

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, March 18, 2021 at 7:00pm
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 March 18, 2021, commenced at 7:00 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, Mr. Forlenza, Ms. Natafalusy, Mr. Mania, Mr. Nelsen, Mr. Ottavinia, Mr. Batsch, Mr. Ouimet, Mr. Weiss

Excused: Mr. Scapicchio, Ms. Mott

Board Professionals in attendance were:

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

Audio and video technology and platform.

Mr. Weiss: We don't have any committee meeting reports on the agenda. So, if anybody had anything of importance, I'll let you chime in. If anybody has anything? Otherwise we'll jump right into the agenda as it is written.

Resolutions

PB 20-17, Bober, Tomas, 74 Kevin Drive, Block 7501, Lot 8

Mr. Weiss: Our first item is Resolution PB 20-17 for Tomas Bober. Property located at 74 Kevin Drive, Block 7501, Lot 8. We all had that Resolution sent to us. Anybody like to make a motion? I'd would entertain such.

Mr. Mania: I'll make that motion, Mr. Chairman.

Mr. Weiss: Thank you, John.

Mr. Schaechter: I'll make that motion.

Mr. Weiss: Second by Brian. Any comments? Any questions? Seeing none, Mary, roll call, please.

Roll Call: Brian Schaechter Yes

Ken Forlenza	Yes
Catherine Natafalusy	Yes
John Mania	Yes
Paul Ottavinia	Yes
John Batsch	Yes
Howie Weiss	Yes

Request to Extend Variance

PB 19-01, 364 Route 46 LLC/Route 46 Subaru, 364 Route 46, Block 8200, Lots 5 & 6

Mr. Weiss: Thank you. Move on with our agenda. We have one request to extend a variance for application PB 19-01, for property located at 364 Route 46 LLC/Route 46 Subaru. The extension request is for property at 364 Route 46, Block 8200, Lots 5 & 6. Mary, who is the attorney for the application?

Ms. Strain: ...Inaudible, Ursula Leo.

Inaudible

Mr. McGroarty: It's Ursula Leo, unless she sent someone. Mr. Chairman, let me just ask him for one second, If I may? Phil, is your attorney, Johnathan, here? Is that your attorney?

Mr. Weiss: Sounded like a yes.

Inaudible

Mr. Frodella: I was raising my hand to try to catch the Board's attention. Ursula had a conflict, and I am appearing in her absence on behalf of the applicant, 364 Route 46 LLC.

Mr. Weiss: So, John, you are representing the applicant then?

Mr. Frodella: Yes, sir.

Mr. McGroarty: Mr. Chairman, If I may, just before we start, I just want to check with Mr. Buzak...I just realized, Ed, this involved a use variance. So, would Mr. Mania and Mr. Forlenza be involved in the discussions and vote? I would think not.

Mr. Buzak: I agree. You would not, but he doesn't get a bye for the whole night. Just for this application.

Mr. McGroarty: Right. They are on here as eligible to vote, but I don't believe they are.

Inaudible

Mr. Weiss: It's up to Mr. Buzak. Is it satisfactory that they just recuse themselves but still as members of the public, are able to watch?

Mr. Buzak: Yes. Certainly, they can watch. But I would ask that they turn off their videos. That would be better under the circumstances.

Mr. McGroarty: Ken, you want to turn your video off? John?

Mr. Forlenza: I recuse myself and come back when the meeting reconvenes in the next topic.

Inaudible

Mr. Weiss: Thank you. Okay. So, Jonathan let me then...Chuck you didn't have any other business to address?

Mr. McGroarty: No, thank you.

Mr. Weiss: Let me turn it over to you for the reason you are here, tonight.

Mr. Frodella: Okay. Thank you. We're here for the application seeking a one-year extension of the variances previously granted by Resolution, due to the ongoing covid-19 pandemic and various financial restraints and constraints. My client is unable to begin the construction project that it envisioned, beginning in May, until probably around fall of 2021. That's why we are seeking this one-year extension. My client's principal is here to testify if the Board needs any factual information, he can be sworn in to provide testimony. That's essentially the reason for our seeking this one-year extension for variance.

Mr. Weiss: Let me just start this conversation, Jonathan, I sit here week after week. I got to be honest with you, I'm really tired of covid being an excuse. What about covid that made this non-functioning, nothing happened in the year since the approval was granted?

Mr. Frodella: Well, I think to address that question, we should swear in the principal, Mr. Mastellone.

Mr. Weiss: I've got to know what's going on. Why there is a delay?

Mr. Mastellone was sworn in for the Record.

Mr. Buzak: If you can provide your business address for the record and spell your last name for the record?

Mr. Mastellone: Sure. My last name is spelled, M A S T E L L O N E. My office address is 2 Andrews Drive, Woodland Park, New Jersey.

Mr. Buzak: Thank you, sir. Mr. Frodella?

Mr. Frodella: Yes?

Mr. Buzak: Go ahead.

Mr. Frodella: Mr. Mastellone, did you hear the Board Member Weiss' question regarding covid-19 and the ability of the company to begin its project?

Mr. Mastellone: I did not hear the whole thing. It kind of was echoing in and out and it was actually a whole bunch of this earlier has been really hard to understand.

Mr. Frodella: Okay. Well, Mr. Mastellone, if you could explain why, it is that the company is not able to begin this project until probably the fall of 2021, and why the pandemic specifically had an impact on the company's ability to do that? If you could go into some detail on the facts supporting our client?

Mr. Mastellone: I certainly can. Unfortunately, I have to say that February was an absolutely devastating month for us as a company across the board. Certainly, even worse in the Mount Olive area because that snow was even greater than what we've had in the Essex, Passaic County areas, that's 1. 2, it has been very

hard, and I'm sure it's been in the news all over the place, I'm sure you've all heard about various manufacturers having significant difficulty in providing dealerships with vehicles. Chip shortages, component shortages. It has just been devastating across the board and around the world for a lot of manufacturers. Nissan, Subaru, Mitsubishi and Chrysler products have all been significantly impacted even when we have gotten some vehicles there are no vehicles to back up the supply chain. So, if we sell one today, it is very difficult to get one to replace it. So, we have really been hit very hard and not just us, but everybody and it's just been a very hard time. So, right now, we've had to steady ourselves and steady the company position and realize that the only expenditures that we need...we have to make...what is required to stay in business. Right now, that would be a hardship for us to expand the parking and the facility up there, when what is going on is impacting us so greatly. Sorry about it being so long winded but we're having a very tough time.

Mr. Frodella: Mr. Mastellone, before I turn it over to the Board, is there any...we're projecting a potential start date of the fall of 2021. Can you testify to the facts underlying that projection?

Mr. Mastellone: Well, business certainly has picked up in March with the passing of the snow and we're hoping to start getting some regular shipments of vehicles in April and in May. We really think that we will...the automotive industry...to a large degree, will turn the corner. We feel pretty confident that we are going to be financially in a responsible position to get started there. Quite obviously we want to get started.

Mr. Frodella: Thank you. If the Board has any more questions, clarifications or different direction they would like to go, please present them.

Mr. Weiss: I have a ton of questions. We heard you last February. Resolution was prepared, I believe I'm looking at it, was prepared in May...

Mr. Buzak: It was approved in May.

Mr. Weiss: You identified the month of February as a snow problem. I can't disagree with you; everything was shut down. I don't understand why none of the work was started. I hear you, but you are telling me that there was difficulty in...inaudible...the vehicles, but what does that have to do with your variances? You know, here is my problem. I'm going to cut right to the chase. You had done a ton of work prior to any approval. I think this Planning Board bent over backwards to accommodate you in a situation that was created. I think the only logical thing to do would have been to perform the work that you didn't need to do, the variance request, and to start performing some of that without making an excuse. I think that covid is an awful excuse. The world is continued, every business I see up and down the highway is running, whether it is at a level that you are happy with has nothing to do with this Planning Board. You have an obligation to follow the Resolution that was developed, and you have nothing. Nothing. Not one of these four variances have been started and I think your excuse for doing so is just that. It's an excuse. I don't think I really like that excuse and if it is just me then so be it. I'm not sure if anybody else on the Planning Board feels the same way, but I'm not buying into your excuse. I give you February, it snowed. It's a tough month.

Mr. Schaechter: Yes, but with that Howie, Mr. Chairman, you had 11 more months besides February.

Inaudible.

Mr. Schaechter: Nothing was started for the other 11 months. The parts, and cars, I mean, cars are still in dealerships. I don't go by to many of the dealerships in Mount Olive and don't see cars in the lots. So, do we wait for cars to show up into the lots and then is the next excuse going to be well, we have so many cars that we can't get the work done. You know. That's the other instance.

Mr. Mastellone: I'd like to reply to Mr. Weiss and Mr. Schaechter if possible.

Mr. Weiss: Go ahead.

Mr. Mastellone: Our business at Route 46 Subaru has been impacted 68 percent since the covid situation occurred. I wonder if that is because of the demographic in that area. But just a lot of people have not come out. Any concern, whether it's an automotive dealership, company, whatever, not only has to take a look at the situation, but they have to look at finances. I think that when we originally came to you, and what we planned to do was, as you said, over a year ago. I don't think that there was any way to predict the course of the economy and certainly not our fortunes a year ago. I understand that you don't necessarily like the answer of the covid, as a situation, but what I will say to you is it's very real. It's impacted us significantly. We have a dealership in Bergen County that was closed down for several months. We've been impacted significantly at the Subaru store. And across the board in all of our stores. I understand that you may not like that answer, but I've always been candid. Always been forthright, and I've always come to you and explained exactly where my situation lies. So, I understand that you don't like it. I really don't like it either. I really don't like being here and asking you hat in hand to give us more time. But what should I do? Should I just plow ahead with the project when I've got some significant financial situations, Mr. Weiss?

Mr. Frodella: Mr. Mastellone, if I can you a question regarding that? If you could speak to...if you had gone through with this construction, with these plans, the financial impact that it would have had on the company, if it would have been a sustainable endeavor for the company in light of these losses...this lost income on the customer base.

Mr. Mastellone: Well, I mean, at the end of the day, when we came to you and it was several months, and we certainly, I certainly appreciate what the town did. Chuck, how understanding you guys were, we certainly appreciate it. I think that I've said that publicly and I thanked Chuck publicly in this forum. So, what has occurred is, we've had a significant impact on our income. Significant. I think that it would be foolhardy to say the least, to continue ahead with a construction project when I've got to worry about the bottom line across the board in a company that employs 758 people. I understand that nobody is really interested in the covid situation, but I had the covid situation at the end in January. And at 60 years of age and a diabetic, I can tell you what, I was taking it serious personally and taking it serious professionally. So, I'm sorry that you don't necessarily like that answer or think it's okay. But it is the answer I can give you and it is what's happened. Almost the whole time we've had the approval there has been this factor of government shutdowns, state shutdowns, people not coming to work for fear of their health and certainly a great deal of chaos over the last 12 months. So, I'm really sorry. I'm sorry about it occurring. I'm sorry about getting it and I'm sorry about having to come here. But it is what it is, Mr. Weiss, and I'm really sorry that you feel that way, but I can only tell you what is actually going on.

Mr. Weiss: I can tell you that we hear from applicants every single month and I don't understand why it's only your business that hasn't put a shovel in the ground to at least start this project under this whole concept that it's...covid is restricted you. You haven't done anything on the project. No, no, I'm not done. You haven't done anything and this Township, and you mentioned Chuck bent over backwards to make sure that we accommodated you and everything that you did that you should not have done. Now you are sitting here telling me that you were up front about it...you weren't Phil. We covered you and we did you favors and now you come to us a year later and you haven't done anything because of covid? And that's what I'm telling you, I don't appreciate it. Every other business we ever hear from has had the ability to start something. Show good faith. Where is the good faith? You've done nothing on this project. That's my concern.

Mr. Mastellone: Okay. May I reply, sir?

Mr. Weiss: Go right ahead.

Mr. Mastellone: Okay. So, we passed on purchasing two dealerships over this situation because we could not in good conscious put forth any money in the situation we're in...I spoke to Chuck, we got

permission to do certain things, that's true. Nothing was done underhandedly or breaking the rules and I almost feel like you are suggesting that. We didn't do that. We were in a situation when we first opened that we were hit with an absolute flood of business, and I had nowhere to park cars. I rented a spot across the street that was an empty parking lot. I thought that was acceptable. I found out that it wasn't. We first opened up...Mr. Weiss you are in the car business, aren't you?

Mr. Weiss: I am.

Mr. Mastellone: Okay. So, we got a ton of cars that came when we did the buy sell, and I think you understand the lingo on what that means, and we had no room to park the cars. So, we have had some very tough times. If you want to say to me that the last 12 months isn't hard...okay, no problem, but I can say this to you, I'd like to get a count of how many small businesses in the State of New Jersey and across the country that aren't going to survive. The end of the day I have a choice of making you upset because we haven't started or putting the business that we spent the last 24 years putting together in jeopardy. I'm sorry I just can't do that in good conscious. I have 758 people working for me.

Mr. Weiss: You have to understand that when this Planning Board makes a decision, we live by it. So, anything that you had done prior is just that, it's old news. We...I'm not making a decision based on what you did, I'm just pointing it out that this Planning Board had been very, very aggressive in helping you and I'm looking at that...that you are going for an extension, again. You've been operating without the proper variances and approvals for a very long time. And an extension, I think you are asking for a year, makes me go another year without proper approvals on what you wanted to do. And so, forget what kind of business you are in, or what I'm in. Any business that's operating without proper approvals does not sit well with me. That's my point.

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Go ahead Chuck.

Mr. McGroarty: If I could just jump in for a minute, the applicant does have approvals, as the Board knows. One of the things that may be causing some of the conflicts or the contradiction of not getting started is the fact that the Board actually did grant the applicant the ability to use that Lot 5 for parking without a principal use for a period of 5 years, from the date of the Resolution. So, through the year 2025 the applicant really has authority from this Board from last year as I read the Resolution to use that parking lot. To use Lot 5 for that purpose. Your point is well taken Mr. Chairman, and there is no effort started on the variances, quite honestly the variances are impacting Lot 6. The contiguous lot and they actually come into play once Lot 5 gets developed with the building. So, then more impervious coverage results and some other things, retaining walls and so on. So it may be that I'm not here to take sides in this discussion, but I just wanted the Board to remember that we did in this case grant a period of 5 years for that vacant lot, essentially, to be used for parking vehicles. Up until the time that that lot is developed, the variances will not be triggered because they will again, they will be part and parcel with the development of this dealership.

Mr. Weiss: And that goes to my point, Chuck. Five years of an extension to use a lot is quite generous. I'm not wondering or questioning why we did it. That is just a very generous approval.

Mr. McGroarty: What I'm saying is that's what you, the Board, granted last year.

Mr. Weiss: I agree. I understand. We've been very generous. So that was my point.

Mr. McGroarty: So, he is still within that 5 year window.

Mr. Weiss: I don't doubt that, Chuck. I'm just saying we've been very generous to grant such a thing in the first place.

Ms. Natafalusy: So...

Mr. Schaechter: Can I say something real quick.

Mr. Weiss: Go ahead, Brian.

Mr. Schaechter: I personally would have liked Mr. Mastellone to start out with...you know...2020 was a horrible year financially for us. Instead he started out with February of 2021 was a monster month with snow. He had no intention of starting this project or any of the variances in February of 2021. But just be honest with the Board and like he just said. I've got almost 800 employees, and it was a horrible year for us. I had to pass up on a lot of opportunities. I think that would have gone...that goes a lot further than, okay, I had covid in January and in February 2021 we had snow on the ground. Snow comes every February. It's just the way it is. I'll take it for that, that 2020 was a bad year for your organization and you held on, and you did what you had to do to have the business survive and that's why you didn't start on the variances. That was it.

Mr. Weiss: Catherine, did you have something you wanted to say?

Ms. Natafalusy: I was just going to ask, the variances are for lot coverage, height and tree replacement, so that's what the extension is for? Those three variances?

Mr. McGroarty: There are four variances, actually.

Mr. Weiss: There's four. If you are looking at Page 3, Catherine, bottom of the page.

Mr. McGroarty: The use variance, is good for five years.

Ms. Natafalusy: Right.

Mr. McGroarty: You're right. It's three bulk variances, right.

Ms. Natafalusy: It's the bulk variances, so the Board is really looking at extending those possibly a year? If we decide on that?

Mr. McGroarty: The bulk variances...you've already granted the use variance for a period of five years.

Ms. Natafalusy: Yes.

Mr. McGroarty: Yes, you're right.

Ms. Natafalusy: Okay.

Mr. Buzak: That's for the building to be constructed. The new building to be constructed on Lot 5, and is there also one for Lot 6 because weren't you expanding the service area that triggered a variance?

Mr. McGroarty: There is a coverage variance for Lot 6 as a result of...this is from the Resolution...as a result of the addition to the dealership. There is a variance to allow a retaining wall at 6 ½ feet in height, on Lot 6. Again, once the new addition goes in, in the back there will be some regrading, change of grade in that retaining wall and there is a last variance there with respect to tree replacement with regard to the number of

trees to be planted outside verses a contribution to the fund. So, it's really two bulk variances and a tree replacement...inaudible.

Mr. Buzak: Thank you.

Mr. Weiss: Does anybody else from the Planning Board have any comments? I don't see anything else. Jonathan, do you have anything you wanted to add?

Mr. Frodella: That's all.

Mr. Batsch: Howie, just one comment.

Mr. Weiss: Go ahead, John.

Mr. Batsch: So, when is the expectation to start any of the work? If you are looking for an extension? What is your plan?

Mr. Mastellone: We are hoping for fall of 2021.

Mr. Batsch: Hope is not a strategy. So, what is the plan?

Mr. Mastellone: The plan is no later than one year extension, but we are planning on starting for fall.

Mr. Batsch: Okay. Thank you.

Mr. Weiss: The request this evening from the Planning Board is to give an extension of one year, from May 21st? Is that what I'm seeing?

Mr. Buzak: Yes. I think that's it, Mr. Chairman.

Mr. Weiss: The Resolution was signed May 21st of 2020, a year went, it is now...it'll be May. So, we're going to look to extend this to May of 2022.

Mr. McGroarty: The three variances.

Mr. Weiss: Correct. That's 14 months, no?

Mr. McGroarty: He is early. They wanted to come in early.

Mr. Weiss: Okay. He has a right to do that. One year from May of 2021, so the variance would expire May 21, 2022, based on the request. Is that correct?

Mr. Buzak: Yes.

Mr. Weiss: Okay. If anybody on the Planning Board would like to either, make a motion to that effect or, something of a different nature, I'm open to suggestions?

Mr. Nelsen: I'm going to make a motion to approve that. I understand the concerns of our Chairman and some of the other Board Members, being a small businessperson myself I know how this past year has been negatively affected all kinds of things. So, I'm going to lean towards motioning to approve the...

Mr. McGroarty: The extension of the three variances.

Mr. Buzak: PB 19-01.

Mr. Nelsen: 19-01, I'm sorry.

Mr. Weiss: So, that motion was made to extend those variances through May 21, 2022. Is there a second?

Mr. Ouimet: I'll second.

Mr. Weiss: Thank you, Joe. Go ahead Catherine.

Ms. Natafalusy: I just had a question, if the Board voted to deny these variances, they still have a use variance for 5 years, to use that parking lot, right?

Mr. Buzak: That's correct.

Ms. Natafalusy: So, they can still continue to use that and would have to come back to the Board, anyway, to get the variances to build the building?

Mr. McGroarty: No, they would...unless they change their site plan, they would still need the coverage variance on Lot 6 where the dealer is now.

Ms. Natafalusy: Right.

Mr. McGroarty: So, in order to start the work on Lot 5, which is just...consists right now of just parking for the cars, to start the work on Lot 6, they'll need two of those bulk variances and the tree remove variance.

Ms. Natafalusy: Otherwise, we have a parking lot sitting there for five years. Okay.

Mr. McGroarty: Or they would have to come back and amend the site plan.

Ms. Natafalusy: Right. Thank you.

Mr. Weiss: Okay, any other questions? Any other comments? Seeing none, I'll close it. Mary, roll call?

Roll Call:

Brian Schaechter	Yes
Catherine Natafalusy	Yes
Dan Nelsen	Yes
Paul Ottavina	Yes
John Batsch	Yes
Joseph Ouimet	Yes
Howie Weiss	Yes

Mr. Weiss: And I'm going to say yes because this Planning Board is always going to do the right thing regardless of how we feel about it but the message was delivered. Phil, I heard your words loud and clear. You had said to me just a minute ago no more than a year. If we have this conversation a year from now and you see me with a little bit of an attitude, that will be the reason why. I wish you good luck. I hope business gets better for everybody. The better you do the better that Mount Olive Township does. So my interest in your business is sincere. I kind of look at this from my position, as a Chairman, and it's important to keep

these applications moving. So, good luck to you in the next 12-14 months and we hope that we hear positive news next year.

Mr. Mastellone: Thank you. Your good wishes are appreciated.

Mr. Frodella: Thank you, Chairman and thank you Board, for your actions tonight and your consideration. Have a nice weekend.

Development Applications

PB 20-20, Luthra, Gaurav, 27 Vista Drive, Block 7610, Lot 13

Mr. Weiss: Okay. Let's move on. Our developmental applications for the evening, the first one is PB 20-20, Gaurav Luthra, for a variance at 27 Vista Drive, Block 7610, Lot 13. This application was in front of us just last week and we had some open-ended items that wanted to...inaudible. Although I was not sitting as the Chairman last week, I did listen in, so I don't have notes, I apologize because I'm a very good note taker. So, if I'm asking questions, it's only because I don't have the notes in front of me. So, let's review if you would Mr. Luthra, what happened at the end of the meeting that brought us to this point? You were going to look at some of your plans and give us some better direction that you wanted to do.

Mr. Luthra: Thank you, Mr. Chairman. Can I ask just one question? Is Mr. Jim also there?

Mr. Weiss: Yes. Jim Glasson is there. I just wanted to remind you...Ed, I don't want to step on your toes...Mr. Luthra you are still under oath from last week.

Mr. Luthra: Yes, I do.

Mr. Weiss: So, why don't you continue and then, if you needed the help of Mr. Glasson, it looks like he is chomping at the bit to get in on this one too.

Mr. Luthra: Thank you. So, at the end of the discussion, when we presented our plan, we were at a little more than 34 percent use against the ordinance which us allows us 45 percent of land use. We had requested that instead of us coming back a month later, which would impact the plan and schedule of contractors who were hoping from an approval from Board is there anything we can do so that it will be more acceptable to the Board. So, we went back, I had a discussion with Jim, our landscaper, and then we were able to cut down on the patio and the pool size to bring to a total land use of 30 percent from 34 percent. We have removed a lot of pathways leading into the patio. We have made the patio smaller. Pool size is smaller than what we had originally planned for, and I would turn it over to Jim to talk a little more about the actual variance plan. I'm hoping with what we have done it will be acceptable to the Board and we are looking for an approval on those grounds and I would really appreciate that.

Mr. Weiss: Okay. Thank you. Jim, did you testify last week?

Mr. Glasson: Yes, I did.

Mr. Weiss: Okay. So...inaudible... So, why don't you let us know then what changes you made on the plans to drop the impervious coverage from 34 to 30.

Mr. Glasson: So, the pool originally was 36 x 16 so the pool got 4 feet shorter to 32 x 16. We eliminated all of the walkway and walls on the left side of the house. If you recall, there was a walkway from the pool area down to the driveway area. Those are gone now. There originally was a 14 x 14 pavilion over the patio area. I'm going to say the left side or the westerly side. That is gone now. We've eliminated the patio area on the entire north side of the pool and about half of the west side of the pool. So, we started out at 6,947

square feet proposed last month, and that was 34.7. Now we're down to 6,000 square feet. So, we eliminated 947 square feet. So, we're still over the coverage allowability by 1,000, but we've cut that down by 947 square feet.

Mr. Weiss: Another little quick question for you. The pavilion that you're removing, was that actually impervious coverage or was that over the patio?

Mr. Glasson: It was counted as impervious. It counted because the patio...inaudible... so that was part of it.

Mr. Weiss: Okay. So, this reduction, Jim, you agree that it could reduce the impervious from 34.5 down to 30 percent?

Mr. Glasson: Yes. Now if we calculate it 30 percent.

Mr. Weiss: Okay. Chuck, did you have a chance to review? Did you have any concerns?

Mr. McGroarty: I reviewed it, Mr. Chairman. I don't have concerns with the layout. I'm just the skunk at the garden party, as the expression goes to say where is the hardship? You know, if the Board is inclined to grant it...you know...people would like to have pools and that's certainly understandable. It's a difficult situation but this lot...the zoning that we applied to this lot for the purpose of this pool is the zoning that was in place when this development was built. So, it's not the more restrictive zoning that was superimposed later. So, that's the only thing I can ask is if the Board is satisfied that the applicant has presented his case for hardship then...

Mr. Buzak: Mr. Chairman, if I might I do have a question of Mr. Glasson.

Mr. Weiss: Go ahead.

Mr. Buzak: When I looked at the plans, I believe originally you were proposing two drywells and now these plans eliminate one of those drywells. Can you give us a little testimony, Mr. Glasson, about the recent...I understand the logic...but put that on the record?

Mr. Glasson: Okay, the drywells, originally, we had two drywells, six foot six diameter that were at least 36 inches deep. Now that the...we can only get so much water into the drywells, now that the impervious has been cut down, I cut the drywell back down. We could put in the same drywells that we proposed before, but there is not the impervious area that I can get to those drywells. So, we are basically reducing the impervious coverage back down to 25 percent with the introduction of the drywells. I stayed with the same rationality we had last time. I sized them for that increase over the 25 percent.

Mr. Buzak: Thank you.

Mr. Nelsen: Do you have a drawing for that new plan? That you can put on the screen?

Mr. Glasson: Yes, I can.

Mr. Nelsen: Thank you.

Mr. Glasson: I don't know if you can see that. I'll remove my...inaudible...and let you know some things that changed. On this side we had a walkway and a bunch of walls that basically got you up from the driveway to the patio area. We had a pavilion area that actually extended out here, and was over a portion of the patio, that we've eliminated. This pool now got four feet shorter in length and we've eliminated this patio

area up in this north side along the whole north side of the pool and about half of the west side of the pool, over here. We've cut down on the walkway against the house, also. So, it's 947 square feet total difference from what we had proposed last month.

Ms. Natafalusy: Jim?

Mr. Glasson: Yes?

Ms. Natafalusy: Do you know what the impervious coverage is just with the house and the driveway, at this point? Without any impervious, in the back? The existing conditions?

Mr. Glasson: The existing condition is actually former access of the allowable coverage as it exists right now, by 174 square feet. So right now, there is 5,174 square feet of coverage today.

Ms. Natafalusy: That was when the house was constructed? That's what the developer...?

Mr. Glasson: I don't when that took place. I can't testify as to...there is a patio in the back. I don't know when that went in. I don't know the answer to some of those...

Mr. McGroarty: There's no...just to jump in, if Mr. Glasson, Jim, you're counting that patio when you do your existing, right?

Mr. Glasson: Yes, I am.

Mr. McGroarty: There is no record of the patio, itself, having a zoning permit.

Ms. Natafalusy: So, the existing conditions are 1,974 square feet over the permitted amount?

Mr. McGroarty: Correct. Without the patio, that doesn't appear to have been authorized by the town, the lot would be probably at...

Ms. Natafalusy: At 25.

Mr. Glasson: Inaudible...patio is 570 so they are over by 174. So, it would be under by 300 something square feet.

Mr. McGroarty: Yes. These are 20,000 square foot lots. I believe that's what this is. And it was approved under that R-1 cluster at the time. So, it went down to half acre lots with open space dedication.

Inaudible

Mr. Weiss: Okay. So, you heard Mr. McGroarty's comment about the hardship and that's a concern, probably, for many of us on the Planning Board. Did you have any additional testimony about the hardship?

Inaudible

Mr. Luthra: My only comment there is that I bought this house a couple of years back. I understand, as the house stands, there is little or no room for making anything external. As I've explained last time as well, with the house size we were hoping to extend our backyard too. Especially, I know...in earlier meeting you were...you were sick and tired of hearing the covid excuse, but it is what it is. Its restricted movement going to public places, and we are hoping we could give an environment to our kids, in the backyard

with an additional extension of pool and a small patio. I feel that we have almost reduced by 50 percent by what we had additionally proposed. I'm hoping that you would take that into consideration in providing this approval to give us the variance.

Inaudible

Mr. Weiss: Anybody on the Planning Board have any comments or questions for the applicant?
Go ahead John.

Mr. Batsch: For clarification, Jim, you're saying by the addition of the drywells, you're effectively reducing the impervious coverage to the 25 percent?

Mr. Glasson: Correct.

Mr. Batsch: Thank you.

Mr. Weiss: I want to make sure we have that question right. The overall plan, you're still at 30 percent impervious coverage in a zone that's required 25?

Mr. Glasson: What he is asking is, I'm taking the area over the 25 percent, which is 1,000 square feet and I'm infiltrating that area of the coverage.

Mr. Weiss: Okay. Anybody else?

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Yes, go ahead, Chuck.

Mr. McGroarty: I'm sorry. Last time a member of the public had called after the meeting and said that he and she had attempted to raise their hands and were unsuccessful. So, when you are ready for the public, I'm just going to bring them up, if that's alright?

Mr. Weiss: Yes, of course. Well, it looks like now is that appropriate time because I don't see anybody from the Planning Board having any concerns or any other questions. Tell me if I'm wrong? So, let me open it to the public. If anybody from the public has any questions for Mr. Gaurav?

Inaudible

Mr. Weiss: State your name and address, spelling your last name for the Record, please.

Ms. Babcock: My name is Barbara Babcock. I live here with my husband Douglas McConnell. My name is spelled B A B C O C K. 33 Vista Drive.

Mr. Weiss: Welcome, this evening.

Ms. Babcock: We're the neighbors just north of the Luthra's. We are in their backyard, up the hill a little bit, from their backyard. Our concern is the lighting over this pool. I can't believe they aren't going to be using this pool sometimes in evening and they are going to need lighting. Adults will also be using this pool. Perhaps there will be adult pool parties? When the Luthra's cut down the trees between our 2 properties, they really...that backyard light of theirs...I don't know what you call it, that big light...flood light, yes...two flood lights, really light up our house. Inside our house. Always up in the second floor. So, we're concerned about

the lighting situation and wondering what can be done to...inaudible...that. What plans are made to keep the light from coming into our house?

Mr. Weiss: Jim? Maybe Jim, your best answer to that, because I'm looking at plans, looking at a bunch of trees, so maybe you can help?

Ms. Babcock: No trees. There are no trees there.

Mr. McConnell: Yes. I don't believe it had the trees...inaudible...there are no trees.

Mr. Weiss: I'm looking at something along the north edge of the original plan, Jim. What is that?
Are those umbrellas?

Mr. Luthra: If I may, so those are the proposed trees that we plan to put along the back side, once we have the fence installed and the pool installed. So, we do plan to put trees. I don't have the actual trees right now because we will be working with our landscaper to put the trees in. We do have definite plans and to concern Mrs. Babcock's concern, we will ensure that there is no lighting that disturbs them.

Ms. Babcock: That light that is there now, is on the second floor of your house. And I can't believe that any trees you put in will be tall enough, taller than the second story of your house. So, are you going to take that light out? Remove that flood light entirely?

Mr. Luthra: So, the floodlight that I believe that you are talking about, was already there when we bought this house. If that floodlight bothers you, we will ensure that it's taken down if that is your concern. I could testify to that...that we could take it down.

Inaudible

Mr. Weiss: Excellent. How big were these trees that were removed along the northern edge of the property?

Mr. McConnell: My name is Douglas McConnell.

Mr. Weiss: No. Okay, Douglas, we'll do the same thing. You're...

Mr. McConnell: M C C O N N E L L. There were mature trees there. I sort of doubt that they had been here before the development so...

Mr. Buzak: Excuse me. Mr. Babcock, I'm sorry. Your spouse did ask a question. You are providing some testimony. She provided some as well, so let me do this just to make the record clear. Ms. Babcock can you move over and get in the screen as well?

Barbara Babcock was sworn in for the record.
Douglas McConnell was sworn in for the record.

Mr. Buzak: I'm sorry, Mr. Babcock, I interrupted you.

Mr. McConnell: Okay. Mr. McConnell.

Mr. Buzak: Mr. McConnell, I'm sorry.

Mr. McConnell: There was a whole row of trees that I presume were at least 20 years old. I died a few years ago, which opened things up. The Luthra's did not put the lights up. They were there. They used to be lower. I think they used to be shrouded, so the light was more projected down. I don't know who did it. They have 1 on top of the sun porch, there is a skylight there. It reflects off, I kid you not, if you have somebody come here, we'll show you. It lights up my second-floor bedrooms as though I have a light on in the room, when he turns those lights on. Sometimes they are on for hours. So, if he is going to remove them, that would be excellent. But please make that part of...

Ms. Babcock: Part of the variance, yes.

Mr. Weiss: I suppose that would be a condition of this application. The approval of this application, correct Mr. Buzak?

Mr. Buzak: It would be if the Board so finds.

Mr. Weiss: Okay. So, if the Board decides to move forward on this, one of the conditions would be that that spotlight comes down.

Mr. McConnell: Two spotlights.

Ms. Babcock: Two spotlights.

Mr. Weiss: Two spotlights, thank you.

Mr. Nelsen: Mr. Chairman?

Mr. Weiss: Yes, go ahead Dan.

Mr. Nelsen: Would they need to be removed or could they be directional light that could just shine down?

Mr. McConnell: The 1, I do not believe...I can't imagine who put it there or why. I do not it could be made, even if it were shrouded, so that it would...it had a flood light pointed way of doing it, instead of just radially going out from the base. It bounces off the skylight. So it's like a mirror. It comes up here.

Mr. Weiss: Okay.

Mr. Nelsen: I was just wondering if it could be replaced perhaps with a directional light that shines straight down.

Mr. Weiss: Dan, the applicant said he would take it down, so...

Mr. Nelsen: Okay.

Mr. McConnell: Personally, small lights with caps on them around the pool would make sense.

Ms. Babcock: Maybe he could put like a torchiere or something? On a stanchion? And he would have the lighting that he needs in the backyard without shining it into our house.

Mr. Weiss: It sounds like the applicant has addressed that. He's offered to take it down if we need to.

Ms. Babcock: That would be great.

Mr. McConnell: Good.

Mr. Weiss: My question still goes unanswered. Ms. Babcock, do you still have any other questions?

Ms. Babcock: Yes. Thank you. I think that was it.

Mr. Weiss: Perfect, thank you. Chuck? Was there somebody else from the public that wanted to pop up and had a question?

Mr. McGroarty: Not to my knowledge, Mr. Chairman. I don't see any hands raised.

Inaudible

Mr. Weiss: My question remains unanswered, Mr. Gaurav. Did you cut the trees down? When did you cut them down and how big were they?

Mr. Luthra: There were three trees in the back and since we were applying to put in the pool, I believe this was...we had done it last year some time. We had started planning for the pool and those leaves would have come in, so that's when we had planned. We had discussed with Mr. and Mrs. Babcock, that there is a certain area between our properties where there is a retaining wall on their side and there is nine feet behind the retaining wall then our property starts. So, I went to ensure we talked to them that we are not encroaching on their property and we had that discussion with them before we do that.

Mr. Buzak: Mr. Chairman, if I might, Mr. Glasson you had put up an exhibit at the request of the Chair, and that was different from the exhibits that we had last week because it obviously showed a different proposal. So, can you just put that up for a minute and we are going to mark that A-5. That's the revised plan?

Mr. Glasson: Right. It is the plan that I submitted to the town.

Mr. Buzak: Okay.

Mr. Glasson: That plan is the same date as the previous plans 11/10/2020 but it does have a revision date of 3/15/2021.

Mr. Buzak: And do you recall, Mr. Glasson, if this was, was this A-4? Or was it A...

Ms. Strain: We are on A-5.

Mr. Buzak: I know we are on A-5, but I want to know if this is the same drawing other than...a revised drawing of one of the other exhibits?

Mr. Glasson: Yes. This was a revised drawing of my second drawing that I presented last time. I think I presented two items last time. The existing conditions and a full plan. This would be a revised version of my second drawing I presented. I don't remember if it was...

Mr. Buzak: Yes. That was A-4. It was a colorized proposal, I think.

Mr. Glasson: Yes. This is a second version of that colorized.

Mr. Buzak: Okay, so, we'll mark this A-5. It's a revision of A-4 of March 15, 2021, revision date. And secondly...inaudible...Mr. Chairman, last week there were two photographs of the rear of the property, that were put up and perhaps if, Mr. Glasson, I think put them up. If he could put them up again perhaps the applicant can describe exactly where these trees were. Perhaps they show in those photographs. I forgot when they were taken.

Mr. Glasson: I don't have them ready to put up again. So, I don't know that I can do that.

Mr. Buzak: Okay.

Mr. Weiss: I think that's okay. I was just curious if he knew the answer.

Ms. Crawford: Mr. Chairman, If I could just ask one question of Mr. Glasson?

Mr. Weiss: Sure, Susan. Go ahead.

Ms. Crawford: Mr. Glasson, actually the plan that you just had up if I'm misreading it I just want to confirm a number on it. Under the proposed building coverage on the revised plan the revised figure is without the pavilion is 2,714 square feet? You have 14.55 percent coverage? I think...is that figure correct because that's the same as the original?

Mr. Glasson: No, you're right. That number last...it does not have the pavilion, so you are correct.

Ms. Crawford: Okay, and it should be 13.57 perhaps?

Mr. Glasson: Correct. It's still under the allowable, but you are correct.

Ms. Crawford: Okay, thank you. That's all I have, Mr. Chairman.

Mr. Weiss: Thank you, Susan. Okay, anybody else from the Planning Board? I think we did that, and I also don't see anybody from the public. Did you have anything else you wanted to add, Mr. Luthra? As I close it to the public.

Mr. Luthra: No, again just request for Board's approval. I heard Mr. and Mrs. Babcock's concern. I will as I said ensure that their concerns are met and we would also ensure that the plan we have submitted, along with Mr. Jim, is adhered to and we stay within, if approved variance, we stay within that 30 percent, as per the approval. So really, appreciate if this can be approved today.

Mr. Weiss: Okay. Thank you very much. As we go forward and look to make a motion, Mr. Buzak, I'm going to rely on you, 100 percent this time to list any conditions that were mentioned last week plus the one that we added tonight if there was an approval granted.

Mr. Buzak: I'm looking at my notes. One of them has, that the landscaping set forth on the plan, be done, but that's...that would be done anyway. I know that Mr. Vreeland had a comment that the applicant is to maintain the stormwater management system that is onsite. That would be a condition. Landscaping is required because it is in the plans. Then I have a second one is soil testing for the drywells. I believe Mr. Vreeland had that in his report. I don't know if Mr. Glasson or Mr. Luthra had submitted anything or provided any soil testing. If not, we'll make that a condition. The third one would be the removal of the flood lights. The two flood lights on the house. Then our general conditions which if these applicants were there one of those conditions is that any variance granted will expire within a year. All heard the Chairman's expression of concern about the importance of that year so that will be in there but I just want everyone to know that the Board is serious about those one year periods. Thank you, Mr. Chairman.

Mr. Weiss: Okay. With that being said, would someone please make a motion?

Mr. Batsch: I'll make a motion to approve PB 20-20, Gaurav Luthra...

Mr. Mania: I'll second it.

Mr. Batsch: ...with the conditions stated by Mr. Buzak.

Mr. Weiss: Thank you, John.

Mr. Mania: I'll second it.

Mr. Weiss: Thank you, Mr. Mania. Are there any comments? Any questions? Concerns? I don't see any, so Mary let me as for a roll call.

Roll Call:	Ken Forlenza	Yes
	Catherine Natafalusy	No
	John Mania	Yes
	Dan Nelsen	Yes
	Paul Ottavina	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes
	Howie Weiss	No (See notes below)

Howie Weiss: You know me, I don't answer the question right away...inaudible.

Mr. Buzak: Mr. Chairman? I'm sorry, Mary. Mr. Weiss and Mr. Schaechter were not at the meeting last week. I don't know if they listened to the tapes and if they did, then they can vote.

Mr. Weiss: I did. I signed the certification, Mr. Buzak.

Mr. Buzak: Okay. Mr. Schaechter?

Ms. Strain: No, Brian did...

Mr. Schaechter: I did not sign the certification, Mr. Chairman.

Mr. Buzak: I'm sorry, Mary. I should have known that you had that covered.

Mr. Weiss: That's okay Ed. I wanted to add, I think with the situation being Mr. Glasson did an absolutely fantastic job trying to get this down to a digestible format. Thirty-five percent in a zone like this is a lot and Jim you really impressed me with the work you did. I appreciate the effort. I don't think there is a hardship. There is no hardship. This is the difference...this is something that you want. There is absolutely no hardship outside of the fact that you want a pool. I don't fault you for wanting a pool. But I sit here Chairing the Planning Board and we have certain guidelines that I'd like to follow. In this case you have no hardship and I cannot in good faith vote yes so I am going to vote no. That being said your application has been approved and it's passed. What's going to happen is next month the Planning Board will...inaudible...Resolution to memorialize the action. At that point you can get started. Hopefully you are still on schedule. Hopefully you can make your neighbors real happy and I hope that you and your family have lots of great use of your property.

Mr. Luthra: Thank you so much. I really appreciate it. Thank you, Board.

PB 20-12(1), Albertson, Sandra, 36 Main Road, Block 5400, Lot 1

Mr. Weiss: Okay. Let's not stop. Next application on the agenda is PB 20-12 for Sandra Albertson to amend the variance on her property located at 36 Main Road in Flanders Block 5400, Lot 1. As Mrs. Albertson is coming up, Chuck, why don't you give everyone just a quick reminder. This wasn't that old and I'm sure some of us are wondering why we're back. I think the answer is pretty clear but why don't you just...

Mr. McGroarty: Sure, I'd be happy to, Mr. Chairman. Let me just check one thing. I see David Singer...is he with you, Mrs. Albertson? He is your architect, I believe?

Mrs. Albertson: Yes, he is. He is.

Mr. McGroarty: Members of the Board, you might remember Ms. Albertson was in front of the Board...

Ms. Albertson: November 12th, I believe.

Mr. McGroarty: Yes, last November...came in and wanted to do a small addition on her home which is 36 Main Road as I say, as opposed to Ms. Albertson who called it Main Street. A small addition in the back, consisting of 88 square feet. The night of the hearing Ms. Albertson and her architect presented a slightly different plan, a smaller addition. That was approved. Ms. Albertson contacted me afterwards and said in fact she really wanted to go, after reconsideration, preferred the original option which was 85 square feet addition as opposed to the one that was approved by the Board which I believe was around 20 square feet.

Mr. Weiss: 22, I think it was, Chuck.

Mr. McGroarty: Thank you, Mr. Chairman. So, there was really no other way for us to accommodate that request because the Board had already heard and decided the matter. So, Ms. Albertson had to re-notice, and she is here this evening to present, I believe the original plan, which is why I circulated my original report, rather than re-do it. So, to me, as I understand it, to expand a room in the back of the house to 85 square feet, and there were variances triggered by that. There is a front yard setback, as I said in the report, the house...almost every house on Main Road...does not comply with the current standards. It's a historic area, as everyone knows. So, there is a front yard setback even though the addition is actually in the back of the house. There is a side yard setback which the property abuts the railroad line. Nonetheless it's still a side yard setback that's required. And there is also a rear yard setback. So, those are the three variances that are necessary to have us approve.

Mr. Weiss: Okay. Thank you, Chuck. Sandra, let's swear you in and then you can come back and explain to the Planning Board what's triggered the activity since your last time in front of us.

Sandra Albertson was sworn in for the Record.

Ms. Crawford: Could you please state your name for the record, and your address as well, spelling your last name?

Ms. Albertson: My name is Sandra Albertson, A L B E R T S O N. I live at 36 Main Street in Flanders.

Ms. Crawford: Thank you.

Inaudible

Mr. Weiss: Ms. Albertson, why don't you take it from here and explain what's going on.

Ms. Albertson: Me? Okay. When I originally came to the Planning Board, I was under the assumption that I wanted 85 square feet for...to put on a shower for my disabled husband and a pantry and a storeroom. I had some contractors come give me pricing and found out that it was a little more than I could afford. So, I asked my architect to revise my plans. But in my mind, and it was my own misunderstanding, I always wanted to keep that 85 square feet just change the inside of the plan. So, my architect said to me they are more concerned about the footprint than what it is that you are doing inside at this point for the variance. So, now I am asking for the original 85 square feet to fulfill...to reconfigure the house if you will.

Mr. Weiss: Okay. Chuck, I just want to make sure we understand, by moving to 85 feet, does it trigger the...inaudible...variances?

Mr. McGroarty: It triggers the three variances that I mentioned, Mr. Chairman. Which with the reduced size that took place that was approved by the Board there was still a front yard setback variance again the whole house is within the front yard. This still was a side yard variance. I don't think it was rear yard. I think that third variance went away but that would be back again with this.

Mr. Weiss: So really our action is just basically to say that we would accept the addition of the 85 foot plan as originally noted in your plan versus the 22 that was agreed upon?

Ms. Albertson: Right.

Mr. Weiss: From our planning perspective, Chuck, is that...we just want the Planning Board approval for that?

Mr. McGroarty: Yes.

Inaudible

Mr. Weiss: What I guess I'm getting at...I don't want to miss a conversation that we should be having. Because on the surface this is extremely simple hearing. We don't have to spend a ton of time. I think when I looked at the original application back in November it was reasonable at 85 feet. I personally was ready to accept 85 feet. When you came back, Sandy, at 22 feet it was a much easier decision for everybody. So now if you are coming back and asking for 85 I was ready to approve it then, and I don't know if it's as simple as the Board saying we'll accept 85 feet without any more testimony than she has already given us.

Ms. Albertson: It was just a misunderstanding on my part. When I looked at that wall of the plan it was just a misperception of me. I thought that was a full wall when in essence I'm not an architect obviously so I...

Mr. Weiss: The 22 square feet is not really practical for what you want...

Ms. Albertson: Exactly, right.

Mr. McGroarty: I think, Mr. Chairman, what was brought out of the previous hearing, this actually... this is one of those applications that I think it meets the c1a criteria given the unusual shape of the property. Any addition on that side of the house is going to trigger a side yard variance. It also is c1-c variance, the exceptional situation of existing dwellings probably applies to most of the properties along Main Road or Street.

Mr. Weiss: I'm sure if we put our heads together we could probably figure out the railroad tracks impeding this property too somehow.

Mr. McGroarty: Well, that came into discussion with respect to the negative criteria certainly in terms of potential adverse impact on air, light, and open space to neighboring properties. There is no impact because it's the railroad tracks as far as impact to the zone plan, the zoning master plan, the zoning scheme. And I don't wish to give testimony. I think I'm reiterating what was testified to last time. This is a historic area. The design of the addition and architect is here this evening Mr. Singer is in character with the house which is in character with the historic character of the street.

Mr. Weiss: I don't really think we need to take too much more time. I know Mr. Singer is here, but short of any kind of testimony that might rock our world I think I'm very satisfied with this request. Anybody from the Planning Board wants to hear more? Otherwise let's see if we can move this fairly quickly.

Mr. McGroarty: I don't see any hands raised, Mr. Chairman.

Mr. Buzak: Should open it up to the public, Mr. Chairman, just so the record is clear.

Mr. Weiss: That's what we are doing now. I see nobody from the public. If anybody from the public has any questions about this application? I see none. So let me close it to the public. Sandy, do you have anything else you might want to add before I close it?

Ms. Albertson: No, I don't think so. Thanks.

Mr. Weiss: Thank you. Anybody from the Planning Board have anything they want to add? I see nothing. And maybe because you made the effort tonight Mr. Singer so you think there is anything you might want to tell us? Not saying anything is okay.

Mr. Singer: Not really. No. I think it's pretty self-explanatory.

Mr. Weiss: I agree with you. Okay. Thanks, Mr. Singer. So, that being said if somebody from the Planning Board would please make the motion to amend the variance?

Mr. Mania: I'll make the motion, Mr. Chairman.

Mr. Nelsen: I'll make the motion 20-12.

Mr. Weiss: Thank you, John Mania. And second, Dan.

Mr. McGroarty: Just for the record, not to amend the variance. This is a new application, so you are approving the 3 variances...inaudible.

Mr. Weiss: Okay. Yes. I want to make sure we get that language right. So that motion was made by John, seconded by Dan. Any comments? I see none. Mary, roll call.

Roll Call:	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes

Joseph Ouimet Yes
Howie Weiss Yes

Mr. Weiss: Again, Ms. Albertson, you know the situation. Next month we'll do a Resolution. We'll memorialize this action. You'll be able to get started on this project once and for all.

Ms. Albertson: Thank you. I appreciate it and I will not be back. Have a good evening.

Mr. Weiss: Okay. Thank you, you too. Thanks, Mr. Singer.

PB 21-01, Fratelli Beretta USA, Inc., 700 International Drive, Block 104, Lot 4

Mr. Weiss: Let's bring our next developmental application for the evening which is PB 21-01, for Fratelli Beretta USA, Inc., here for combined preliminary and final site plan for their property at 700 International Drive, Block 104, Lot 4.

Inaudible

Mr. McGroarty: We have the applicant, Mr. Bocchini, Mr. Monaghan, and Mr. Chandler as their engineer. Sean, do you have anyone else?

Mr. Monaghan: Yes, Scott Daniel is our architect. He should be calling in.

Mr. Weiss: Mr. Monaghan, let me turn it to you. I know we have a bunch of stuff to talk about. So, why don't you bring the Planning Board up to speed.

Mr. Monaghan: Thank you, Mr. Chairman. Good evening members of the Board. We appreciate the opportunity to present this application for preliminary and final site major site plan approval for the property at 700 International Drive, in the Trade Zone in Budd Lake. My name is Sean Monaghan. I'm a lawyer at Schenck, Price, Smith & King. We represent Fratelli Beretta USA, Inc., the applicant, and I'll just refer to them as Fratelli Beretta, going forward. Our application requested several waivers and I'll ask Mr. Chandler our engineer to help us present the justification for the waivers. The application also includes several variances and exceptions as noted by Mr. McGroarty and Mr. Vreeland, in their reports. Again, with Mr. Chandler's assistance we'll describe and present the case for those variances. I have three witnesses. Simone Bocchini of Fratelli Beretta, Peter Chandler of Suburban Consulting Engineers, and Scott Daniel of Ware Malcomb Architects. So, without further ado, if it's alright, I'll proceed to the waivers.

Mr. Weiss: Go right ahead. It's your application.

Mr. Monaghan: We have waivers, requested waivers for the environmental impact statement, current survey, refuse details and sign details. With regard to the environmental impact statement and survey, the basis for our request for waivers is this site was the subject of an application within a year ago. The circumstances, environmentally and the conditions on the property it remains undeveloped. So, they have not changed from those prior conditions. With regard to refuse details, we will present testimony tonight. Mr. Bocchini will describe how they are handled, and Mr. Chandler will describe the engineering for them. And likewise with the sign details. On the sign details we'll mention that the sign proposed is virtually identical to Fratelli Beretta's freestanding sign at their facility at 750 Clark Drive, over on the next block, in the Trade Zone. I will ask Mr. Chandler if he has anything to add to our justification on the waivers?

Mr. Buzak: Mr. Chandler, before you begin...

Peter Chandler was sworn in for the Record.

Mr. Buzak: Can you please state your name and business address for the record, spelling your last name?

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

Mr. Buzak: Mr. Monaghan, do you want to briefly...Mr. Chandler, have you appeared before this Board on the previous application? I don't recall.

Mr. Chandler: Yes, I have.

Mr. Buzak: Okay. Mr. Chairman, let me pass it back to you.

Mr. McGroarty: Wait, from the previous application? For this site?

Mr. Chandler: Not for this site, no.

Mr. Buzak: Oh, okay.

Mr. Weiss: Mr. Chandler was the engineer for the original Fratelli Beretta building that was constructed years ago. Is that what I'm hearing?

Mr. McGroarty: No, no. That was...inaudible.

Mr. Chandler: No, sir. I represented a different applicant, in the township, before the Board.

Mr. Monaghan: So, Mr. Buzak, maybe we'll just do the typical questions. Mr. Chandler, are you a licensed engineer in the State of New Jersey?

Mr. Chandler: Yes, I am.

Mr. Monaghan: Is your license in good standing?

Mr. Chandler: Yes, it is.

Mr. Monaghan: Have you appeared before the Mount Olive Planning Board, in the past.

Mr. Chandler: Yes, I have.

Mr. Monaghan: Approximately when?

Mr. Chandler: December, 2018.

Mr. Monaghan: You were accepted by this Board, as an expert, last December?

Mr. Chandler: Yes, I was.

Mr. Monaghan: Mr. Chairman, I submit that Mr. Chandler is qualified as an expert in...

Mr. Weiss: I would agree with that. If anybody from the Planning Board has any issues? Mike, do you have any concerns?

Mr. Vreeland: No, Mr. Chairman.

Mr. Weiss: Okay. Mr. Chandler, welcome. We'll accept you as the expert engineer for the application.

Mr. Chandler: Thank you.

Mr. Weiss: You're welcome.

Mr. Monaghan: Mr. Chairman, Mr. Chandler, I briefly described but you and had I discussed this are basis for requesting waivers from some of the requirements in connection with the application. I would just ask you if you had anything to add?

Mr. Chandler: No, I think Mr. Monaghan pretty much covered the bases of our request.

Mr. Weiss: Okay. Anybody have any questions about those?

Mr. Buzak: Mr. Chairman, I have a question. I think, actually, Mr. McGroarty raised it, or Mr. Vreeland raised it, about the relationship between the size of this proposed building and the size of the proposed building that had been approved by the Board. This is almost twice the size of that building and do you have an opinion as to whether or not the impact of this building, environmental impacts, that would be related to the environmental impact statement are different from those or more intense than those of the building that had already been approved by the Board? I believe you at that time submitted not you but the applicant submitted an environmental impact statement?

Mr. Chandler: No. I mean I can provide testimony. We're utilizing the previous environmental approvals that the previous applicant had been awarded and we kept our limit of disturbance largely intact from what the previous application had. We're bounded around the site as I'll indicate later in my detailed testimony by multiple utility easements and the wetlands and environmental factors. So, we kept within the buildable envelope. Even though we are expanding the building footprint, we didn't impact any of the environmental or easement areas.

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

Mr. Weiss: Okay. Mr. Monaghan, do you have anything else?

Mr. Monaghan: No, that's it. I'll just enumerate the variances that we're looking for. With regard to parking, we're looking for several number of spaces, space dimensions, isle width and parking in the front yard area. There is also a buffer requirement from International Drive which we're asking for a variance from. There is also a retaining wall proposed, which would be within one of the setbacks and also is higher than the ordinance provides. We will provide additional testimony with regard to each of those as Mr. Chandler goes through the site plan and ultimately justifies those variances.

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: I just wanted to clarify, with all due respect, I think in fact it's somewhat better for your application, but you have, as I read the plans you have two variances which concern the wall. The rest of what we would consider exceptions, which are in the design component of the ordinance. So, you'll still give us testimony to those, but I don't believe that they rise to the level of a variance. That is with parking and location of parking and so on.

Mr. Monaghan: Thank you Mr. McGroarty.

Mr. Buzak: Mr. Chairman, If I might. Mr. Monaghan was looking for a determination as to whether the Board was willing to waive these requirements so that he could move forward with this application because obviously if you don't grant some of these waivers, we would have to carry this matter...carry this application to another time. So, perhaps the Chair could call for a motion to grant the waivers for the four items that Mr. Monaghan had mentioned. The EIS, the current survey, the refuse disposal details, and the sign details, the latter two of which there will be testimony on during the course of the hearing.

Mr. Weiss: We'll do that. Thank you, Mr. Buzak. So, as Mr. Buzak just said, would someone please raise a motion...make a motion to accept the waivers for those four items?

Ms. Natafalusy: Howie?

Mr. Weiss: Catherine?

Ms. Natafalusy: Can we just get...inaudible...

Inaudible

Ms. Natafalusy: Can we just get...in Chuck's report he asked for clarification on whether they were going to have a trash compactor or that no trash dumpsters will be used onsite? Testimony should confirm or clarify. Is that something we're looking at now or are we going to do testimony on that?

Mr. Monaghan: You'll hear testimony on that Ms. Natafalusy.

Ms. Natafalusy: Thank you, Sean.

Mr. Weiss: So, now, any other questions? But hold off on the questions. I'd entertain a motion. John, you made such motion?

Mr. Mania: Yes, I did.

Mr. Weiss: Would someone please second that?

Mr. Schaechter: I'll second that.

Mr. Weiss: Thank you, Brian. Now, any other questions or concerns? I see none. Mary, roll call.

Roll Call:	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	Paul Ottavina	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes

Mr. Weiss: Okay. So, we got that out of the way. As we mentioned earlier there will be further testimony as to the refuse and the sign detail.

Mr. Monaghan: Yes. And segueing into that, I'd like to call Mr. Simone Bocchini of Fratelli Beretta as my first witness.

Mr. Weiss: Perfect. Welcome Simone, good to see you. Mr. Buzak will swear you in.

Simone Bocchini was sworn in for the Record.

Mr. Buzak: Thank you. Can you state your name and business address for the record, spelling your last name?

Mr. Bocchini: Simone Bocchini, B O C C H I N I, 750 Clark Drive, Mount Olive, New Jersey.

Mr. Buzak: Thank you, sir. Mr. Monaghan?

Mr. Bocchini: Thank you.

Mr. Monaghan: Mr. Bocchini, what is your position with Fratelli Beretta?

Mr. Bocchini: I'm the President and COO of the company.

Mr. Monaghan: Could you please describe what Fratelli Beretta would like to do at 700 International Drive? What kind of facility would you like to construct?

Mr. Bocchini: A production, manufacturing facility for dry salami.

Mr. Monaghan: Does Fratelli Beretta have another facility in the neighborhood there, in the Trade Zone?

Mr. Bocchini: Yes. ...Inaudible...750 Clark Drive since 2014-15.

Mr. Monaghan: Okay. Why does Fratelli Beretta want to construct this dried salami manufacturing facility?

Mr. Bocchini: The request for our item has been tremendously increasing in the last two years. So, we need additional dried...inaudible...space.

Mr. Monaghan: So, this would be an expansion of Fratelli Beretta business, in Mount Olive?

Mr. Bocchini: Correct.

Mr. Monaghan: You had mentioned the existing facility at 750 Clark Drive, In the time that you've been operating there, since 2014, has Fratelli Beretta received any complaints about its operations at that facility? Such as noise, excessive lights, excessive odors? Any complaints?

Mr. Bocchini: No.

Mr. Monaghan: If this application is granted, how many employees would Fratelli Beretta expect to have working at 700 International Drive?

Mr. Bocchini: Inaudible...a single shift, 30 – 40.

Mr. Monaghan: If this application is approved, do you have any idea how much traffic you would expect to be generated from 700 International Drive?

Mr. Bocchini: Just employees coming in at the beginning of the shift...at the end of the shift. In terms of traffic, probably 4 – 5 a day on average.

Mr. Monaghan: Okay. You had mentioned 30-40 employees so you would expect 30-40 passenger automobiles?

Mr. Bocchini: We actually expect less because a lot of our employees commute together. So, they come in 2-3 people in a car. And we actually encourage that.

Mr. Monaghan: Okay, very good. How many visitors to the facility would you expect a day? Not employees.

Mr. Bocchini: That facility honestly is not going to have that many visitors because our headquarters and main office is at 750 Clark Drive. So, it's just going to be for inspection only...inaudible...but not for any visitors, at that facility.

Mr. Monaghan: Is Fratelli Beretta proposing a free-standing sign in front of the 700 International Drive facility?

Mr. Bocchini: Yes. Basically, similar to the 750 Clark Drive sign that we currently have.

Mr. Monaghan: Could you describe that sign, briefly? We didn't provide any details with regard to the plan. So, give the Board an idea of what to expect if 700 International Drive is approved.

Mr. Bocchini: Yes. A single...inaudible...with address, name and number and logo of the company.

Mr. Monaghan: Does Fratelli Beretta propose to have a generator to serve the facility at 700 International Drive?

Mr. Bocchini: Yes, we do.

Mr. Monaghan: And what would it be used for?

Mr. Bocchini: Mainly to support our IT room, our technology in the plant, 70 lights and emergency exits.

Mr. Monaghan: Okay. So, that's an occasional generator in case of a power failure?

Mr. Bocchini: Correct.

Mr. Monaghan: Okay. If this application is approved would Fratelli Beretta USA perform the required maintenance on the septic...on the onsite sanitary sewer system proposed for 700 International Drive, including maintenance of the grease trap?

Mr. Bocchini: Yes, we do.

Mr. Monaghan: What would be the hours of operation at 700 International Drive?

Mr. Bocchini: 6:30 to 4:00 pm.

Mr. Monaghan: Do you propose to illuminate the parking lot at 700 International Drive?

Mr. Bocchini: Yes, we do.

Mr. Monaghan: What would the hours of the lights being on in the parking lot be?

Mr. Bocchini: During 5:00 am to 8:00 am in the morning. And I'd say 5:00 pm to 10:00 pm at night.

Mr. Monaghan: Okay. Do you propose to illuminate the exterior of 700 International Drive? In other words would you have lights on the building itself?

Mr. Bocchini: Yes, we do.

Mr. Monaghan: Okay. What would they be?

Mr. Bocchini: Same hours as the parking lot lights.

Mr. Monaghan: Okay. What would those lights illuminate?

Mr. Bocchini: Mainly the emergency exits and the pathways to go to the parking lot.

Mr. Monaghan: Okay. So, it would not be generally lighting the entire building so...

Mr. Bocchini: No.

Mr. Monaghan: ...so, the entrance would be seen at night?

Mr. Bocchini: No. It would just be for the emergency exits to be on, of course.

Mr. Monaghan: Okay. That's a safety issue?

Mr. Bocchini: Correct.

Mr. Monaghan: I may talk to the...but those lights over the emergency exits would be on all the time?

Mr. Bocchini: All the time, correct.

Mr. Monaghan: Do you propose to have a light on the sign that you described?

Mr. Bocchini: Yes.

Mr. Monaghan: What hours would it be illuminated?

Mr. Bocchini: 5-8 am. 5:00 am to 8:00 am and 5:00 pm-10:00 pm.

Mr. Monaghan: Okay. Would you provide the Board some testimony with regard to Fratelli Beretta's handling of refuse and recyclables at the proposed facility? Please describe what equipment would be involved and how the materials would be handled.

Mr. Bocchini: Yes. We have 30...inaudible...like we do at 750 Clark Drive. We are going to be in the area to the back of the building, with compactors. We don't to use any open trash, so everything is enclosed.

We do the recycling of the paper and materials that are recyclable. Only animal fat could...inaudible...remove every 2 days by a company contracted by us.

Mr. Monaghan: Is that similar to the way that you handle waste materials at 750 Clark Drive?

Mr. Bocchini: Yes, exactly the same way.

Mr. Monaghan: Have you had any problems with animals or vermin or any health issues with regard to your handling of waste at 750 Clark Drive?

Mr. Bocchini: No. Absolutely not.

Mr. Monaghan: Will the compactors be visible from International Drive?

Mr. Bocchini: No, they will not. They are in the back of the building.

Mr. Monaghan: Those are all the questions I have for Mr. Bocchini.

Mr. Weiss: Mr. Monaghan, I just have one quick question. You were talking about the hours of operation. You mentioned 6:30-4:00. Just Monday through Friday or do you have weekend hours too?

Mr. Bocchini: Right now, we are expecting only Monday through Friday in the beginning for sure.

Mr. Weiss: Perfect. Otherwise very clean testimony. Thank you for that.

Mr. Bocchini: Thank you so much.

Mr. Weiss: Anybody else have any questions for Simone while he is here?

Mr. Forlenza: Yes, Mr. Chairman, one quick question. Mr. Bocchini, the information I have in front of me the operations of the building is drying salami? Is that all that you are going to be doing in there or can you explain more about the operation?

Mr. Bocchini: Yes, absolutely. At 750 Clark Drive we have two different kinds of operations. We have drying of salami and drying of fruit. At 700 due to the size, we will only be dedicated to drying of salami. For now, we are going to be...inaudible...packaging of salami at the facility. Almost 2/3 of the space is going to be storage of salami at different stages of drying the salami.

Mr. Forlenza: Thank you, Mr. Bocchini.

Mr. Weiss: Okay. Anybody else from the Planning Board? Let me...Seeing none...Go ahead John.

Mr. Batsch: Mr. Bocchini, I believe you had mentioned there is 3-4 trucks per day?

Mr. Bocchini: Yes, on average.

Mr. Batsch: What size trucks are they?

Mr. Bocchini: It depends. Most of the trucking would be on Monday and Tuesday when we receive most of material and on Thursday and Friday when we ship back to 750 Clark Drive, the finished product, on a weekly basis, that we have in rotation, 53 trailers. 53 food trailers.

Mr. Batsch: Thank you.

Mr. Buzak: Mr. Chairman, can I follow up on that for a minute?

Mr. Weiss: Please do, Mr. Buzak.

Mr. Buzak: So, Mr. Bocchini, the drying of the salami will take place at this new facility and then it will be trucked over to the 750 facility for packaging and then delivery?

Mr. Bocchini: Yes. Only if the shipment will find a customer will it leave 750. So, it's going to be consolidated up here and then shipped out to customers.

Mr. Buzak: Do you have your own vehicles to transport the dried salami from the proposed new facility to the facility at 750?

Mr. Bocchini: That's part of our project, to acquire...inaudible...job trailers, and nothing big, and make pallets to move back and forth between the 750 Clark Drive and 700 International.

Mr. Buzak: Okay. And that's different from the vehicles that will be coming in bringing the...for lack of a better word...raw product to the facility. Is that correct?

Mr. Bocchini: Correct.

Mr. Buzak: Thank you.

Mr. Weiss: Okay, so let me open it to the public. I don't see anybody from the public with a question. Therefore, let me close it to the public. I'll turn it back over to you Sean. Thank you, Simone.

Mr. Monaghan: Thank you, Simone. My next witness is Peter Chandler who is previously qualified and sworn.

Mr. Weiss: Sure.

Mr. Monaghan: Mr. Chandler, I want to go through the comments...I am sorry, please if you would give a brief overview of the site plan and I know that we...you provided me with an exhibit. If you'd like me to pull that up, I'll put it up on the screen or I'll wait until you tell me to...how you'd like to see it.

Mr. Chandler: Sure, you can show it to the folks, no problem.

Inaudible

Mr. Buzak: Mr. Monaghan, lets mark this A-1. And Mr. Chandler if you could, Mr. Monaghan if you could move that up just slightly, to see the legend on the bottom. Perfect. We'll mark this A-1. This is the proposed warehouse manufacturing building. I don't see a date, but I maybe covering it with the members.

Mr. Monaghan: I can't blow it up myself here. Mr. Chandler, is there a date on this?

Mr. Chandler: I'm looking on my version right now. Usually, we don't date renderings.

Mr. Buzak: Okay that's...

Mr. Chandler: This is a rendering of site plan with the landscaping, the firm usually doesn't date those.

Mr. Buzak: That's fine, Mr. Chandler. Why don't you proceed. I couldn't see the whole thing. Now I can.

Mr. Chandler: Thank you very much. Just want to start off again by introducing myself. My name is Peter Chandler. I'm here representing the applicant, Fratelli Beretta USA on this application and I'm employed by Suburban Consulting Engineers. Thank you to the Board for having us tonight. General development summary of the proposal; the property is known as Block 104, Lot 4 on the tax map of the Township of Mount Olive. It's located at 700 International Drive and located in the FTZ-3 Zone. Property is bounded by Route 80 to the north and other commercial properties to the east, west, and south. Property is undeveloped and contains wetlands and Wills Brook. Property was previously approved for commercial warehouse and office building on May 16, 2019. The current proposal is to construct 121,672 square foot warehouse and manufacturing facility for Fratelli Beretta USA. The site will be accessed from a single driveway located directly across from the axis driveway of 600 International Drive. The proposed facility will be serviced by public water and sewer. The proposed facility will develop the property largely within the limited disturbance established by the previously approved application. No further impacts will be made to the environmentally regulated areas of the site, nor to the several easements that traverse the site.

Mr. Monaghan: Mr. Chandler, briefly describe those environmental constraints.

Mr. Chandler: Sure. If I may, throughout my testimony, all our plans have the same orientation on all the plan sheets, I'd like to refer to...is the north direction being up on the display. If that's okay with the Board members?

Mr. Weiss: Sure.

Mr. Chandler: True north is technically up and to the left on the display, but it just makes conversation a whole lot easier for everybody if we associate north with up on the sheets. Okay, that being said, Wills Brook can be seen...what we are looking at here is a rendered site plan with the landscaping and that's overlaying an aerial photograph of the site. Wills Brook can be seen traversing the extreme right side of the image, or the eastern side of the image and it flows from International Drive to and under Route 80 from a southeast to a northwest direction. Associated with the Wills Creek corridor are freshwater wetlands. Those have buffers associated with them. They've been hatched out in a lightly colored grey area overlying the trees shown on the aerial map. As you can see, our proposed development does not extend within those regulated areas other than the discharge pipe for the stormwater system. The previous application on this site had secured DEP permitting to permit that pipeline. We did not alter that as part of this application. It is exactly the same as the previous application.

Mr. Monaghan: Very good. I'm going to start with Mr. Vreeland's memo, if we may.

Mr. Weiss: Peter, feel free to take...or I guess it was Sean, you can take the exhibit down.

Mr. Monaghan: I'm going to go by the session numbers in Mr. Vreeland's memo. I think 2.1.1 was with regard to the survey and environmental impact report. We previously testified that and the Board kindly approved a waiver with regard to that. 2.1.2 was also with regard to waiver we requested on sign details and 2.1.3. Mr. Bocchini spoke to the waste disposal methods. With regard to our exceptions and variances 2.2.1, what was the basis for proposing 74 spaces as opposed to 98 spaces?

Mr. Chandler: Sure. Well, if you could please bring the image back up? I think a picture is worth a thousand words.

Mr. Weiss: So, this is still A-1 of course.

Mr. Buzak: Yes.

Mr. Chandler: Yes. As you can see, the areas basically to the east of the development are all the environmentally constrained areas. The areas to the north of the development there is a sewer easement that runs along the perimeter of the developed areas which is highlighted and rendered. There is also a landscaping easement associated with Route 80 up there. So, the site is really constrained on 3 sides by easements and regulated areas. Why we are proposing 74 spaces instead of the required 98 per the ordinance requirement is that we've fit in parking everywhere we could on the site. The size of the facility was dictated by the client in order to meet their manufacturing needs. We've squeezed in parking everywhere that we could. The one green space where there isn't parking along International Drive should be pointed out that there is an existing underground Verizon utility vault there. So that's why there is no parking on that one green strip.

Mr. Monaghan: Okay. So, basically you maximized parking given the constraints you faced with the site, correct?

Mr. Chandler: Correct.

Mr. Monaghan: Okay. 2.2.2, 2.2.3, 2.2... basically go to the same issues of parking. We proposed slightly smaller spaces and slightly smaller isle width than the ordinance required. What were the reasons for those?

Mr. Chandler: The isle width is 25 feet per the ordinance requirement everywhere except for where we're crossing where the telephone easement is. The Verizon telephone easement. There we were forced to go to a 21-foot width just to avoid impacts to that facility. As far as the size of the parking spaces is concerned, we're proposing 9 x 18 foot parking spaces. Our basis for that is to limit the size of the parking spaces to limit the size of the impervious impacts on the site. Also, we feel that the 9 x 18 size space is an adequate size space as is dictated by the RSIS requirements in the State.

Mr. Monaghan: So, RSIS is designed for passenger vehicles and that's the sort of vehicle you're expecting to use these parking spaces.

Mr. Chandler: That's correct. They're designed for employees commuting to and from the workplace and hence would be sufficient. There are no delivery vehicles expected to park in those areas.

Mr. Monaghan: Okay. Moving on to 2.2.4, that is an exception, Mr. McGroarty educated me with regard to the height of the retaining wall.

Mr. McGroarty: No, actually...

Mr. Buzak: That's the variance.

Mr. Monaghan: That's right, I apologize. I got it backwards. Okay so the variance is for retaining wall 12.5 feet where 6-foot height is called for in the ordinance. Could you describe that wall and why it needs to be 12 foot 5 feet?

Mr. Chandler: Sure. So, the wall that we're referring to is essentially a large continuous wall that runs from International... Near the International Drive side across from Waterloo-Stanhope Road and runs along the perimeter of the developed site to the north side where it runs parallel to Route 80. Then where it runs, basically parallel to the US 206 connector road that's shown in the upper right corner along the border of the

regulated areas...I'm sorry environmentally regulated areas. That wall, again, is largely in exactly the same location that the previous application that was approved by the Board is located...it's there to limit the impact to the wetlands. Again, keep the facility intact and away from regulated areas. It's not only the environmental areas, but it also runs directly adjacent to the sewer and NJDOT landscape easements along Route 80.

Mr. Monaghan: So, it's fair to say that the height of that wall is dictated by the topography on the site?

Mr. Chandler: That's correct. In order to provide...flatten out the site to provide a safe way to build on and provide truck access, main...inaudible...access across the site the grades mandate...the existing topography mandated that the wall be the height that's proposed.

Mr. Monaghan: Okay. Moving on to item 2.2.5, we're proposing relatively a small buffer adjacent to International Drive, 2.9 feet where the ordinance calls for 25 feet. What's the basis for requesting that exception?

Mr. Chandler: Well again, that's to be provided in order to allow the parking spaces to be located there. There is a green strip located within the right of way as we show on the rendering...so we are not...it should be clearly pointed out to the Board members, we're not building within two feet of the road, we're building within two feet of the right of way. We are providing significant landscaping within that strip, in order to provide a buffering mechanism and try to keep with the spirit of what the ordinance dictates.

Mr. Monaghan: Could you describe that landscaping, a little bit?

Mr. Chandler: Sure. If you want to zoom in there, you can actually see it a little better. So, what the plan shows is a continuous row of evergreen hedges along the two parking areas that park head on towards International Drive. Again, the intent there was to provide a buffering mechanism that would be in place to shield the car traffic utilizing those parking areas. Those are evergreen shrubs. They are planted in a very condensed fashion. They flourish in that fashion so they will effectively create a hedge a solid hedge...living hedge.

Mr. Monaghan: That's great. And our last item in this section is 2.2.7, which is the parking in the front yard setback. Can you explain the justification for that? I'm going to zoom back out a little bit.

Mr. Chandler: Sure. Well, again in order to function with the client's requirements the building has to be the size that is shown on the proposal. We tried to locate as many spaces as we possibly could on the site to serve it. Due to the constraints and the limited developable space on the property that limited our options and we are showing the spaces within the front yard setback.

Mr. Monaghan: All right. I would propose to move on to the next section of Mr. Vreeland's memorandum, which is section 3.0.

Mr. Weiss: Let me interrupt real quick. This needs to be marked as another exhibit, correct?

Mr. Monaghan: No. This is the same one.

Mr. Monaghan: So, Mr. Chandler, I think you spoke to item 3.1 of Mr. Vreeland's memo...I'm sorry. Have you had discussions with Mr. Vreeland about the stormwater management plan for the site, which he suggested in section 3.1 of his memo?

Mr. Chandler: Yes, I have.

Mr. Monaghan: With regard to section 3.2, he has...I'm going to run through all of these; 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7. Mr. Vreeland made some specific recommendations for modifications to the plan. Will you be able to make all of those changes?

Mr. Chandler: Yes, we will.

Mr. Monaghan: Item 3.8 was a recommendation for pre-treatment and there is a pre-treatment system as part of the stormwater management system, correct?

Mr. Chandler: There is. We're proposing a manufacturing treatment device to provide the necessary water quality treatment that the State stormwater requirements dictate. After speaking with Mr. Vreeland, I've also agreed that we are going to implement some additional changes to enhance that even further.

Mr. Monaghan: Very good. With regard to item 3.9, will Suburban Consulting Engineers be providing construction oversight services to Fratelli Beretta, with regard to construction if this project is approved?

Mr. Chandler: Yes, that is correct.

Mr. Monaghan: That will enable you to implement recommendation of 3.9, in Mr. Vreeland's memo?

Mr. Chandler: Yes, we will.

Mr. Monaghan: 3.10 is a right of access to the municipality and the applicant would be amenable to that? 3.11 is providing a maintenance manual. Mr. Chandler, will you or will Suburban Consulting Engineers be providing that manual?

Mr. Chandler: Yes, we will. Once the project is approved, we will develop and submit that manual for review and approval by the Township.

Mr. Monaghan: All right. Would you also be able to comply with 3.12, which is records and logs? It's up to the applicant to do that. It's an O & M, operations and maintenance aspect, correct?

Mr. Chandler: Yes. It's a component of the O & M manual. That's no problem.

Mr. Monaghan: Okay. The applicant is amenable to recording the manual. That's item 3.13 and 3.14, will you be able to recommend...provide the required information?

Mr. Chandler: Yes. Yes, we will.

Mr. Monaghan: Moving on to section 4. The Board heard Mr. Bocchini's testimony. I think that addresses that. Mr. Bocchini provided the testimony required in 4.2. You'll be able to provide signed and sealed detailed calculations for the retaining wall, required in item 4.3, Mr. Chandler?

Mr. Chandler: Yes, correct. We are going to provide those to the construction department to be reviewed and approved.

Mr. Monaghan: Mr. Vreeland recommends vehicular barriers to be installed in proximity to the access driveway in 4.4. Is that something you can do?

Mr. Chandler: Yes. They are going to be provided along all the walls.

Mr. Monaghan: Okay, great. Item 4.6. I think there was a typo, you mentioned to me, about one of the items on the parking space analysis. Would correcting that figure be increasing or decreasing the amount of parking?

Mr. Chandler: It's going to remain unchanged. Just to provide some clarity to the Board, there was a slight typo where two different numbers representing the same square footage, were presented on the parking calculation side. After discussing with Mr. Vreeland, I investigated and the number used for the calculation of the total number of parking spaces, as shown on the plan, is correct. The other item will be corrected for the revised plans to be resubmitted to the Township.

Mr. Monaghan: Okay. Item 4.7, the applicant will coordinate the fire lanes with the fire official and include them on the plan?

Mr. Chandler: Yes.

Mr. Monaghan: And that's feasible, correct?

Mr. Chandler: Yes.

Mr. Monaghan: Okay. Mr. Vreeland referred to Mr. Lublanecki, at the traffic, and we will get to that shortly. Moving on to section 5. Mr. Bocchini provided testimony with regard to the generator. Mr. Daniel will speak to the HVAC and other mechanical units in the architectural testimony. 5.2 is requesting, an addition to the utility plan. Will you be able to do that Mr. Chandler?

Mr. Chandler: Yes.

Mr. Monaghan: 5.3, providing the grease trap...inaudible?

Mr. Chandler: Yes.

Mr. Monaghan: Will you coordinate with the sewer department with regard to the sewer manholes and other sanitary sewer connection?

Mr. Chandler: Yes. I've spoken to the gentlemen over there in the water and sewer department. We are currently proposing external drop manholes for the system and he said that those are acceptable.

Mr. Monaghan: All right. With regard to 5.4 the installation of the sewer main within the sleeve, is that feasible?

Mr. Chandler: Yes.

Mr. Monaghan: And is that something that will be done?

Mr. Chandler: Yes.

Mr. Monaghan: 5.6, is adding elevations to the profile. You can do that right?

Mr. Chandler: Yes.

Mr. Monaghan: 5.7 is requesting some additional elevations with regard to the grease trap. Will you be able to add them to the plans?

Mr. Chandler: Yes.

Mr. Monaghan: 5.8 with regard to an inspection of the proposed connection, did you have a comment or recommendation to the applicant for that?

Mr. Chandler: Yes. Again, after speaking with Mr. Vreeland, we'll just ask the sewer department if that's something they would like to have done and if they so indicate, we will.

Mr. Monaghan: 5.9, the applicant certainly amenable to the township having access to the property to ensure the facilities are properly functioning?

Mr. Chandler: Yes.

Mr. Monaghan: Moving onto landscaping, item 6.1, I believe there was a meeting with the municipality yesterday with regard to the removal of trees. Were you present?

Mr. Chandler: Yes, I was.

Mr. Monaghan: Okay. Did you discuss those calculations for tree replacement and have some understanding as to what the requirements will be?

Mr. Chandler: Yes. I think just for the Board members, I'll expand on that a little bit. The comment was suggesting that tree replacement calculation should be provided. This item has been discussed previously with the Board and the township. They came to an agreement with the previous applicant to provide a fee in lieu of replacement because there is no room to replace trees in mass as the ordinance dictates. The previous applicant had provided a portion of that fee. Fratelli Beretta has agreed to assume the balance of that fee and will be providing that.

Mr. Monaghan: Very good. Could you describe the landscaping on the site at 6.2? I know Mr. Vreeland referred to the planner but I think this is probably a pretty good time to talk about the landscape.

Mr. Chandler: What we've proposed here is a various planting of trees. A mixture of deciduous and evergreen trees, flowering trees to give the site some variety. All native, pest tolerant species are proposed according to the location. We've located along the perimeter of the development area, starting over by Waterloo-Stanhope Road on the western side of the site, and gone around the perimeter creating a green strip, not only with the trees and shrubs but also with grass plantings. Continue that and it basically in a continuous landscape fashion along the frontage of International Drive until we get to the access driveway. Then picked it back up on the eastern side of the access driveway and around the eastern side of the site and down along the discharge stormwater pipe as was previously approved by the previous applicant. There are also some plantings on the interior of the site where there were green space islands available on the southwestern corner across from the intersection of Waterloo-Stanhope Road and on the northeastern corner of the building where setback in the building design permitted.

Mr. Monaghan: And because of the design constraints a large part of the site will remain heavily wooded, correct?

Mr. Chandler: Yes, that's correct.

Mr. Monaghan: Lighting, we'll ask Mr. Daniels about. I would just mention that Mr. Bocchini testified with regard to the hours of lighting operation. The extent of the lighting and that the building in general will not be illuminated. Will a detail for the light poles be provided?

Mr. Chandler: Yes. It's located on the plan. What we do at our firm is we indicate the mounting heights on all the light fixtures on the lighting plan itself, with a designation per light type. I, in my discussions with Mr. Vreeland, pointed that out and I think we've satisfied that requirement.

Mr. Monaghan: Okay. 7.4, Mr. Vreeland asked for testimony clarifying the objective of the proposed lighting scheme. Let me just first ask, the lighting is intended with respect to the portion of the site that's to be developed. We're not proposing any lighting in the part of the sect that's going to remain wooded, correct?

Mr. Chandler: We are not, no.

Mr. Monaghan: Okay. Very good. Could you describe how the lighting scheme at the property, is intended to function?

Mr. Chandler: Sure. So, what we did was, we worked in conjunction with the architect on the project. We've come up with a lighting scheme that combines building mounted lighting and also...what that allowed us to do was minimize the amount of pole mounted lighting around the perimeter of the parking lots and the truck areas. There are five proposed pole lights and the remaining fixtures are going to be building mounted.

Mr. Monaghan: Right. The last section of Mr. Vreeland's memo was regard to permits. He notes that the Soil Conservation District certification has been issued. With regard to 8.2, the stormwater activity the stormwater permit...will you be obtaining one of those before starting construction?

Mr. Chandler: Yes. We are transferring over the active permit that the previous applicant had secured. So, we're in the process of transferring that over currently.

Mr. Monaghan: All right. In 8.3, if the application is approved will you be applying to the water and sewer department for service and coordinating the construction of those utilities with them?

Mr. Chandler: Yes.

Mr. Monaghan: Okay. Item 8.4. It's not really engineering. Mount Olive Health Department...I'll stipulate the applicant will comply with Mount Olive Health regulations. In addition, I noticed Mr. McGroarty in his memorandum noted that the State of New Jersey also asserts jurisdiction over this food preparation facility. Section 8.5, Mr. Chandler, do you get...coordinate water service with New Jersey American Water?

Mr. Chandler: Yes. That's already underway.

Mr. Monaghan: Okay. How about Musconetcong Sewage Authority?

Mr. Chandler: It's already underway, as well.

Mr. Monaghan: Okay, great. That's it for Mr. Vreeland's memo. With regard to Mr. McGroarty's memo...

Mr. Weiss: Before we do that, Peter, let me break for a little bit and see if Mike Vreeland has any comments. I know that your comments were excellent. I love to hear the fact that you are agreeing with the reports. I just want to make sure there is nothing open in Mr. Vreeland's report that he might want to comment to us on, as we are talking about it. Mike?

Mr. Vreeland: Just for the Board's information, I did have a conversation with the applicant's engineer, and we went through all the items in the report. He did explain to me how he was going to address them, and I think the testimony tonight was consistent with the conversation I had with the applicant's engineer.

The one thing that I would suggest if this was to move forward would be the Board to consider a condition that we can revisit the lighting once it's up. The lighting always seems to look good on a piece of paper, but we may want to make some adjustments in the field after construction. I think Mr. Chandler did a good job addressing my comments from my report and also other issues that we discussed during the telephone conversation.

Mr. Weiss: Well, I agree with you, Mike. And I think that was excellent testimony. I just want to make sure you had nothing open.

Inaudible

Mr. Weiss: Right before we jump on to Chuck's report, let's take a ten minute break. We've been sitting here for over two hours. It's 9:05. Let's come back at 9:15. We will go into a quick break and we'll be back in ten minutes.

Break 9:05 pm
Reconvene 9:18 pm

Mr. Weiss: Okay. So let us continue. I think...Sean you were going to bring up...we were going to start to look at Chuck's report.

Mr. Monaghan: That's correct. Yes. Going right to the review comments which is section 6...

Mr. McGroarty: Wait.

Inaudible

Mr. Monaghan: Mr. Chairman?

Mr. Weiss: Yes.

Mr. Ottavina: Before we go any further, I just had a question. Had to do with traffic patterns. I don't know exactly who the right person is to ask. I don't know if it's the appropriate time or not.

Mr. Weiss: I think, Paul...inaudible...with Walt's report and Walt is on and I think I did hear Sean say that they were going to address it, so let's hang tight and if not, we'll make sure we bring it up.

Mr. Monaghan: Okay. And that'll be our last topic unless the Board wants to hear about other things, of course. So, it'll be timely. When the Board questions come up, we'll just discuss the traffic report.

Mr. Weiss: Mr. Daniel? Sir, are you there?

Inaudible

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Yes, Chuck?

Mr. McGroarty: I might be able to extradite some of the comments if Mr. Monaghan doesn't mind I'll focus in on just a few things.

Mr. Monaghan: Oh, thank you very much.

Mr. McGroarty: If that's all right with...

Mr. Monaghan: Yes. Sure.

Mr. McGroarty: Mr. Chairman? Okay. I just wanted to...for the record...be clear about something that Mr. Chandler had testified to with the parking...reduced parking sizes. The reference to RSIS is...my understanding that's a reference test. A means of comparing what's proposed here with what would be permitted under RSIS, but so it's clear RSIS does not apply to this site because this is obviously not residential.

Mr. Monaghan: We acknowledge that.

Mr. McGroarty: No disagreement? Okay. I didn't have that many comments and many of them have already been taken care of. Mr. Monaghan had his witnesses address a number of them. So, let me just ask a couple things if I might? Again, Mr. Chairman, is correct with the prior owner, Saddleback Realty removed trees and did pay a portion of the tree replacement fund. Requirement so to date \$17,000 has been paid. There is a balance of \$33,000 which will be assumed by this applicant. But I did want to ask, are there any additional trees that are being removed beyond the tree removal plan that was approved for the prior applicant.

Mr. Chandler: So, we've identified one area of the plan where we deviated from the previous applicant's limit of disturbance. If you want to bring up the exhibit, I can show you otherwise I can just speak about it. Whatever the Board would prefer.

Mr. Weiss: You can just speak about it.

Mr. Chandler: Okay. There was one area on the plan where again we expanded the development area. It was the area where we encroached a little bit closer to Route 80. We weren't going towards the environmental areas. We were just proposing to develop a section that was not limited by either the environmental areas or the easements that the previous applicant did not propose to develop. That area will most likely contain some trees. I don't have a definite number yet because the area hasn't been marked out for the field yet. What we are proposing to do is share that information with ever how many trees are in that area with the township and we can address the additional trees as needed.

Mr. McGroarty: Okay, but how? Would the commitment then be to...it may be insignificant. I mean this is a pretty big tree replacement contribution. I don't know if you are talking about a dozen or 20. I don't know the sizes. How would you propose to do that if this were approved tonight? How does that get handled after the fact?

Mr. Chandler: I would...obviously the final determination would be the applicant's. My suggestion would be to assess a per tree amount and if the town and the applicant both agree to that, it would be fairly straight forward to compute that.

Mr. McGroarty: Well, the town generally uses a contribution number of \$200 per tree. Which is set forth in the Ordinance 550-75. I guess, again, what was done with the prior application was sampling areas. Then the Board agreed to cap the contribution at \$50,000. That may be the Board's desire to just leave it at that. I just don't know.

Mr. Chandler: In fact, that's what we'd ask the Board to do. Our proposal is, we will pick up the balance of the obligation that was agreed to in connection to the prior application.

Mr. McGroarty: Right, that you would have to do but again, it's up to the Board but if you are talking about a substantial number of additional trees to be removed then maybe there should be a situation where there is a modified tree removal plan done.

Mr. Chandler: If you could bring up the exhibit, Sean? I think maybe if I show the Board the area and basically it's not that big of an area that we're expanding beyond the previous limit. So, it's essentially the area in the center of the drawing closest to Route 80 where the majority of the rear yard behind the building would be limited by the wall. Then you get essentially to where that northern most section of the building is and there is a bump out in the pavement area towards Route 80. Then it returns back towards the building. It's that section in there which would essentially be the length of a parking space and it's limited by...you can see the setback line extend across...that's the dashed line there. The previous applicant's proposal just went straight across there. And this is the area above that. That rectangular area is the additional area that we are speaking about. It's a small area compared to the overall limit of disturbance. So, I think any potential impacts to the number of trees would be relatively minimal.

Mr. Monaghan: I would just propose to the Board that we're not...inaudible...the site of trees. There are, I don't know how many hundreds of trees that will remain after the project is put forth. I would assert that \$50,000 dollars is a very significant contribution before advancing this application and constructing what would be a great...inaudible...for the town and bring many jobs to Mount Olive.

Mr. McGroarty: Mr. Chairman, I would agree that now that Mr. Chandler has pointed that out. That's a fairly small area so I don't believe it's going to be a significant impact.

Mr. Weiss: Okay.

Mr. McGroarty: I just have one or two other things in the report but before I do that, I did tell the applicant that I was going to raise this this evening. They do ask, as you heard before, ask for relief from the buffer requirements of the ordinance, then they are asking for an exception to put the parking in the front yard setback which is not permitted in this zone. Then asking for relief from the buffer requirements which is 25 feet in depth. So, clearly, they can't make it. What I brought to their attention today and I did put this in my report...is on the opposite side of International Drive and also on this side of the road down by Route 46 by 100 International it's lined with street trees. Now the opposite side is essentially where all the buildings are. On this side of International, except off 100, there is virtually no development. So, the street trees that are in place now along International really gives that area a very nice character in my opinion. Most of the buildings in fact I don't think any of the buildings meet the full buffer requirement. But they do have that street tree effect. Now I realize that their space is limited here. I did see there is some green area before the actual paved surface of the road. I don't know if they can accommodate that, but I think street trees out here would help.

Mr. Chandler: Well again, I think you may want to bring the exhibit up, Sean, and I'll expand on it. Inaudible...after getting Mr. McGroarty's comment, I re-examined the plan and what I have come up with is a couple things. So, street trees are not typically proposed in the right of way. They are typically proposed on the private property side of the right of way line. The dark black line here running parallel with International Drive represents the right of way line. Obviously. What we've shown is the landscaping we're proposing on the applicant's...inaudible. Of note also is the green strip that is shown between the road and the right of way line is a viaduct for virtually every utility that services this entire industrial park. They are all packed in there. Communications, Verizon, the gas lines are in there. There's all sorts of utilities in there. So, it would make it very difficult to plant any trees on that section of the right of way. That being said, we have provided a very comprehensive landscape proposal here where we've basically condensed what would translate into a number of trees to meet the street tree requirement for the amount of frontage we are developing. We're putting in an equivalent number of trees condensing them into the areas where we can fit them which would be the ten trees shown basically on the western side of the site from the Waterloo-Stanhope Road intersection around the corner there to where the first section of parking is and then on the eastern side of the access drive to the edge

of the development would co-inside with the environmentally regulated areas. There is another half a dozen trees pushed over there. I'm sorry, placed over there. So, that equates to 16 proposed trees. That frontage is roughly 855 feet long. If you divide 855 by the spacing requirement dictated by the ordinance, you come up with about 15 trees required. So, we're putting 16 trees in to act as street trees. Granted they're not at the standard spacing along the entire frontage, but we've put them everywhere we possibly can. The only two additional green areas that would be possible, would be those two areas just to the west of the access drive. The first one is where the identification sign is located and the second one as I've previously...inaudible...to is where there is an underground...inaudible...that occupies the majority of that island. We've proposed shrubbery on both those islands, but we don't believe there is enough room for any trees there.

Mr. Buzak: Mr. Chandler, if I might, you also proposed a hedgerow along those parking spaces, is that correct? Parallel to International Drive?

Mr. Chandler: Yes sir, that's correct. It's an evergreen species intended to provide a continuous translucent hedge to provide some measure of buffering there for any cars that do park in there.

Mr. Monaghan: So, in essence I would suggest to the Board that we've complied with the intent of the ordinance to provide an adequate number of shade trees. We've put in the trees basically everywhere we can fit them.

Mr. McGroarty: Well, there's no reason to argue. I think that the effort was made to put in as many trees as possible. So, that's for sure but it doesn't meet the pattern of street trees. But if they can't fit them in, then they can't fit them in. The other comments that I have I know there is an architect here to testify but I think Mr. Vreeland's comments mentioned as well. If there are any rooftop HVAC units on the roof they should be enclosed or there should be a parapet to visually screen them and to reduce any sound emanating from them. Lastly, and this was already raised, Fire Marshal did offer some comments. I present them verbatim, in my report. He wants additional fire lanes around the back. He wants two fire hydrants to be near the rear of the building and they should be shown on the site plan. Then there is a specific type of hydrant connectors that he wants. It was already mentioned, the Health Department says that this requires approval by the State Health Department, and I certainly, and Fratelli Beretta knows far better than me whatever they need to do in terms of the food licensing and...inaudible. Those are my comments.

Mr. Monaghan: Mr. Chandler, any problem complying with the Fire Marshall's recommendations?

Mr. Chandler: No. They are all going to be complied with.

Mr. Monaghan: All right.

Mr. Weiss: What about the roof mounted HVAC?

Mr. Monaghan: I was going to let Mr. Daniel talk about that. Now last but not least, Mr. Lublanecki's traffic report.

Mr. Weiss: Hold on, I'm going to slow you down a little bit Sean. Chuck, I know that I'm listening intently when it comes to the street trees and I do agree with Peter about the fact that I don't know where else they would put them. So, I appreciate the effort that they are making to get the same number out there. Not a perfect world. But do you think there could have been a better effort? Are you satisfied with that based on the reality that we are living with?

Mr. McGroarty: I think on the one hand, Mr. Chairman, it's a very large building and there is they pushed it right up to the edge. So, as a result they need all these exceptions and waivers. The street trees really would have been ideal to continue the pattern. On the other hand, I understand there are constraints. I

understand Fratelli Beretta, there existing building up at Clark Drive is probably one of the nicest buildings in the complex and I can see at least in my judgement, they keep a very clean and well-presented property. So, I don't question their intent here. They are putting as many trees in as they can but I don't think the testimony is fair to say that it's complying with the spirit of the ordinance.

Mr. Weiss: Okay.

Mr. McGroarty: They are not street trees.

Mr. Weiss: Anybody from the Planning Board have any comments about the communication we just had with Chuck's report?

Mr. Nelsen: Mr. Chair? I have a question for Mr. Chandler.

Mr. Weiss: Sure. Go ahead.

Mr. Nelsen: On that...plantings that you are putting in the front...what you hope to be a hedgerow exactly what are those plants?

Mr. Chandler: I can tell you. One second please. They are Schipka English Laurel plants. We are installing them at four foot high and I was told by my landscape specialist that they grow between six and eight feet. I apologize if I'm mispronouncing this...Schipka English Laurel.

Mr. Nelsen: Thank you.

Mr. Weiss: Thank you. Anybody else?

Mr. Schaechter: I have a quick question.

Mr. Weiss: Go ahead, Brian.

Mr. Schaechter: Going back on Chuck's report. I think he is 100 percent correct. When you look at the buildings the two other projects that come in front of us with they have done an exceptional job in trying to make them fit. And really put-up beautiful buildings. I do remember the testimony when they first came in front of the Board. They wanted to look like their facility in Italy. Their hometown in Italy. And they've done a really great job. I think we should have all our applicants come in front of us and work with us to make buildings and surroundings that fit what they want to do. Just my two cents.

Mr. Weiss: Okay. Anybody else from the Planning Board?

Mr. Mania: I just have a comment, Mr. Chairman.

Mr. Weiss: Go Ahead, John.

Mr. Mania: I just want to say Fratelli Beretta has been a great neighbor and I welcome them with this new facility.

Mr. Weiss: Thank you, John. We do have more testimony to get through before we give up some of the accolades.

Mr. Mania: Thank you.

Mr. Weiss: I have not forgotten about the public. Let's summarize all of these reports. I know you want to speak about Walt's report, Sean?

Mr. Monaghan: Yes.

Mr. Weiss: Did you want to bring up your architect? Either one is fine.

Mr. Monaghan: No, I think, Mr. Chandler can speak to the traffic points. And all we're going to say is there are five things that Mr. Lublanecki asked to have added to the plans and Mr. Chandler can you add all of those items to the plans?

Mr. Chandler: Yes.

Mr. Monaghan: And that's it for the traffic report.

Mr. Weiss: That takes your thunder Walt. Doesn't it?

Mr. Lublanecki: Sure does. I can't say much to that.

Inaudible

Mr. Weiss: The fact that it's been reviewed and agreed upon, is going to make this a better site. Thank you all. Does anybody have any questions for Walt's report? I don't see any for Walt's report. Chuck?

Mr. Ottavina: I do. Inaudible.

Mr. Weiss: I'm sorry, Paul. Go ahead.

Mr. Ottavina: It just had to do with the traffic pattern of the big trucks coming in and out into site lines. There is no...from experience...that section is nice and straight and flat, and you can get some speeders through there at times. If I was driving a 53-foot tractor trailer I'd just want to make sure my sight lines are as long as possible. Just make sure that's been covered. And also then, the maintenance of the vegetation so that it doesn't grow to the point where it's cutting down those lines. That's all.

Mr. Weiss: Okay. Thank you, Paul. Anybody else? Okay, let's continue. Sean?

Mr. Monaghan: I have no further questions for Mr. Chandler. I'd like to call Scott Daniel.

Mr. Weiss: Before we do that. Let me open it to the public. See if anybody has any comments or questions for Mr. Chandler. He addressed both the engineer's report and the planner's report and the traffic report. So, if anybody from the public has any questions? I see nobody. Let me close it to the public. Now, Mr. Monaghan I'll turn it back to you.

Mr. Monaghan: Sure. Thank you very much, Mr. Chairman. I'd like to call Scott Daniel as our next witness.

Mr. Weiss: Okay. Welcome, Mr. Daniel. I think what we should do is swear you in.

Scott Daniel was sworn in for the Record.

Mr. Buzak: Please state your name and business address for the record, spelling your last name?

Mr. Daniel: Scott Daniel, D A N I E L, 110 Edison Place, Newark, New Jersey.

Mr. Buzak: Thank you, Sir.

Mr. Monaghan: Mr. Daniel, will you describe your qualifications as an architectural witness?

Mr. Daniel: Yes. I have a Bachelor of Architecture from New Jersey Institute of Technology. I am a licensed architect in the State of New Jersey. I've been practicing as a licensed architect since 1992.

Mr. Monaghan: And your license is in good standing?

Mr. Daniel: Yes, it is.

Mr. Monaghan: Did you tell me that you have appeared in front of one of the Mount Olive Boards, relatively recently with a project in Budd Lake?

Mr. Daniel: Yes, I did. It was last month. It was in February.

Mr. Weiss: That was the storage project, right?

Mr. Daniel: Yes, it was.

Mr. Weiss: I think we can keep it moving by saying we can certainly accept you as an architect. Your testimony of recent should be fresh in everyone's mind. I have no questions and I'm going to speak for the Board and accept you as the professional architect for this project.

Mr. Daniel: Thank you, Mr. Chairman.

Mr. Monaghan: Thank you. Only a couple of questions for you, Mr. Daniel, with regard to section 5.1 of Mr. Vreeland's memo, talking about screening from view the parapet to screen the HVAC and other mechanicals on the roof. Does your design include a parapet, like that?

Mr. Daniel: Yes, it does. Our design includes a parapet that encompasses the perimeter of the building. The HVAC units are situated such that they are at a minimum of 20-25 feet away from the parapet. So, the sight lines should not...you should not see the HVAC units at that point, with the parapet screening.

Mr. Monaghan: Okay. Mr. Bocchini previously testified with regard to the building screening the generator and compactors which are obviously not on the roof but rather behind the building. Moving on to Mr. McGroarty's memo, section 6.4 asked for some information with regard to the sign. Mr. Daniel, does the proposed sign comply with the Trade Zone signage requirements?

Mr. Daniel: Yes, it does. The sign will be very similar to the one that's located at 750 Clark, and it complies with the FTZ requirements.

Mr. Monaghan: Okay. Moving on to item 6.4, is there a façade sign proposed for the building?

Mr. Daniel: No, there is no façade sign.

Mr. Monaghan: Okay. I've got my own notes here that 6.8 is about parapet screening again, so we don't need to go over that.

Mr. McGroarty: Well, if I may just to be clear about that, Mr. Daniel, do you know the height of the HVAC units?

Mr. Daniel: The HVAC units are typically 4-5 feet high depending on the size of the unit. So, the parapet is roughly 3 feet 36 inches. So, the site lines....it sits up approximately, anywhere from 44 to 48 feet high off the ground. So, the sight line will, in my estimation, there will be no sight of the HVAC units.

Mr. McGroarty: Probably from International Drive heading towards Route 80 but if you are coming across the other way you are going to be at the elevation. You are going to be at a higher elevation. Now it's only a quick glimpse probably, but do you really think a three foot parapet is going to do anything in terms of the screening it there. Secondly, will it do the job in terms of reducing any noise coming out of the units?

Mr. Daniel: I believe it will diminish the sight of the HVAC units. I also believe it will also diminish the decibel level of the HVAC units. The parapet will from that distance. Yes.

Mr. McGroarty: Let me ask you a different way. I think in another application you talked about this. And we've had this before on different places. A different kind of screening closer to the units themselves which really would seem to help in terms of the noise. Now noise is probably not a big issue out here because it's an open area. Again, if it meets the noise ordinance requirements then that's fine.

Mr. Daniel: Yes.

Mr. McGroarty: Do whatever is possible to make it make those units less visible to the public.

Mr. Monaghan: Mr. Daniel, you had provided me with a rendering of the building to potentially use as an exhibit would be any assistance to you in speaking to Mr. McGroarty's points?

Mr. Daniel: The rendering shows from street level. So, Mr. McGroarty was taking it from another perspective. So, I don't know how much that would help, but if you can bring it up, maybe it can give us a little...

Mr. McGroarty: Well, let's do this, Mr. Chairman, if it...inaudible...the Board. Like Mr. Vreeland said about the lights. Let's see what happens if the Board approves this. If noise becomes an issue, then we can revisit that perhaps with Fratelli Beretta. I'm sure that they would be willing to work with the town.

Mr. Buzak: Is the only issue, Chuck, noise? Or is it also visibility?

Mr. McGroarty: I think the visibility if the viewpoint is from International Drive if you are heading towards 80 which I guess is north...the northeast. I'm trying to get my bearings here. Then I don't think you'll see the units. If they're located back away from the edges of the building as it's testified. Coming the other direction you are going to be at the same height of the roof you'll be able to almost look down on it. But it will be coming quickly. Quickly enough, anyway. So, it's not an area where pedestrians would be located. So, I don't think that really going to be an issue.

Mr. Buzak: Thank you, Mr. Chairman.

Mr. Monaghan: Maybe I could ask Mr. Bocchini a question? Simone, if additional screening, closer to the units was required to satisfy the municipality, would Fratelli Beretta be willing to install it?

Mr. Bocchini: Yes, absolutely. And again, as a testimony of the 750 Clark Drive operation, the units are well within the building and not visible from the street. Noise emission has never been an issue. But of course if one presents itself at 700 International, we comply with what is needed.

Mr. Monaghan: Thank you. I have no more questions for Mr. Daniel.

Mr. Weiss: Okay. So, to both Mike and Chuck, with that testimony, that should...looks like it covered almost everything in your reports? Is that accurate?

Mr. McGroarty: Yes.

Mr. Vreeland: Yes.

Mr. Weiss: Okay. If you have no other questions for Scott Daniel, let me open it to the public. First let me see if the Planning Board has any questions, for Mr. Daniel?

Mr. Forlenza: Mr. Chairman?

Mr. Weiss: Go ahead.

Mr. Forlenza: I guess this question goes to Mr. Bocchini. In terms of processing the other equipment that you need for your manufacturing process, Is it just air conditioning systems? Or the stuff that's on the roof that you need to shield from vision...but what else do you need in order to run your operation?

Mr. Bocchini: On the roof itself, it's just the HVAC basically. There is air conditioning to control the temperature in the rooms that's there inside...inaudible...as well as 750 Clark. because of the Mount Olive Area...the area...the air itself is actually useful and great for the curing of salami that we don't even use the...inaudible. So, that's why we reduce of course the noise and the usage of that. The equipment that we use is mostly grinding and slicing and robotics that move the products around inside the plant.

Mr. Forlenza: Thank you, Mr. Bocchini.

Mr. Weiss: Okay. Anybody else on the Planning Board?

Mr. Batsch: Yes, Mr. Chairman.

Mr. Weiss: Go ahead, John.

Mr. Batsch: The exterior of the building is going to be testimony as far as the color?

Mr. Bocchini: The exterior of the building is going to be the same color as the 750 Clark Drive, to keep the momentum going with that same building.

Inaudible

Mr. Weiss: John thank you for picking that up. That's questions I usually ask. Thank you for that and I really expected nothing less from Simone.

Mr. Monaghan: I've got a rendering and I'm going to show it to you because somebody went through a lot of trouble to put this together.

Mr. Weiss: Let's see it if you have it.

Mr. Monaghan: It's beautiful.

Mr. Weiss: It's absolutely beautiful.

Mr. Bocchini: Again, it's the same attention to put in the details of 750 Clark Drive is going to be put into 700 International.

Mr. Weiss: Beautiful lines on the building. Nice job.

Mr. Bocchini: Thank you so much.

Mr. Monaghan: So, this should be marked exhibit A-2, architectural rendering of building exterior. Thank you very much.

Mr. Weiss: Thank you for putting that up. Let me open it to the public. We do have a question, I see, from Irene Sergonis.

Inaudible

Ms. Sergonis: I wasn't expecting to speak...I heard you mention the plants that you were putting in, the Schipka English Laurel. That is not a native plant in New Jersey. It's considered invasive in some places. I'm not really an expert on this, but if you could please check it out with the Environmental or Open Space Committee if that is an acceptable plant?

Mr. McGroarty: I can check on that, Mr. Chairman. I have a list of invasive species and I think Mr. Chandler has indicated that his landscape architect had prepared the plan. He or she would know. But I can check that tomorrow. If it is invasive would the Board wish to have them replace it with something similar? That would be native?

Mr. Weiss: I would almost speculate, I don't think it's unwise to say that if Dr. Keller was here, he would probably make that recommendation. I've heard him be consistent that way, so perhaps if the applicant is okay with that. Maybe we replace that with something that is not invasive?

Mr. McGroarty: If that's the case?

Mr. Weiss: If, of course, that's the case?

Mr. Bocchini: Yes.

Mr. Weiss: Okay.

Ms. Sergonis: All right, thank you.

Mr. Weiss: That is excellent input. Thank you for that.

Ms. Sergonis: All right, thank you.

Mr. Weiss: You're welcome. Is there anybody else from the public? I'm seeing nobody else's hand up, so let me close it to the public. Sean, let me turn it back over to you?

Mr. Monaghan: Sure. We'd like to close with some discussion of the variances and why we've, the Board, should grant them. Obviously, c variances, based on the shape and topographic conditions and other constraints of the lot. We've seen exhibit A-1 several times tonight, a virtually triangular shaped lot, heavily wooded. Mr. Chandler mentioned the stream, in addition to wetland setbacks the stream imposes riparian

buffer zones and really squeeze the building. You can see the odd shape construction area to be disturbed meeting those numerous requirements. We think the site is particularly suited for this use. It's in an industrial zone where it's permitted. It's approximated to Fratelli Beretta's other facility at 750 Clark Drive. The site has been underutilized remaining undeveloped through several changes of ownership and we believe this development will have a positive impact on the municipality. Which effect the negative criteria we see no detriment to the public good basically surrounded by railroad, a highway, another highway, and wooded areas. Very little impact on the surroundings. Fratelli Beretta, as part of the acquisition of 700 International, also acquired Lot 102 and Block 4, which is an adjacent piece of property, virtually undevelopable and so that will provide some buffering. With regard to the retaining wall height, Mr. Chandler testified that it's essential because of the topography of the site to include it as...to support the earth...which of course protects those at the facility and anyone from the public in the area. Its location is technically a front yard area because of its proximity to the roads, couldn't construct the building without it. It was part of the prior application, which the Board approved. So, we don't believe there are any offsite impacts at all really. With regard to the application, Mr. Chandler, I'll just ask you if you had anything to add in terms of issues with regard to the site and why the variances should be approved?

Mr. Chandler: Again, so the facility was designed in conjunction with the zoning ordinance. We believe it meets the spirit of the ordinances where we've asked for the exceptions. With the variances as Mr. Monaghan just described it fits within the criteria of c1 and c2 criteria, to allow them. So, essentially, it's minimal amount of impact on the property and the surrounding properties, to allow the use to be installed.

Mr. Weiss: Mr. Monaghan, that sounded a little bit to me from your mouth as planning testimony. I'm sure you were simply wrapping it up as an opinion and Mr. Chandler kind of agreed with you.

Mr. Monaghan: Yes.

Mr. Weiss: Maybe I'm taking a page out of Mr. Buzak's book that I've heard recently. We let the planners do the planning testimony and the attorneys drive the bus except for me.

Mr. Monaghan: I'd be happy to withdraw my comments and let Mr. Chandler make the same comments.

Mr. Weiss: No, it's okay. I don't even need to hear from an engineer, with all due respect. I think you've put on a wonderful presentation. You've streamlined it. You were prepared. I think my comments, although possibly true, they're more in jest with everything else. And so, I don't think that your words or comments is anything to disagree with. It's always good to put the proofs on about the variance request. In this case they're kind of digestible.

Mr. Monaghan: Thank you.

Mr. Weiss: Anything else?

Mr. Monaghan: I don't have anything more.

Mr. Weiss: Chuck? Do you have any comments?

Mr. McGroarty: No, Mr. Chairman.

Mr. Weiss: Anybody else? Mike? All right. So let me open it one more time to the public. Does anybody have any comments or questions about anything that was discussed this evening? I see none. Let me turn it to the Planning Board. If anybody from the Planning Board has any comments or questions? If I see none, then I will request that a Planning Board member make a motion.

Mr. Mania: Mr. Chairman? When is construction expected to start?

Mr. McGroarty: After approvals.

Mr. Mania: Right after the approvals?

Mr. McGroarty: Well, first the approval and then the construction.

Inaudible

Mr. McGroarty: Actually, Mr. Chairman, there is some site work that will probably commence next week. Long story, but if this is approved there will be a traditional developer's agreement and then construction will follow thereafter.

Mr. Weiss: So, thank you, Chuck. If we were to move forward with an approval, we need to address a couple of conditions that came up tonight. I have a couple that we talked about. The first one is the township will have the right to revisit lighting, after construction to address any problems that may be there. The township on the same vein, reserves the right to revisit the site to deal with any noise issues. I had a comment under my conditions, regarding tree removal. Was that satisfactorily addressed, Chuck?

Mr. McGroarty: Yes, Mr. Chairman. They will assume the \$33,000 balance from the prior applicant.

Mr. Weiss: Okay. Does that need to be a condition?

Mr. Buzak: Yes. I had that down as a condition.

Mr. Weiss: Okay. I don't have anything else. Of course, I don't have to say the building will be built in accordance with the rendering and that makes me extremely happy. It's a beautiful building, again. So, Ed, if you had any other conditions if anybody else on the Planning Board had others?

Mr. McGroarty: Just one, Mr. Chairman. That I will check the plantings and discuss with Mr. Vreeland and Mr. Chandler just to make sure we're all agreed if there are any invasive species, they'll be replaced with something similar that will accomplish the same goal. That fair to the Board?

Mr. Weiss: I did think that Simone had no problem with that either.

Mr. Bocchini: Absolutely.

Mr. Weiss: Thank you.

Mr. Buzak: Mr. Chairman, I had a few other items besides the general ones that we would put in, if I might? Compliance with the engineer's report recommendations made therein that the outside lighting will be from 5-8 am and 5-10 pm. They will be off after 10:00 pm, except I believe security lighting that the testimony...inaudible...will be on 24 hours. Did I get that correct?

Mr. Bocchini: Correct.

Mr. Monaghan: That's right.

Mr. Buzak: Okay. Compliance with the Fire Marshal's request, which were in Chuck's report. Compliance with State Health Department requirements with regard to the operation. Complying with our

traffic engineer's report and comply with recommendations made in that report. That's it, Mr. Chairman. I do remind the applicant that we'll have that one year period in there for the expiration of the variance so it would be nice to start that one up sometime.

Mr. Monaghan: That building will be up first. I've got one issue, Mr. Buzak. As a condition of site plan approval to require compliance with state law with all due respect I just don't think it's something the Planning Board or even the municipality should get involved in. We'd like to rely on the state. We don't want to try to serve two masters with regard to regulations in a highly regulated area.

Mr. Buzak: I don't have a problem with that, Mr. Chairman. That is a problem with not imposing that condition. I think Mr. Monaghan's comments are well taken.

Mr. Weiss: Okay. Fair enough. Ed, do you have anything else?

Mr. Buzak: No, I don't have anything else.

Mr. Weiss: Okay. So, with those conditions as noted, I'd like somebody from the Planning Board to please move this application.

Mr. Nelsen: I'll make a motion to move this Application 21-01.

Mr. Mania: I'll move it.

Mr. Weiss: We've got Dan on it. Thank you, Dan. And that was PB...inaudible.

Mr. Mania: I'll second it.

Mr. Weiss: Thank you, John. We have a motion. We have a second. Do we have any conversation? Any comments? I see none. Roll Call.

Roll Call:	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes
	Howie Weiss:	Yes

Mr. Weiss: And to you, Mr. Bocchini, I welcome you, again. We look forward to many, many years of excellent business in Mount Olive. We are extremely proud that you are here and you are digging your future into the future. Congratulations.

Mr. Bocchini: Thank you so much.

Mr. Weiss: I look forward to what the future brings for you and your business. Everyone on the Planning Board, thank you very much for your attentiveness tonight. We moved the application very quickly and very efficiently. We are done for the month. I have no further business on the agenda. If anybody else does? Otherwise, I'll take a motion to adjourn.

Mr. Schaechter: Motion to adjourn.

Mr. Mania: So, moved.

Mr. Weiss: Thank you, Brian. Thank you, John. All in favor?

All: Aye.

Mr. Weiss: Good night, everybody.

Meeting Adjourned at 10:04pm.

Transcribed By: Karen Grill

Signature



Planning Board Meeting date approved

June 16, 2022