture. So, I think on the positive side, with respect to the flexible C criteria, we meet those and then with respect to the negative, I think it's similar as to that they are variances and the fact that we fit into the zone. We have similar uses surrounding the zone. We're a low impact for what we could be in the zone in terms of warehouse and manufacturing. So I don't see any negative impacts to surrounding properties. And with respect to the zone plan, I think that this is the exact type of use of the zone plan envisions and that while it's slightly larger, there are mitigating factors for that and that it still fits in being a unique piece of property and in a unique setting.

Mr. Monaghan: So even with the requested variances and exceptions, would the development be detrimental to the public good?

Ms. Caldwell: No. I think for all the reasons I stated, I think it's a real positive that it really meets the purposes of zoning, which promotes the general welfare by providing for use that's envisioned in the zone.

Mr. Monaghan: And your professional opinion is that the project that's proposed does not impair the intent and purpose of the zoning ordinance or the Master Plan.

Ms. Caldwell: That's correct.

Mr. Monaghan: I don't have any further questions for Ms. Caldwell.

Mr. Weiss: Chuck, let me just direct to you. Do you feel that the comments and the testimony given by Ms. Caldwell were satisfactory?

Mr. McGroarty: Satisfactory, yes. I don't necessarily agree with...not for me to evaluate. You know...I take Ms. Caldwell's as a professional. She's very experienced, so it's satisfactory. Certainly, I generally and I've said this before to the Board. I generally don't agree with most of the times when applicants look for a C2 variance, and the Kaufmann case in New Jersey is very clear that it's not when it's going to advance the purposes of the applicant. It's a better, as Mr. Caldwell said, it has to represent an improved zoning and planning scheme that will benefit the community. I'm not arguing against the application or the variances here, but I honestly, I don't know why the argument is advanced for a c2

variance. If that were the case, it's especially difficult to argue in my judgment, a c2 variance that is a better zoning scheme for the property when it triggers a variety of variances and exemptions. I think honestly...I'll say this. I think the heart of the matter is that Fratelli Beretta has made an effort to find property, and I know this to be the case...I'm not testifying. But Mr. Bocchini can testify to this. They've made an effort to find property in the foreign trade zone or in the immediate...inaudible...to the trade zone to complement their existing headquarters and new building. Going up on 700 International. There's not, as Jessica said, there's not a lot of property left. The FTZ-4 district is now going to be largely developed with our new residential plan unit development plan. So, the remaining site or sites have constraints on it. I think testimony has been offered here tonight about the impact of the wetlands on this property, limiting to some extent, its developability. The Board can evaluate the other testimony with respect to the other constraints that are imposed or caused by the size of the building and so on. I just...I get concerned about arguments for C2 variance because frankly, I think I think it's in my experience rare that there's the circumstances that warrant a C2 variance. And if the argument here is we have a tract of land that's relatively small, although it is a conforming lot in the foreign trade zone, but it's relatively small, it's impacted by wetlands, and it's got some other conditions on it that are limit its possibilities, then address it as C1 variance. And as far as the FAR goes, I agree there. I mean the testimony. It's treated like a deviation from the conditional use variance. Again, under the case law, you have to demonstrate that the site can still work notwithstanding the fact that the building is bigger than the zoning would permit. And you've heard all the testimony about circulation, low intensity use, et cetera, but that's for you to decide if it meets that threshold.

Mr. Weiss: Okay, well, thank you. I did ask your opinion, does anybody else on the Planning Board have any comments or questions for Jessica on the testimony that she delivered? And I'll then opened it to the public of anybody from the public has any questions for the planner based on the testimony that she delivered, and I see nothing from the public. Let me close it to the public. Did you have anything else, I guess, that you wanted to add or...your muted, by the way, Jessica, your muted.

Ms. Caldwell: I think with respect to the C1, I mean, you can look at it like a C1 because there are constraints on the property that really drive the design. And I think that's what Chuck was alluding to. The reason that I put it in under the C2 is I really do feel like it does promote the general welfare because it is such a use that is so linked with the purpose of the zone plan for this area that the linking manufacturing and warehousing together, having these uses together adjacent to each other so that they feed off of each other and provide for the synergy. I think that the zone was looking for, and I think that does serve the general welfare and that that isn't just a benefit to the applicant because that's what the zone plan is looking for.

Mr. Weiss: All right, anything else, any anything else? Mr. Monaghan, I'll turn it back over to you.

Mr. Monaghan: I know every application stands on its own. Mr. Chairman and members of the board, but I will all close by pointing to the success of the development at 750 Clark Drive and hope that the Board will take into consideration the demonstrated ability of Fratelli Beretta USA, Inc. to produce a quality development that is an asset to Mount Olive Township and its residents.

Mr. Bocchini: Mr. Chairman, if I can just post something and I want to thank Mr. McGroarty for the comment. We have been looking for property and land available in the Mount Olive area and close area nearby. Inaudible...fortunately, there is not that many available. So, as to location the 700

International and 650 International became available, but it was quick to jump on it and take the opportunity to develop what we feel is going to be the needs for our company in the years to come. So, just want to say that we are doing this and I understand that the building is a size that is not the way it's supposed to be. But we are trying to make it fit in an area that we really love.

Mr. Weiss: Well, Simone, listen, I've told you before, I appreciate you keep on coming back to Mount Olive for your expansion and your growth, and we love to have you here and we all know you do a great job. In a few minutes, we'll get to see if you'll be expanding even further here in Mount Olive.

Mr. Bocchini: Thank you.

Mr. Weiss: If you're all done, Mr. Monaghan, I just want to reach out to Mr. Buzak. I have some notes here about some conditions that should be added. I have a couple of questions. So let me start with what I show, Mr. Buzak, is that we have a condition that the height of the parapet will be confirmed. That is to cover it, to cover the condenser and or anything else that's in place. And of course, you can make that a little bit classier than what I just did. Other conditions, obviously Morris County Soil Conservation approval and local utility board approval, a condition that the planting conditions for Dr. Keller are met. We have a condition...I don't...I'm not sure it's a condition, but I know up in the air about the contribution to the tree bank. The applicant offered 25,000 and Chuck said in order to be consistent, he recommended 37,500, to which the applicant said, we will chat about it. And then when it comes to the parking, I know there were waivers, the waivers regarding the number of spots, the dimensions and the width. Those may be separate from the variances and I just want to make sure all those things are accounted for when we draft up the Resolution.

Mr. McGroarty: Technically exceptions, but okay.

Mr. Weiss: Exceptions, okay, sorry about that. So, either way, I want to make sure all of those items that I have notes on are accounted for, as well as anything that I might have missed. And you would add to this.

Mr. Monaghan: Mr. Chairman, I'm sorry to interrupt you, but with regard to Dr. Keller's planting conditions, I think Mr. Chandler described a potential alternative method to protect those street trees. Could the condition be that Dr. Keller's approval of the planting conditions?

Mr. McGroarty: I suggested that...I suggested that Mr. Monaghan that if the Board is okay with that, that it would be either those recommendations or some alternative when we have a pre-construction meeting in order to or before that to accomplish the same purpose.

Mr. Weiss: Perhaps different language with the same ultimate effect is that the planting conditions would be like...

Mr. McGroarty: Those specs or note or an acceptable alternative, I think would probably be...

Mr. Monaghan: That will be good.

Mr. Weiss: Fair enough. All right. So Mr. Buzak, I throw it on your lap.

Mr. Buzak: Well, I have the ones you mentioned, Mr. Chairman. We should talk about the contribution because you should get that nailed down in the Resolution, then an application for preliminary and final site plan approval, along with the variances, exceptions and waivers that we talked about. So, this is the only opportunity we have as a Board to make that determination. So I think the Board needs to talk about that. I had a couple of other items. I think one was the lighting, the 5 am to 8 am, 6 pm to 10 pm.

Mr. McGroarty: Revised architectural.

Mr. Buzak: The revised architectural plans be consistent with the site plan colors should be indicated on the drawings. You mentioned the parapet to make sure they screen the mechanicals and in the other structures on the roof. There were a number of items that Mr. Monaghan mentioned that the applicant will comply with provisions in Mr. Vreeland's letters. Those will be added to the to the Resolution. There'll be obviously our general conditions that we have in our Resolutions that were in previous Resolutions to a related application. I would hope that the pre-construction meeting all other pending approvals. There was a condition to comply with Mr. Lublanecki's report comments as he revised them or added tonight, relation to the of the one way with arrows and a couple of other things. That's what I have, Mr. Chairman. There may be more when we draft the Resolution, but those are the things that I had in addition to when you had. Thank you.

Mr. Weiss: Okay, so that being said, Mr. Monaghan, those seemed to be okay and acceptable.

Mr. Monaghan: Yes.

Mr. Weiss: Okay. So, with those conditions as noted by myself and Mr. Buzak and as well as Mr. McGroarty, I suppose...would you make a motion...

Mr. Buzak: We have the tree issue, Mr. Chairman.

Mr. Weiss: I'm sorry...the trees. We do have to discuss the tree issue. You're right. And then I do want to open it to the public one more time. So where do we go with this, Mr. Monahan, with the tree issue.

Mr. Monaghan: Mr. Weiss, I'm forced to put Mr. Bocchini on the spot here. We've offered \$25,000. Mr. McGroarty has suggested \$37,500. I think the \$30,000 is in the middle. Mr. Bocchini, with \$30,000 to be acceptable as a tree replacement contribution.

Mr. Bocchini: Inaudible...honestly, I remember clearly the \$50,000 from the last operation. I was not aware of the contribution that was made by the previous owner of the land at 700 International. So that's why the judgment of 25,000. Honestly, it's not going to be the \$5,000 difference that is going to make or break the project. So I agree on the \$30,000 that is acceptable for the Board.

Mr. Weiss: All right, well, we're still a bit away. I think Mr. McGroarty came up with 37,500 in a formula that wasn't just a number that was made up.

Mr. Bocchini: Again, I wasn't aware of what was the contribution rate in the 700. So that's where we calculated 50 percent of that. If the calculation by Mr. McGroarty is the 50 percent of what the contribution of the 700 and is 375. I agree on 375. We can write it down right now.

Mr. Weiss: All right. Well, I do appreciate that and I think that the Planning Board, I had some conversation with Mr. Schaechter about this. I think in a future date, we might want to have a conversation about this, but at least for now, I think that's acceptable. It works into Mr. McGroarty calculation, and I suppose we'll accept that. And I thank you in advance for working with us. We got to be consistent as a Planning Board, so I know that the number was a nice compromise. But we tend to work off of formulas and we like consistency. So that's what we need and I thank you for that.

Mr. Monaghan: Sure.

Mr. Weiss: What I'd like to do, though, actually just one more time, is if anybody from the public has any comments or questions about this application, now would be the time to speak. It could be a chance if you wanted to raise your hand, and I don't see anything from the public, so I'm going to close it for the public. And at this point, I'll entertain a motion from the Planning Board regarding this application. And...

Mr. Schaechter: Mr. Chairman, I'll move PB 21-17 Fratelli Beretta with the conditions so noted.

Mr. Weiss: Thank you, Brian.

Ms. Mott: I'll second that, Howie.

Mr. Weiss: That would be Kim, thank you very much for the second on PB 20-17...

Mr. Schaechter: No, it's 21-17.

Mr. Weiss: That's 21-17. You're right.

Mr. Buzak: Mr. Chairman, I just want to remind the Board that the applicant needs five affirmative votes in order to receive the use variance. It doesn't need five affirmative votes for the other ones, but the use variance is critical to the entire application. I thought I'd mention that before the vote takes place.

Mr. Weiss: Okay, well, we did address it when we started. That being said, we have a motion. We have a second. Any other comments? Seeing none, Mary, roll call, please.

Roll Call:	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: I think at this point, I would just really turn to Simone and say, you know, once again, you put together a great presentation, your team was extremely efficient. It's always nice when

we work together, we see that happening. I know that there's a lot of moving parts here, but Simone once again, my hat goes off to you for the professionalism that you bring, Mr. Monaghan. Wonderful job. And of course, the other gentleman, Mr. Chandler, Mr. Troutman, Ms. Viale and of course, Ms. Caldwell. Thank you all for your help and compromising this evening. The process does work, and we look forward to another beautiful building by you Simone, and I look forward to seeing you again.

Mr. McGroarty: Mr. Chairman, I'm sorry. Oh, I got six votes. That's right, we have six members here. Okay, thank you. I just want to make sure. Okay.

Mr. Weiss: All right. Well, with that said, I thank everybody. We'll meet next week. I'll take a motion to adjourn.

Mr. Schaechter: Motion to adjourn.

Ms. Mott: I'll second.

Mr. Weiss: Second by Kim.


All in Favor: Aye.

Mr. Weiss: Thank you. Good night, everybody.

Meeting Adjourned at 10:21 pm

Transcribed by: Mary Strain


Signature


Planning Board Meeting date approved