

TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD
Emergency Public Meeting
Thursday, December 30, 2020 at 7:00 pm
Remote/Virtual Meeting

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

MINUTES

Emergency Public meeting / Remote Virtual Meeting of the Mount Olive Planning Board of December 30, 2020 commenced at 7:00 pm.

The Pledge of Allegiance was recited.

Open Public Meetings Act Statement was read into the record by Edward Buzak, Esq., Board Attorney

Mr. Weiss: What I'd like to do is just breakup the order a little bit. I want to call on Mr. Buzak to review these emergency protocols that we are going to be following. So, Ed, I did announce that tonight's Planning Board is an Emergency Meeting here on December 30th. So why don't you explain and add to the record what needs to be discussed.

Mr. Buzak: Thank you, Mr. Chairman. We normally begin with the statement required under the Open Public Meetings Act regarding adequate notice that was provided. Because this is an emergency meeting, we were unable to provide the statutory adequate notice. And therefore, the statement that we read...or that I will read into the record...is a little different than what we normally read. So let me begin.

Adequate notice of this meeting has not been provided since it is an emergency meeting. The nature of the urgency and the importance for the delay for the purposes of providing adequate notice would likely result in substantial harm to the public but virtue of the fact that we are looking at the adoption of a Resolution and we want to avoid a default approval of Application PB 19-14 for a General Development Plan, a planned unit residential development existing of an aggregate 686 units inclusive...residential units...which includes 138 affordable units and 548 market units. The meeting tonight will be limited to discussion and acting with respect to this matter of urgency and importance for the reasons that I just gave. Notice has been provided as soon as possible after the...inaudible...of this meeting by posting the written notice of the meeting in the Municipal Building and on the front door...visible to the public. Notifying two newspapers, the Chronicle and the Daily Record of this meeting...date, time, place and how to access it. Submitting that same notice to the Municipal Clerk and placing that notice on the Municipal Website. All of that was done on December 23, 2020. The Board also determines that it could not have reasonably foreseen the need for this meeting at a time when adequate notice could have been provided because we had assumed that we would be granted an extension of time within which to act, but the applicant...inaudible...to grant the Board. There had been previous extensions granted by the applicant. And when the applicant declined to grant that extension, this emergency meeting was called. And the best notice that we can give is...I just outlined under the circumstances...was indeed

provided. As a reminder in accordance with Section 7A of the Open Public Meetings Acts, Planning Boards in general and the Mount Olive Township Planning Board in particular...does not entertain general public comment as is otherwise required for Municipal Government Body or Board of Education. However, all members of the public shall have the right to ask questions and witnesses presented by applicants during the course of a public hearing on an application for development will have the further right to make any comments with regard to that application at the appropriate time...recognized by the Chair. In this case tonight we are only considering the Resolution. The public hearing has been closed. So there will be no...public comment on the Resolution that we are considering...nor any questions raised. At the appropriate time, the Chair would otherwise...not in this case...but would otherwise ask any members of the public if they have questions and explain to them the manner in which they would signify that to be recognized by the Chair. Proper décor must be observed by all participants including the Planning Board Members and Professionals. There is a muting function that will be utilized if for some reason any member of the public does not adhere to those requirements. And it can go so far as to remove that individual from the meeting itself.

I know that was a lengthy...statement. But, Mr. Chairman, that is the Open Public Meetings Act Statement that needs to be given for emergency meetings. I'll pass it back to you for a roll call vote.

Mr. Weiss: Thank you, Mr. Buzak. That is a special New Year's Edition of our Open Public Act reading...meeting statement. Mary, would you please do roll call?

Roll Call

Present: Mr. Schaechter, Ms. Natafalusy, Mr. Mania, Mr. Nelsen, Mr. Batsch, Mr. Ouimet, Mr. Weiss

Excused: Mr. Scapicchio, Mr. Forlenza, Ms. Mott, Mr. Ottavinia

Board Professionals in attendance were:

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

Vote on Emergency Meeting

Mr. Weiss: Okay, so the next thing I'm going to do is ask the Planning Board to make a motion to hold his emergency meeting, despite the fact that adequate notice was not given during the Open Public Meeting Act Statement. Again, the motion is going to really reiterate Ed's comments. Ed, did you need to add anything to what the motion might want to contain?

Mr. Buzak: No, I'll just...I'll just go through the four items, Mr. Chairman, that this meeting is being held to deal with matters of urgency and importance which I've outlined before and is a way for the purposes of providing adequate notice would result in substantial harm to the public interest. The meeting will be limited to discussion on this matter. Notice has been provided as I outlined in the statement. And we could not have reasonably foreseen the need for this meeting for

the reasons that I gave. If someone would move that Resolution as asked by the...that motion as asked by the Chairman, seconded, and we'd have a local vote. I might point out that we need a three quarter's vote of the members present. And if my math is correct, I think that's six affirmative votes. Right? We have eight members...did I count that right?

Mr. Weiss: Seven.

Mr. Buzak: Seven, okay. I'm sorry. I counted...Mr. Ottavinia and he's not here.

Mr. Weiss: Just to reiterate, too. That's three quarters of approval to hold this meeting.

Mr. Buzak: That's correct...just to hold the meeting. We are not voting on the Resolution. We are not doing any of that.

Mr. Weiss: So with that said, would someone please make a motion to allow the Planning Board to hold the meeting?

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

Mr. Nelsen: Second

Mr. Weiss: Okay, thank you, John. Thank you, Dan. Roll call, Mary.

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

Resolution

PB 19-14 NJ Foreign Trade Zone Venture, LLC, ITC East, Block 105, Lot 1; Block 106, Lots 2 & 3, Block 202, Lot 1

Mr. Weiss: Okay, with that being said thank you everyone. So let me then introduce the Resolution on the agenda this evening which is PB 19-14 New Jersey Foreign Trade Zone Venture, LLC, care of the Rockefeller Group, here for the Resolution for the General Development Plan at ITC East. It's Block 105, Lot 1; Block 106, Lots 2 & 3; and Block 202, Lot 1. We all have had a...we all have a copy of that Resolution. Hopefully, you've had a chance to review it. It was quite lengthy. And certainly quite accurate based on my review. So, let's have...someone please make a motion to approve this Resolution.

Ms. Natafalusy: Can I just make...

Mr. Weiss: Catherine, go ahead.

Ms. Natafalusy: Can I just make some comments and ask a question or two before we go forward...or do we have to make the motion?

Mr. Weiss: I think...after we make the motion and have it seconded, we'll open it for conversation. That might be more appropriate.

Ms. Natafalusy: Okay.

Mr. Weiss: So, I'm asking for a motion to...

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

Mr. Weiss:motion to approve...

Mr. Mania: I'll make that motion to approve the Resolution.

Mr. Schaechter: I'll second it.

Mr. Weiss: Thank you, John. And thank you, Brian. Okay, so let's open up to the Board for some comments. Catherine?

Ms. Natafalusy: Okay, I've written something down so I don't forget.

Mr. Weiss: Go ahead, please it's important.

Ms. Natafalusy: Okay, while I understand the applicant has not left us any other option, I think voting on this Resolution this evening is premature. I am not comfortable with the proposed density on the Crossroads Site and not convinced that this site is suitable for housing. Of the three sites in the General Development Plan, this site is the smallest at 13.6 acres. Yet, it has the highest density at 12.2 acres...12.2 units per acre. It is isolated from the other two tracts. It is across the street from a wastewater treatment facility and is surrounded by Route 206, International Drive, and Continental Drive. When we conducted the site visit, it was on a Saturday morning and the noise from the traffic was very loud. The proposed open space dedication is minimal. The General Land Use Plan dated May 28, 2019 revised through August 27, 2020, notes 6.9 acres of open space on the Crossroads Site which is primarily the perimeter of the property. I've said that before. The applicant provided three concept plans to the Crossroads Site. However, we still don't know which concept plan will be implemented. My question is, when will that be determined? My other question is to Mr. Buzak. If this Resolution is adopted, are we locked in to the specific density on this site? That's what I have for now.

Mr. Buzak: Can I, Mr. Chairman?

Mr. Weiss: Sure, go ahead, Ed.

Mr. Buzak: With regard to the densities, those densities become the maximum densities so the developer even when then come in for site plan approval is unable to increase the densities as proposed here. They can however decrease the densities...without coming back to the Board. I think Chuck is...and I'm sorry...I didn't look...is it 10 percent or 15 percent...

Mr. McGroarty: Fifteen.

Mr. Buzak: Fifteen percent without coming back to the Board. So, we are locked in...inaudible...to these densities as a maximum. We are not locked as a minimal...the developer's not locked in as a minimal.

Ms. Natafalusy: So we are locked in to 12 units an acre on the Crossroads Site right now. Unless the developer comes back and reduces it.

Mr. Buzak: That is correct.

Ms. Natafalusy: Okay. Thank you.

Mr. Weiss: Okay. Does anybody else have any other questions?

Mr. Nelsen: Howie, I have a question.

Mr. Weiss: Go ahead, Dan.

Mr. Nelsen: Did the applicant give us a reason why they would not grant an extension?

Mr. Weiss: I don't know if a reason is needed. I think it's...they have a right to not to grant it, Dan. And I think for the purpose of it...they chose not to and we need to...as I spoke last week, we need to just protect the interest of the municipality and by holding this Special Emergency Meeting to ratify the Resolution is in the township's best interest.

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: I'll just respond to Dan. Dan, the applicant did not respond to our office's request for information on the extension. We got no response.

Mr. Weiss: Anybody else have any questions?

Mr. Batsch: Yes, Howie. I do.

Mr. Weiss: Go ahead.

Inaudible

Mr. Batsch: Just for clarification in my own mind, if we approve this and during the construction phase, if someone decides to sell one of these parcels, do all of the requirements set forth in this application have to be met by that other party that's not...at least initially involved with the construction phase?

Mr. Buzak: Mr. Chairman, again, if I might. Mr. Batsch, yes, that is correct. This was with the land and they are bound by it. They can't come back and change that. The only way can be changed is if there's a request made for an amendment to the General Development Plan and then we have to go through that same process.

Mr. Batsch: Thank you.

Mr. Weiss: John Mania?

Mr. Mania: I just...it's just a statement. I don't foresee the applicant reducing intensity at all.

Mr. Weiss: Okay, anybody else have any comments or concerns. Chuck?

Ms. Natafalusy: Or just to go back to my question, when would we determine what concept plan they are going with. Would that be at site plan review?

Mr. Weiss: Is that for Chuck.

Mr. Natafalusy: Ed or Chuck...I don't...

Mr. Buzak: Yes...you know...the applicant presented three alternatives, I think he indicated or they indicated that concept plan, I think it was number two, was the one that they preferred, but left it up to the Board. We didn't act on that. So I would suspect that we're going to see Concept Plan Number 2. As far as the development for the Crossroads Site, but that that has not been determined. That's really up to the applicant now. Chuck, I don't know if you want to add to that.

Mr. McGroarty: No.

Ms. Natafalusy: Thank you.

Mr. Buzak: Mr. Chairman, before there's a vote, I just finished...

Mr. McGroarty: Wait, wait, wait, I had a question.

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: This is to Ed or to Susan. You know, in my several reviews of the drafts, I wasn't sure about this and I'm still not sure. Although I kind of left it off after a while, but the Condition Number 13, which is on...well my draft is Page 14, it's like the second to the last page. I don't know how it all worked out on yours, but it has to do with the requirement for the applicant or developer for each section to provide the Board with transcripts for the hearing of subdivision and inaudible. And...you know...I mean, we've had a number of versions of this, so I sort of lost track, but I can't find that requirement either in the ordinance or the statute.

Ms. Crawford: No, that isn't...that was not one. That was one I elected just in case the Board wanted it, I put it in as a...provision, but obviously it's up to the Board. That is not a statutory requirement.

Mr. McGroarty: That's up to the Board then.

Mr. Weiss: If everyone has the Resolution in front of you, we're looking at...it's our copy, Page 13, Item Number 13, I had actually raised the same question. We don't normally add that to Resolutions. I haven't seen that. And I know that we have our own and obviously we record our own meetings. I'm not really sure if we need that.

Mr. Buzak: All we can do, and I if I might, Mr. Chairman, I don't disagree with you and I think Susan's explanation is accurate of what we may want to do as a compromise is to add to that sentence, if requested by the Board. So, in other words, that they will provide it if requested by the Board at the appropriate time or something like that. So this way we leave the door open. If the Board at that time feels that there's a need for it. If not, then they don't they don't have to ask for it. The other thing is, I note here and I just caught this as I was reading it, we say the applicant or developer of each section or site shall provide the Board with transcripts of each subsequent hearing for subdivision or site land applications. So we're really talking about prospective, not the transcripts for the proceeding that is resulting in the Board's consideration of this Resolution. So two things that the first thing I said in terms of making that request and leaving that open at the time that the site plan is as it relates to the site plan. But maybe we should clarify this if we're going to go in that direction and also say that the Board can request the applicant to furnish transcripts of this proceeding, the one that has resulted in this Resolution to assist the Board at the time of subsequent application to see...you know...if they want to look at something or whatever. So that may be a way to tweak this language for the Board's consideration.

Mr. Weiss: Well, I think it makes sense...

Ms. Natafalusy: Could you say that again?

Mr. Weiss: ...if request...if requested by the Board otherwise then we clearly at this point have transcripts.

Ms. Natafalusy: Right.

Mr. McGroarty: Just to be clear, just to be clear, we don't have transcripts. We get minutes of the Board Meetings. But...you know...whether they're done in the office or whether on occasion they're sent out, I don't know if they rise to the level of a transcript, Ed or Susan?

Mr. Buzak: No, I think they do not. I think you're right. They're pretty comprehensive minutes. And they're they're...they look somewhat similar to a transcript, but they're not a transcript, which is a verbatim representation of everything that was said. I don't think that's what...

Ms. Crawford: And I agree with Ed that we can include for this Condition 13, if the Board requests a transcript of this proceeding, because this is where we're talking about the General Development Plan going forward if the Board elects to compare what was approved and what was

discussed. So what actually is happening in the future there, there could be a record so to review and look back.

Mr. McGroarty: Catherine, it was not. Mr. Chairman, I saw Catherine had a question. I had a question as well to Ed and Susan, are you now referring to tonight and to the previous three meetings? I believe it was when we had hearings on this.

Mr. Buzak: Yes, yes.

Mr. Weiss: Okay, it certainly covers us if we need it. So let's add that unless anybody on the Board thinks we shouldn't...the language that Susan mentioned if requested by the Board and of course, with the more detail that she said.

Mr. Buzak: Okay.

Mr. Weiss: We'll amend that Item Number 13.

Mr. Buzak: Mr. Chairman, if there's nothing else, there are two other items that I wanted to mention before we...

Mr. Weiss: Well, okay. I have...Ed, I'm sorry to interrupt. I have a series of things, but it doesn't matter you have the floor. Go ahead.

Mr. Buzak: No, no, go ahead. Go ahead. I wanted it to be the cleanup batter here.

Mr. Weiss: Okay. That's fine. And I will certainly defer that to you. A couple of things, I have...I'll start from the beginning. I noticed in two different sections in the Resolution. Let me direct everyone to them. The second mention...and I'm talking specifically about a homeowner association, it's on Page 13, Item Number 12, and it's also brought up on Page 6, it's...it's the 2nd Paragraph of Item Number 10, and I recall and I went to my notes earlier when we talked about a homeowner association or some kind of living arrangement, for lack of better words, we talked about the equality...equality of this development that we don't want to prohibit somebody from the Crossroads, for example, to not be able to have admittance to the open space of the Crossroads or...I'm sorry...of the of the Canal, for example. We wanted to make it equal. And so the language in Number 10 talks about separate homeowner associations. And I understand that there's going to be three different developments, but I think we have to be careful to remove the word separate because separate could be in isolation at the same time. And I think we need to just make sure that it's somehow separate because it technically is, but it's also at the same time, we want to make sure it's equal and open access to everyone. And so I don't know what the right word is there, but when we read that last paragraph Number 10, I was just concerned by the word separate because that falls into the eye of the of the enforcer. And separation is really not what we want. If you jump ahead to Page 13, we're talking about homeowners associations. And I think this is where it is...it is on Page 13, Number 12. I understand what we want to try to accomplish, but technically when you're dealing with a rental, it's not really a homeowner association, but more of the management company. So, for example, on the Crossroads community, you're going to have the management company handle all those items that are listed rather than a homeowner association. So maybe the word management company, where appropriate, needs to be added especially when it's in relation to rentals.

Mr. McGroarty: Same on Page 6 too then.

Mr. Schaechter: We could just say something like management company slash management company and or a homeowner association.

Mr. Buzak: Yes, I think...I think your points, Mr. Chairman, are well taken. We'll...we'll either do it, as I think Mr. Schaechter just said, I think that was him...management company slash homeowner association or management company or homeowner association is appropriate or some language like that that we'll put in there. The other thing is, as you said, Mr. Chairman, on Page 6, Paragraph 10, that last...next to the last sentence, I guess, which reads...it is contemplated that Ridge and Canal Ridge and Canal communities will have a joint homeowner association. I think that part is okay. And then we say while the Crossroads community will have its own separate homeowner association...your point is well made. The Crossroads is a rental project, so that will not be a homeowners that should be changed to...well, again, I'll work on the language, but it'll be part of our management organization or management company or something like that. But a more focused point is...the comment that you made, Mr. Chairman, about the fact that these...the residents of the Crossroads, which is the rental project, are I believe, supposed to have access to the amenities...unless I...

Mr. McGroarty: Yes, that's correct.

Mr. Buzak: ...amenities in the Canal Ridge. So while they may not be...there will not be a joint homeowner association with the Crossroads because of the rental nature of it. The Crossroads residents should have access to those amenities. And I don't think, Susan, I don't remember seeing that in here. I don't think we...

Ms. Crawford: No, we did not mention that. So we should include it.

Mr. Buzak: And we should include it because I think that was something that we were very concerned about as a Board. So we should make it clear that the Crossroads residents will have access to the amenities of the homeowner associations of the Region and Canal. And again, I don't have to craft the language here, but that would be...

Mr. Weiss: And I think keeping it vague, because we don't really know what the amenities are... whether there's a swing set of sand box or of a ball field...whatever those amenities are the Crossroads need to be included. And so I like the direction that we're having the conversation. Separate to me, it leads it to a problem. So we've identified the fact that there's not going to be a homeowner association for the Crossroads and the residents of the Crossroads will have equal access to the amenities of the other two areas. I think that was definitely the intention of this Planning Board where we listened to the testimony. Okay, I had a couple other concerns. I looked and I actually called Mr. Buzak on this one earlier. In here it talks about the need and I lost it...so Chuck, direct me because I have too many notes. I'm talking about an eight month...and I spoke to you about it just before.

Mr. McGroarty: Right.

Mr. Weiss: An eight month stipulation that if nothing has started, the applicant needs to contact the Board. And I raised the question that eight months seems to be a little short, especially since we're going into the winter. I was advised by Mr. Buzak that eight months is by statute and the ordinance is really written right off of the statute. Chuck, I know you gave me a very fine explanation of the eight month that they don't...we don't have to see the applicant in front of us, they just have to notify us as to what their what their plans are. Correct?

Mr. McGroarty: Right. The statute says...Ed or Susan, this is under...this is directly from the General Development Plan requirements under the Municipal Land Use Law which we mirror in the ordinance. I won't read the whole paragraph, but it talks about if a developer does not complete any section in the section here is a phase as we...as we know, if it does not complete any section of the development within eight months of the date provided for in the approved plan and then it goes on to say if the municipality has cause to believe that the developer is not fulfilling his obligations, etc., the municipality shall notify the developer by certified mail and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. And then the municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation. So I think what...if I understand the statute correctly, it's giving the developer the opportunity to explain if there is a delay, why that delay is occurring. That's my reading of that eight...eight months. I don't read it to say that they have to then come back every eight months for site plan review and approval again or something similar to that.

Mr. Buzak: That was correct.

Mr. Weiss: Thank you. And thank you for that. I wanted to just clarify that we're not telling the applicant they got to be back in front of us in eight months. So that's fine.

Mr. McGroarty: And hopefully, hopefully they'll be moving along according to the phasing plan they gave us and that...this issue will never come up.

Mr. Weiss: And so maybe that's a good time for me to bring up my next concern, which is on Page 12, Item Number 3. And it really talks about the term of this General Development Plan should be for a period of 10 years. So I know going into this application, I was concerned that the time frame and I do recall and again I went back to my notes this afternoon, that we talked about a six year build out. That was the developers...that was the...the applicant's own testimony, that they see this as a six year rollout. I don't know why we would extend it to 10 years when the applicant themselves offered it in six years. So I want to make a suggestion that on Page 12, Number 3, we change 10 to six. And if anybody else has a similar recollection of the conversation. We can talk about it, otherwise, I'm going to suggest we change that to six.

Mr. Buzak: Mr. Chairman, let me if I can jump in, we had the same issue as we were drafting the Resolution because the statute allows the General Development Plan to run for up to 20 years. The...as you said, the phasing schedule that the applicant presented was a six year phasing schedule. And we felt that given, for example, the unknowns of what's going to happen in 2021. So this Resolution gets approved now and just general delays and things we somewhat arbitrarily, and I will admit this tacked on a more even number we talked about eight years and we just decided, okay let's put in 10 years. So I just wanted to give you the benefit of our thinking, which was not as tight perhaps as we otherwise could have made it. But that was the best we had.

Mr. Weiss: But I'm sure that if things don't happen in six years, we'll be seeing the applicant for something before six...before that six year period. So perhaps if there's a delay, the Planning Board would use their best judgment and extend that. But to go out to 10 years and then start talking...I'm saying that just an ugly similarity between some other developments that we've had in which we never were there. I prefer a shorter leash on this. Anybody from the Planning Board have a comment?

Mr. Schaechter: I mean, I would've hoped that maybe the applicant would have granted us an extension and we would have time to review this and comment on it. But since they don't, I would go with the shorter time.

Mr. Weiss: Okay.

Mr. Buzak: And I might add that the language here, just so that it's clear to everyone that the time...the clock starts to run, when the developer, the first developer receives final site plan/subdivision approval for the first section. So it really doesn't run from now, today. It runs from sometime in the future. So that may be in July or August or September of 2021 or thereafter. So, six years is not an unreasonable time period, given that as well.

Mr. Weiss: Ok, so I would like us to amend that to six years and moving on with a time schedule, I did find what we were talking about previously, which was the eight months that's actually Page 12, Number 6. Let's stay on Page 12, Number 7, which basically says that if the developer doesn't apply for preliminary site plan before five years, it triggers. I don't have a problem with that.

Mr. McGroarty: That's statutory language.

Mr. Weiss: Okay, thank you. So that's statutory...that's rights there. That's Okay. That's a good answer. Just a couple other points that I had. I turned to Page 13, Number 10, is 90 days realistic. Maybe I don't know, Chuck or...?

Mr. McGroarty: Again, I think that's for the statute.

Mr. Weiss: Okay.

Mr. McGroarty: I think.

Mr. Weiss: Okay, if that's what it is.

Mr. Buzak: I'm not sure about that one. Susan, do you know offhand?

Ms. Crawford: I don't recall exactly.

Mr. Buzak: I will look. Why don't you go on, Mr. Chairman, and I'll take a look.

Mr. Weiss: Okay. I think that was it, actually, though, I'm sorry. Sorry about that. I can't I can't buy you any more time.

Mr. Buzak: No fill in time here.

Mr. Weiss: I got no fill, I got no stand up. No more jokes.

Mr. Lublanecki: I have a question.

Mr. Weiss: Go ahead, Walt.

Mr. Lublanecki: Can the Resolution include a statement saying that the initial traffic study submitted should include an analysis ultimate build back instead of they'll do they're doing a certain phase? They would analyze that phase. But I think right at the beginning, we should have a study that really includes what it's going to be in the ultimate. And I know this has been my comment for a couple of times, I guess in my comment letter of September 8th, that was my main comment, is that something that would be reasonable to be put in?

Mr. Buzak: I'm sorry, Walter. Could you just repeat what you were saying? I was trying to multitask and I did not hear neither of those things well.

Mr. Lublanecki: Okay, sure. Again the initial submission, whatever phase...Phase 1, for example, should also include the traffic study...inaudible...should include an analysis of the ultimate build out of all three of the tracks. And that's just the standard the industry, the Department of Transportation requires to see a study of an entire build out that even though it's being built out and in phases. They can also in their study, obviously include a study of just the phase that they're dealing with, but at least this way we get an idea to see the impacts of the ultimate build out, that we can see the whole picture and make sure that the recommendations don't preclude something else from happening.

Mr. Buzak: I think we can we can add that.

Mr. Lublanecki: Would you like me to email you a statement or something?

Mr. Buzak: You can do that and we can plug it in. I think the concept you've made the concept clear to the Board. If the Board is in agreement, we can plug it into the conditions.

Mr. Weiss: And I was going to say I'm okay with that, Walt. And Ed, I think Walt made it very clear, the intention of his comment and if anyone has a question to what Walt was talking about, he made it very clear, adding a little language like he said. Ed will add it. Walt will give Ed the language that should be added. Thank you.

Mr. McGroarty: Mr. Chairman, I'm not...I spoke too soon. Ed, I'm not finding that 90 days anywhere.

Mr. Buzak: I couldn't find it. But as I said, I was multitasking in either of those tasks. There's a couple of things we could eliminate it completely and just rely upon the other...the other timing provisions that sort of indirectly impact on when they have to make those applications in order to make sure they are able to comply with everything else. Or we can we can make that longer period of time, six months.

Mr. Weiss: Ed, I like the former because it doesn't say if what happens if not. I think if we removed that, we're not doing anything harmful.

Mr. Buzak: Well, that's good too because if we remove it we can substitute Walter's language for Number 10. That way we...inaudible...numbers.

Mr. Weiss: There you go. Anybody have any concern with that? Does anybody disagree? I think removing that doesn't weaken our position. And if the applicant goes longer than 90 days, it doesn't really say what's going to happen. So let's not put language in here that we don't really know how to enforce. I have nothing else. I know Ed, you wanted to wrap up. Before I turn it back to Ed...

Mr. Buzak: Yes. And you guys, you got virtually everything. Mr. Chairman, the only thing I wanted to add was this was done under some pressure from our end. And...you know...we take responsibility for that. But there may be typos or misspellings and those kinds of things that are non-substantive. And we'll take one more look at it before we get you the final version now that we're editing it anyway. I just wouldn't want to reserve the right to just make those changes without having to come back to the Board. Not substantive again, just typos or...

Mr. Weiss: Punctuation.

Mr. Buzak: Punctuation or that kind of thing.

Mr. Weiss: I think that's a good direction. And nothing else?

Mr. Buzak: Nothing else, sir.

Mr. Weiss: Okay, so anybody else from the Planning Board have any input, comments, concerns about this Resolution? Go ahead, John.

Mr. Batsch: Yes. How do we address Ms. Natafalusy's concerns? Is that something that is addressed during the site plan, or is that just the overall opinion?

Mr. McGroarty: Density, the density is set. If you approve it, as Ed said, that's the maximum they can reduce it by 15 percent, but that's the maximum permitted.

Mr. Buzak: I was going to say just what...what Chuck said. It's when they come in for site plan they may find that...you know...despite their best efforts, they're not going to be able to get that number of units on site or there's going to be other issues when they do the more detailed engineering that are going to impact on their ability to do what they have to do. This is, as its name implies, a General Development Plan. And all of the detailed engineering is not done. So we may see something different. But again, as Chuck said, I think this is the...inaudible...and we may see something less than that. We will not be faced with anything more than that. But that was not Ms. Natafalusy's concern about going higher than that.

Mr. Batsch: Thank you.

Mr. Weiss: Okay, anybody else?

Mr. McGroarty: Mr. Chairman? Looks like Mr. Nelson has been disconnected. I don't know...he's had internet problems I know in other meetings. But he's not with us at the moment.

Mr. Weiss: Let me just see. He did text me earlier to say he was having trouble earlier. Let me see if I can get him on the...if I can, can I get him on the phone to make a vote or that wouldn't work.

Mr. Buzak: I guess you could get him on the phone and he could call in to this number instead of...instead of...so why don't you try to get him dial in? Because you shouldn't be doing it through your phone. He should be dialing in.

Mr. Weiss: Okay, hold on.

Mr. Schaechter: Howie, he can zoom in from his phone.

Mr. Weiss: Let's assume he answers his phone.

Inaudible

Mr. Weiss: He did send me a text a minute ago that he lost his internet.

Mr. McGroarty: Dane, is reminding me that the number is on the email that was sent out. So if he has...I don't know if he has the email which was sent to the other day.

Mr. Weiss: It went to his voicemail. Hold on. I'm going to send him a note. I just sent them a text to see if he can call in. This is a simple majority, right, Mr. Buzak?

Mr. Buzak: Yes, it is.

Mr. Weiss: One, two, three, four, five, six.

Mr. Buzak: We have six now without Mr. Nelson, if he shows up, we'll have seven.

Mr. Weiss: So we need them for...for either way.

Mr. Buzak: Right. Yes, that's correct.

Mr. Weiss: Well, let's give him...I'm going to give him just another minute because I texted. Would it be irresponsible to take the vote without him here, Ed?

Mr. Buzak: No, I mean, I think we should give him another minute and see if he calls in since...the sad part of all of this, of course, is that you spend all these hours at the hearings and meetings...

Mr. Weiss: Okay, he's coming up.

Mr. Buzak: There he is. Let's move quickly.

Mr. Weiss: All right. Dan, you're muted. What I'm going to do...Dan, your muted. Dan, you're still muted.

Mr. McGroarty: Dan, please unmute.

Mr. Weiss: Okay, so at this point, it looks like there's no more questions from the Planning Board. Dan, did you have any input or questions?

Mr. Nelsen: No.

Mr. Weiss: Okay, would someone make the motion? Wait, we did that already. I'm sorry. We had a motion and it was seconded. We had our conversation and closed it.

Mr. Buzak: Well, we now talked about four...at least four amendments. So I think what we have to do is, is make another...withdraw the first motion or amend the motion to include adopting the Resolution with the amendments, as was discussed at.

Mr. Weiss: Okay, so let's amend the motion. Mary, it was made by?

Ms. Strain: John Mania, seconded by Brian Schaechter.

Mr. Weiss: John, will you amend the motion to include the items that Ed mentioned?

Mr. Mania: I will amend my motion to include the items that Ed mentioned.

Mr. Weiss: Thank you, John. Brian, same for you, second?

Mr. Schaechter: I will second.

Mr. Weiss: Okay, Mary, roll call.

Roll Call:	Brian Schaechter:	Yes
	Catherine Natafalusy	No*
	John Mania	Yes
	Dan Nelsen	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes

*Ms. Natafalusy: Based on my concerns that I stated previously, I can't support approving this Resolution. So No.

Mr. Weiss: So, this Resolution passes. A couple of things before we break. Ed and Susan, I know that this was under greater amount of pressure and the product that you delivered to us was really quite, quite amazing. I was very impressed when I saw it. I know that there was probably many drafts that went back and forth before we saw it, but I very much appreciate the work that you gave us. It kind of makes me real proud to have you guys on our team. And, of

course, you know Chuck's input and all of our professionals with Mike and Walt adding their input. I think we did a great job as a community, as a Planning Board. Just a couple of things to keep in mind, when we look at this...inaudible...Dan, you raised the question. We have to not forget that the applicant has a right. He's got...I think it is at forty five days to have a Resolution.

Mr. Buzak: Yes, I think it is a 45 day period. I can't remember.

Mr. Weiss: And so we can't be annoyed that the applicant obviously wanted to uphold his right. I don't look at this as a hostile way for moving forward. I think the applicant exercised his right and great conversation as to what we wanted to do. It was clear and obvious to everyone, all the professionals and myself, that we wanted to protect the townships interests, as I mentioned earlier. So I thank everyone here in the Planning Board for coming out on another...another emergency, short notice to come out and spend a little bit of time together and address the situation. The township is in good hands as we go forward. And I'm looking forward to a long relationship with this applicant. And, of course, as I said last time, I'll say it again. Everyone have a Happy and a Healthy New Year. And I look forward to being back together with us early in January.

Mr. Buzak: Mr. Chairman, if I might thank you very much, first of all, for the compliments. And much of it goes to Susan, who spent countless hours putting that together, and then we all tweaked it many times. Secondly, just for the record, it's a 95 day time period, not a 45 day time period.

Mr. Weiss: Okay, perfect.

Mr. Buzak: In which we have to have...and third, I would hope that your long term relationship with this applicant is somewhere around six years as opposed to 10 years.

Mr. Weiss: It's a very good point.

Inaudible

Mr. Weiss: And with that, I'll look for a motion to adjourn.


Mr. Schaechter: Motion to adjourn.

Mr. Mania: Second:

All In Favor: Aye.

Meeting Adjourned at 7:49 pm

Transcribed by: Mary Strain


Signature


Planning Board Meeting date approved: