

**TOWNSHIP OF MOUNT OLIVE**  
**PLANNING BOARD**  
Special Public Meeting  
Thursday, November 19, 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.
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**MINUTES**

**Special Public Meeting / Remote Virtual Meeting** of the Mount Olive Planning Board of November 19, 2020 commenced at 7 pm.

**The Pledge of Allegiance** was recited.

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

**Roll Call**

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

Excused: Mr. Ouimet

**Board Professionals** in attendance were:

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

Excused: Michael Vreeland, PE, Board Engineer

Audio and video technology and platform.

Mr. Weiss: Mary, let me make it clear for the record, Robert Clerico is here tonight for Michael Vreeland.

Ms. Strain: Yes. Thank you.

Mr. Weiss: Okay as we go forward and thank you for that...before I get into any of the agenda tonight, I'm looking...looks like there's about twenty plus folks here as attendees interested in the hearings tonight. I'm not sure exactly which one, but let me just go over...this might be new for some of the folks who were here from the public. I do see one...looks like the applicant, his hand is raised. The way it works in this virtual meeting is that we're going to conduct our meeting. We will...I will open it to the public at various points throughout the hearing. If anybody from the public has a comment or question when it's appropriate to ask, you'll hit your raise your hand button. We'll look for it. We'll find it. If your hand is raised, we will bring you up as a panelist, be able to speak or ask the question. I do see there was one hand raised. It looks like Mr. Lidwin. As the applicants are ready to be introduced, we will bring you up so that we can engage you in

conversation with both video and with audio. So we're not quite there yet. The first part of the agenda tonight is we have two Resolutions.

## Resolutions

### PB 20-08 Mount Olive Solar Farm, LLC, 149 Gold Mine Road, Block 4100, Lot 10

Mr. Weiss: The first one is PB 20-08 Mount Olive Solar Farm, LLC for the combined preliminary and final site plan. Property located at 149 Gold Mine Road, Block 4100, Lot 10. And we've all received a copy of that Resolution. Someone to please move that.

Mr. Mania: I'll move that, Mr Chairman.

Mr. Nelsen: Second.

Mr. Weiss: Thank you, John. Dan, looks like you were seconded. Thank you very much. Do we have any comments or questions? Seeing none, Mary roll call.

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

### PB 20-07 Humberto, Ramilo, 39 Saint Johns Road, Block 2514, Lot 4

Mr. Weiss: The next Resolution on the agenda tonight is PB 20-07 for Humberto Ramilo, minor subdivision at 39 Saint Johns Road, Block 2514, Lot 4. Once again we've all got a copy of that Resolution and had an opportunity to review it. If someone would please move that.

Mr. Mania: Mr. Chairman, I move PB 20-07.

Mr. Schaechter: Second.

Mr. Weiss: John, thank you very much. Okay, thank you Brian for the second. Do we have any comments? Anybody have any questions or concerns? Seeing none, Mary roll call.

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

John Batsch            Yes  
Howie Weiss            Yes

Mr. Weiss:            Mary, for the record, you have the signatures ready to go in your possession?

Ms. Strain:            Yes, thank you.

### **Committee Reports**

Mr. Weiss:            Ok, my pleasure. Thank you for that. Okay, unless anybody has any kind of Committee Reports... Kim had notified me that there's no Open Space, John, nothing from Ordinance? Catherine, anything from Environmental?

Ms. Natafalusy:        Nothing.

Mr. Weiss:            Anything, Brian, from Board of Ed?

Mr. Schaechter:        Nothing.

Mr. Weiss:            Okay, I have nothing from Street Naming. Did I miss anybody? I don't think I did. All right, so let's move on to our developmental applications for this evening.

### **Development Applications**

#### PB 20-03 ZL Construction, LLC, 14 First Street, Block 3106, Lot 6

Mr. Weiss:            The first application that we'll hear tonight is PB 20-03 ZL Construction, LLC here for a variance on the property at 14 First Street, which is Block 3106, Lot 6. It looks like we have Mr. Lidwin here. And we'll bring him up.

Mr. McGroarty:        I got Mr Glasson.

Mr. Weiss:            And Mr Glasson... is Mr Selvaggi representing the applicant?

Mr. McGroarty:        Yes. He's here... Michael. So we have Mr. Selvaggi, Jim Glasson, and I'm sure there's a planner in this group. Mr. Lidwin is on.

Mr. Selvaggi:            Yes, so this is Mr. Selvaggi. Jessica Caldwell.

Mr. McGroarty:        Is she on? Oh, yes.

Mr. Weiss:            I saw Jessica, too.

Mr. Selvaggi:            And then our hydrogeologist, Vincent Uhl.

Mr. Weiss:            U H L.

Mr. McGroarty:        Got it. I think we got everybody.

Inaudible

Mr. McGroarty: We have...do we have Mr. Lidwin on? We don't have Mr. Lidwin yet, do we?

Mr. Weiss: I saw Mr. Lidwin had his hand raised earlier...

Mr. McGroarty: I got him, Mr. Chairman. I missed him. I'm sorry.

Mr. Selvaggi: While Mr. Lidwin is coming on, I'm Michael Selvaggi from Lavery, Selvaggi on behalf of ZL Construction. We're here on a variance application for...as the Chairman pointed out...Lot 6, Block 3106. This is a pre-existing undersize lot and it was subject of a prior application that was subsequently withdrawn. We're here tonight to improve upon what was presented to you and talk about both the engineering issues...Mr. Glasson and the hydrogeologist issues by Mr. Uhl and then our planner, Jessica Caldwell, will talk about the planning testimony. I think probably what we want to do, though, is a few hours ago when Mr. McGroarty had raised an issue about a possible merger of the lots. At one point, the applicant...well the owner or the applicant...the manager member, they had owned Lots 19 and 20 as well as Lot 6. Lots 19 and 20 were adjacent lots. And Mr. McGroarty wanted to talk about that. I actually secured a copy of the deed. Whereby Mr. Lidwin and his wife took title, in fact, I forwarded to Mr. McGroarty probably about 40 minutes ago when I was doing the research. And what it shows is...you know...it shows all three lots going into Mr. Lidwin. And on Page 4 of that, it has a vesting schedule. And the vesting schedule read the time in the making of this deed, and I'm reading directly from it. Lots 6, 9...6, 19 and 20 in Block 3106 are in separate ownership, are not merged and are lawful non-conforming lots. It's the intent of this deed to preserve the non-conformity of these lots, which are undersize for current zone regulations, but have been maintained without abandonment of their separate, lawful character. Though this deed places these properties in single ownership, it shall not be construed as an abandonment of the non-conformity or a merger of the separate lots into a conforming lot. Pursuant to Mount Olive Land Use Ordinance 400-87F, which states any non-conforming structure lot may be sold to continue to function in the same non-conforming matter. So I went and looked for that ordinance. It was subsequently after 2015, apparently I guess the Municipality re-codified its ordinances and it's now under Chapter 550 of the Land Use Ordinances, Section 88. It's still in Subpart F and it says the same thing that the non-conforming lot may be sold and continue to function in the same non-conforming manner. So there wasn't...there wasn't a merger when these lots were required. In fact, subsequent to their acquisition Lot 20 was in fact sold. So now there's not even...they're not even adjacent to one another these two remaining lots. So I believe that effectively undermines the notion that there was a merger of any of these lots. And I also forwarded that information to Mr. Buzak as well. So he'll have that available to him

Mr. Weiss: Mike, when was Lot 20 sold?

Mr. Selvaggi: Lot 20 was sold in May of 2016, about a year and almost a year and a half after it was acquired. It was sold to Juan Mesa and Jorge Jaramillo. I'm probably...Jaramillo. I'm sorry I mispronounced that.

Mr. Weiss: 3106, Lot?

Mr. Selvaggi: That was Lot 20.

Mr. Weiss: Jesse Cohen, according to the...

Mr. Selvaggi: Well, yes, that may have been...but that was when it was sold from Mr. Lidwin.

Mr. McGroarty: Jesse Cohen bought it later.

Mr. Weiss: Okay, I see it. So I understand you gave us a lot of legal stuff, Mike. So how does that impact what's happening today? So with the sale of Lot 20, Lots 19 and 6 are not contiguous.

Mr. Selvaggi: No, it's really I mean, Mr. McGroarty raised the issue and...you know...I wanted to address it up front so that I don't know if anybody else besides maybe Mr. Buzak had this information presented to him. But to show that we're talking about two independent lots that at this point couldn't be merged anyway, even if the applicant wanted to.

Mr. Weiss: Right, okay.

Mr. Buzak: Mr. Chair, before we go on. This is Ed Buzak. I did speak with Mr McGroarty this afternoon about this. And I just looked while Mike was reading the deed, I didn't bring it up. I had not seen it before a minute ago, but I read along with him. Let me just pull it back up again. If you just give me a second. There's a couple of things, and I think I'm certainly not in a position to give the Board an opinion tonight about this, so whatever we do tonight, if there's if there's action taken will be subject. I would ask that it be subject to my review of these materials that Mike has furnished. But a couple of things jump out at me. One is, it's all well and good that a deed says we don't intend this to be an abandonment and we want to maintain all of the non-conformity and so forth, but as far as I'm aware and again, this is perhaps subject to further research. As far as I'm aware, that's really meaningless. You can't you can't prevent the merger because you say you don't want the lots to merge. And indeed, I think that when you look at the schedule here that as to the transfer of these lots, the applicant, the current applicant understood that very well. They didn't, despite the language that Mike has mentioned that was in the deed, they immediately in what we call in the trade, a simultaneous transaction. Mr. Lidwin and his wife immediately sold one lot for a dollar to one of the two Lidwin's, that is Lot 19, if I had this correctly and then immediately sold Lot 6, which is the back lot so there's a through, to the other spouse. So what they did was they separated the ownership of the lots to avoid or prevent a merger of those lots because the merger occurs only if there is common ownership. So I have some question in my mind as to if this deed provision that Mike had read was definitive. There obviously would not have been any need to do anything else. You wouldn't have to separate the ownership to prevent the merger, because these document...this deed, arguably the position is...prevents that merger. So I have some question about the viability of it. I read the language and I know what the language says, but I'm not sure that that really means anything in terms of merger.

Mr. Selvaggi: But I think all of that is all well and good. But ultimately the Municipality Zone Ordinance, which was referenced in the deed trumps all of that, quite frankly. Moreover, one of the lots was sold to an unrelated party. So the doctrine of merger, if the municipality and the assessor didn't revise the tax map to merge with these lots when the opportunity presented itself,

there collaterally a stop from trying to say at some point there was a prior merger and that these lots...Lots 19 and 20 are now effectively or should be treated as one lot.

Mr. Buzak: Well, I understand what you're saying, and I agree that in light of what the applicant has done, there cannot be a merger of the lots now because Lot 20 is in fact owned by someone unrelated to the original grantees, that is the applicants who were before the Board. But I think the question revolves around whether then the non-conformity that now exists were self-created. Because had the lots not been...at the time of the original conveyance from Lewis, the original owners of Lots 6, 19, and 20, they were conveyed. If the deed was not one to one spouse, one to the other spouse and one to them jointly from the Lewis', which that could have been done as well. That was not done. This language is put in that deed and then subsequently as a simultaneous transaction, I said earlier the lot ownerships were separated. I think that gets into an issue that this Board has dealt with before, not under this kind of fact pattern, but the issue of whether or not the hardship that is being sought, the hardship variance that's being sought to build on an undersized lot, was self-created. So that...while I can't disagree with Mr. Selvaggi that there's no...there can be no merger now you can't unwind the transaction that has taken place. That transaction may well have consequences in the Board's evaluation of the application before. So I have nothing further to say about it without looking further into it. But I wanted to get that on the record at the outset. Thank you, Mr. Chairman.

Mr. Weiss: All right. Thanks, Mr. Buzak, for that. So, Mr. Selvaggi then we're looking at Lot 6 for this application.

Mr. Selvaggi: Okay. So, yes. So one of the other things that we had done was back in April, we also wrote to the adjacent property owners of both lots, although we are going to treat this as independent applications, asking if anybody would sell a lot or a portion of their lot or buy either one of these two lots. There was only one individual Jerry Kuhl who made...some outreach to us. His offer was I mean, I think Jerry thought he could get it below market price and that deal never went anywhere. There was...we did not hear from anyone else about trying to buy or sell the properties. So what I'd like to do with that background is have Mr. Glasson testify as to current conditions and the engineering. And in the context of doing that, he will be addressing the issues that Mr. Vreeland had raised in his September 3, 2020 report. So, Mr. Chairman, if Mr. Glasson could be sworn in.

Mr. Weiss: Welcome, Jim. Ed will swear you in.

Mr. Buzak: Before I do that, Mr. Selvaggi, have you furnished a copy of Mr. Kuhl...did you say...Kuhl's response...

Inaudible

Mr. Buzak: I did see a copy of the letter that your office or you sent to the adjacent property owners which represented what you just said. I didn't see anything in the file and I just may not have or may missed it.

Mr. Selvaggi: Well, here's what we can do. It was...he discussed the...after he got my letter, he discussed it with Mr. Lidwin. So if you'd like, we can have Mr. Lidwin call to see if he's available just to tell him or let the Board know what transpired with those conversations.

Mr. Buzak: Okay, I think that would be good. I don't know if we have to do that now. If Mr. Glasson wants...or however you want to proceed.

Mr. Selvaggi: Well, I can have Mr. Lidwin...Mr. Lidwin, you're available, correct?

Mr. Weiss: Okay, you're muted. Thank you.

Mr. Lidwin: Yes.

Mr. Selvaggi: Mr. Lidwin...

Mr. Buzak: Let me swear him in.

Mr. Selvaggi: Yes.

Zbignew Lidwin was sworn in for the record.

Mr. Lidwin: Zbignew Lidwin. Last name is L I D W I N.

Mr. Buzak: Thank you, sir. And your address.

Mr. Lidwin: 8 Lisa Drive, Budd Lake.

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

Mr. Selvaggi: Yes. Mr. Lidwin, when you heard me when we were talking about the letters that we had sent out to the neighbors, correct.

Mr. Lidwin: Yes.

Mr. Selvaggi: All right. And did you in fact, speak with Mr. Kuhl about perhaps selling your lot to him?

Mr. Lidwin: Yes. He asked me for the price, when we give him the price, he has said is too high. So that's what it was. I talked to the agent from the real estate and she gave me the number how much to ask for the land. And he was asking he says it's too much for him.

Mr. Buzak: Can you give us the details, Mr. Selvaggi, please.

Mr. Selvaggi: Yes. How much did you propose to sell it to him for?

Mr. Lidwin.: Asking 25 or 26 thousand.

Mr. Selvaggi: Okay. And did Mr. Kuhl give you at least a counter offer?

Mr. Lidwin: He was thinking of something...of six thousand or something? I don't remember.

Inaudible

Mr. Selvaggi: And after you received his counteroffer, were there any more conversations or did the discussions end right there?

Mr. Lidwin: No. The discussion ended. That said, I never spoke with him.

Mr. Selvaggi: And you've not been contacted by Mr. Kuhl since then, correct?

Mr. Lidwin: No.

Mr. Selvaggi: I don't have any further questions.

Mr. Buzak: Did I understand, Mr. Selvaggi, that or let me ask this question of Mr. Lidwin. Did you say sir that that you spoke to a realtor and the realtor gave you the price at around 25 or 26 thousand dollars?

Mr. Lidwin: Yes, yes, I spoke with Sharon Caruso and said she checked the numbers. She told me to ask for that much.

Mr. Buzak: Okay, thank you, sir. Thank you, Mr. Selvaggi.

Mr. Weiss: Is anybody from the Planning Board have any questions for Mr. Lidwin based on his testimony, Brian?

Mr. Schaechter: Yes. Mr. Lidwin, did the realtor know that was an undersized lot when she gave you the estimate of 26 thousand.

Mr. Lidwin: Yes, she knows. She knows about that. She knows this area. Yes,

Mr. Schaechter: Well, no, she knows the area, but did she know it was an undersized lot and building on it would be a problem.

Mr. Lidwin: Yes, she knows.

Mr. Weiss: Well...you know...the problem with the line of questioning is that the realtor is not here. So, asking Mr. Lidwin what the realtor knew, it's kind of a tough question. Brian, I kind of like the way you're going here, but we don't have a realtor. And I don't think Mr. Lidwin knew what she knew.

Mr. Schaechter: Yes, I understand.

Mr. Weiss: But...you know...I was thinking the same thing, but without the realtor here. I don't think we can really put much weight into that. I saw Mr. Buzak kind of smiling. That was kind of a good direction.

Mr. Buzak: Although I think you're right. And I think the Board's or Mr. Selvaggi has to decide whether or not we need to have the realtor here and have to bring that testimony in. And I think you're...both of you and right on point.

Mr. Weiss: And regardless, Brian, the testimony was that Mr. Lidwin as for 25 thousand, his offer was six thousand and he dropped it. So I suppose he's got the right to ask for anything he wants...

Mr. Selvaggi: And look, it's undersized...look at if Mr. Lidwin...you know...he got the three lot for 110...you know...if he had asked for 110 for this undersized lot, I think you could say he was just being unreasonable. I don't think in the scheme of things, 25 thousand dollars is unfair, particularly when...you know...I certainly believe the ordinance supports the notion that even though this is an undersized lot there...you know...there was no hardship. He didn't create the hardship. And...you know...he's taking the proper steps to get the approvals to build it.

Mr. Schaechter: I'm going to disagree with the creation of the hardship because he sold off a piece of land that could have been used to merge the lots. So in a way...but from what I'm hearing right now right now, the hardship was created by...

Mr. Selvaggi: You know what, sir. With all due respect, your ordinance specifically allows the non-conforming lot to continue. And that was the mindset in which they took that. This is...you know...I am surprised you have an ordinance on the books that says what it says. But it says that. So I think it's only logical to take the plain language of that and say any non-conforming lot may be sold and may continue to function in the same non-conforming manner. So...and moreover, and I don't want to repeat myself, but if that's the reason why the deeds and information are sent on to the town, because if the assessor thought that there was an opportunity to merge this, he had every opportunity to do that and did not. So...

Mr. Buzak: My only response to Mr. Selvaggi is...and again I didn't look at the ordinance carefully, so I will reserve the right to look at that. When that ordinance could well be talking about individualized lots, often lots that are surrounded not by lots in common ownership. So, for example, if you have a pre-existing non-conforming a lot, that ordinance may well be applicable to that that that will can continue in it's not conforming state, but I don't know if that impacts or implicates the merger issue as to whether or not those lots could have merged. And again, I think, as I said earlier, the lots cannot merge now because of the non-common owner of Lot 20.

Mr. Selvaggi: For the record, too, we have to be careful here because Lot 6 would have never merged with Lot 20 anyway, because both of them have, even though there were undersize...both of them have frontage on either side of them and so there would not...there wouldn't have had been an automatic right for the municipality to merge that anyway under the doctrine of merger. I think when we talk merger, it's more germane for whether Lots 19 and 20 could have merged.

Ms. Natafalusy: Why couldn't 19...why couldn't 6 and 20 merge?

Mr. Selvaggi: Well, look, quite frankly, you're right that the property owner could have merged all three of them together. All right. He chose not to. That doesn't mean...and don't forget, these lots were all created by virtue of a subdivision in 1955. Okay, so these have been long standing

lots that have been there and even the doctrine of merger talks about situations like that. So, but usually when you have frontage on either side, there isn't an automatic merger. So, if the property owner...you know...I think the more germane question of merger is lots 19 and 20. But...you know...that wasn't done. So, but anyway, look, I think this is going to have to be the outcome of whatever you do is probably going to have to await Mr. Buzak's analysis. So, we'll continue on and... you know...give our testimony and see where that lands.

Mr. Buzak: Let's get started here. Mr. Glasson, can you please raise your right hand?

Mr. Weiss: Wait, wait. Not yet, Ed.

Mr. Buzak: Oh, sorry.

Mr. Weiss: A couple of things for Mr. Lidwin. We spoke about you looking to sell your lot to Mr. Kuhl. Did you talk did you try to buy Mr. Kuhl's property ever at all? Did you ever make an offer to purchase some of his property? That looks like you've got a fairly large lot? I don't know. I don't know the square feet. But looking at Lot 5, it looks large. Did you ever make an offer to buy some of his property?

Mr. Lidwin: No, no, we didn't...

Mr. Weiss: Why not?

Mr. Lidwin: any offer. We never give him offer.

Mr. Weiss: How come?

Mr. Lidwin: I think Mr. Selvaggi sent the letter around the neighbors and they was asking for that.

Mr. Weiss: So there was no effort to buy additional property to bring your lot up to more of a conforming size. Is that correct?

Mr. Selvaggi: The letter that went out. I'd be happy to send it...said I am sending you this letter to ask if you have an interest in selling Mr. Lidwin with a portion of your property or purchase his at fair market value. So when Mr. Kuhl called me and I put him in touch with Mr. Lidwin, it was...he wanted to buy Mr. Lidwin's property that's why I put those two together.

Inaudible

Mr. Weiss: Well, that's a fine explanation. I didn't see the letter. So my question. So your letter went out to buy or to sell.

Mr. Selvaggi: Buy or sell, yes.

Mr. Weiss: That's what I was looking. Ed, I know you were looking to bring up Mr. Glasson. Does anybody else in the Planning Board have any questions for Mr. Lidwin? Because I think I should also open it to the public. Before we let Mr. Lidwin go, does anybody from the public

have any question for Mr. Lidwin based on the testimony that he just gave? I'm looking. I don't see anybody from the public, so let me close to the public. Let's bring up then Mr. . . . Thank you, Mr. Lidwin, for the testimony. Let's bring up Mr. Glasson. Ed, you can swear Jim in.

Mr. Buzak: Thank you,

James Glasson was sworn in for the record.

Mr. Glasson: James Glasson, G L A S S O N, Civil Engineering, Inc. 1 Cover Street, Budd Lake, New Jersey.

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

Mr. Weiss: Mike, we can dismiss qualifying, Jim. We've seen that enough times. We know that Jim is certainly a qualified and respected engineer. So we'll accept Mr. Glasson. Welcome, Jim.

Mr. Selvaggi: Thank you. Jim, why don't we start with at least a description of Lot 6 and then we can talk about the proposal and then address Mr Vreeland's report.

Mr. Glasson: Okay, I'm just going to walk you through if you have plans in front. . . I'll walk you through my Sheet 3 of 3 if you have those plans. That's titled variance plan, it's dated 2/6/20.

Mr. Buzak: Mr. Glasson, just give us a second. Can you share a screen with that or not?

Mr. Glasson: No, I can't.

Mr. Selvaggi: I believe the plans though are on your website, if you go to the agenda, it's on there now.

Mr. Buzak: I have hard copies.

Mr. Weiss: I think we all have hard copies of it.

Mr. Buzak: Sheet 3, Mr. Glasson?

Mr. Glasson: Yes, Sheet 3, its entitled variance plan, Sheet 3 of 3.

Mr. McGroarty: Jim. . . Mr. Chairman, just a minute. Jim. . . there you go. Just verify the date on the plans for us.

Mr. Glasson: Yes, dated 2/6/20. . . February 6, 2020.

Mr. McGroarty: Got it.

Mr. Glasson: So, let me just give you a run through of the lot and what we're proposing. Its Lot 6, Block 3106, it's a 5,000 square foot lot, street address 14 First Street. It's a vacant property in the R4 Zone. It has 50 feet of frontage on First Street and a depth of 100 feet. Your R4 requires

a size of 10,000. So, it's non-conforming there where it has 5,000 square feet and your R4 Zone requires 80 feet of frontage and this property has 50 feet. It also requires a front setback of 35, a side of 12, and a rear of 35. A maximum building coverage of 20 percent and lot coverage of 30 percent. We're proposing a two-story dwelling with a footprint of 1,046 square feet that show on the plan that the dwellings about 25.2 feet wide and 42 feet deep. And it's located in conformance with the rear set back which is 35, it's 35.5. In conformance with the right and left side setbacks, 12 foot is the requirement, it's 12.4 on both sides. And it's non-compliant with our front setback where we're proposing 22.5 and 35 is the requirement. The lot to the left of us is shown on your plan. You can see a portion of the home to the left of us is almost that same front setback about 22 ½ to 23 feet. The lot to the right of us is at about 35 feet. So, we're somewhere in the same proximity as the lot to the left and a little bit shy of the lot to the right. We are proposing a building coverage in conformance with the ordinance. That building footprint is at 19.92 percent where 20 percent is allowed. And our lot coverage with our driveway and our air conditioning pads and paver patio in the rear is in conformance with the 30 percent allowed at 29.96. This lot is served by public sewer and public sewer connection out to First Street. We have also have a drywall on the side of First Street to handle the entire roof area, size for a three inch storm. And we have a proposed on lot well in the rear, a case well located 10 feet off the right side lined and real property line. We are also in the Highlands preservation area. We comply with Exemption Number 2 of the Highlands, which is the construction of a single family home for a lot in existence...inaudible...2004 provided the construction does not disturb more than an acre. This would not disturb more than an acre being that it only has 5,000 square feet and coverage of less than a quarter acre which we're well...that kind of explains what we're looking to do. It's a relatively flat lot, not a tree lot, not a lot going on with respect to vegetation. And that's kind of a synopsis of what we're looking to do.

Ms. Natafalusy: Jim, are you talking...you're talking about First Street, right?

Mr. Glasson: First Street.

Ms. Natafalusy: There were bushes along the front and trees. I mean I drove past it today. Am I right?

Mr. Glasson: Right. But we're not taking...we have trees planted in the rear. We're taking down the vegetation in the front.

Ms. Natafalusy: Okay.

Mr. Glasson: We have some replacement trees...Leland Cypress trees that we proposed in the rear.

Ms. Natafalusy: Do you know what the gate is for?

Mr. Glasson: No, the applicant would have to...the owner would have to answer that.

Ms. Natafalusy: Thank you.

Mr. Weiss: Anybody else have any questions for Jim?

Mr. McGroarty: I do.

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: No, I'll wait for Dave. Thank you.

Mr. Weiss: Oh, I'm sorry.

Mr. Scapicchio: Thank you, Chuck. Jim, was there house on this property?

Mr. Glasson: When I was involved in it, no. I can't answer that question before that, no.

Mr. Scapicchio: Okay, so I guess there's going to be a question for the owners at some point and time. Thank you.

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: Thank you. Jim, the house...the footprint that you're showing on your plans and the calculations that you make based on that for both building and lot coverage. And we do have architectural plans, but my question is, is it your understanding from your client that that's the house that's going to be built?

Mr. Glasson: Yes, it is. That is the exact house that's going to be built. I believe when he last came in, he came in with a footprint that was different. I wanted...when he came to me, I said I wanted that footprint compliant with building coverage and lot covered. So that's why that building is different than the previous application.

Mr. McGroarty: So the representation to the Planning Board then is this is not a generic footprint. This is a precise footprint for the type of house...for the house that we have plans for.

Mr. Glasson: Yes, it is.

Mr. McGroarty: Thank you.

Mr. Weiss: Okay, so, Jim, did you want to go over the engineering report that Mike Vreeland put together. Bob Clerico is here to go over that with us.

Mr. Glasson: Yes. I guess I'll go to general comments, would that be...the section to start? Copies of the surveys they want provided, which I didn't do the surveys, but we will have those provided. I actually if you want to go through this line by line, I don't have any issues that really just items pertaining to responsibility for the storm drainage system. Confirming that the dry walls are above seasonal high water table...infiltration analysis. Most of the items, 3.1 to 3.5 could...3.6 refer to the storm drainage, which is the drywall system. And then 3.7, just ask for revision to a detail. 3.8 asked for elevation for the sanitary sewer main to be confirmed, and it asked for some clean outs and caps for locating them in the future. And then that really is about it.

Mr. Weiss: So, you're okay with all those comments right up to 3.9.

Mr. Clerico: Yes. Jim, just one question.

Mr. Weiss: Yes, go ahead, Bob.

Mr. Clerico: On item 3.4, do you anticipate any issue when you perform the hydraulic impact analysis on the dry well?

Mr. Glasson: No, I mean, we already have a soil log out there. I don't think there's any issues with anything. There's a soil log and a permeability tests that were done out there. I don't think that there would be any issues. There was no water table evident down to 110 inches. So there's no...

Mr. Clerico: And you're in agreement to provide the documentation that Mike was looking for then?

Mr. Glasson: Yes.

Mr. Weiss: Okay, I guess I mean...what we'll do next. Inaudible. We'll hear from the hydrogeologist. But, Jim, did you have anything else from the engineering standpoint?

Mr. Glasson: That really kind of describes everything. I don't know that there's anything else. It's a simple driveway, 10 foot wide. It has a proposed turn around so that no one backs out onto the street. There's a front walkway to the front door that really describes most of what we're proposing, a small patio in the rear with two air conditioning pads.

Mr. Weiss: Ok, so does anybody from the Planning Board have any questions for Jim?

Mr. McGroarty: I do.

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: Jim, and this may be a question again for Mr. Lidwin also at some point, but since this is the house that would be built, this is the exact footprint. Did you have any discussion with your client about the fact that there won't be any room for any other improvements? There's a small paver patio in the back, but you're basically at the 20 and 30 percent limit, virtually. You're at twenty nine and whatever the other number was. So, did you have any conversations with Mr. Lidwin that if you get this, this is basically it? Any deck, any other...any shed, anything like that will trigger a variance.

Mr. Glasson: Yes, I did. He actually I believe was over on both of those with his last application. So, I did ask him to bring them down in conformance and I explained to him that he would not be able to add.

Mr. McGroarty: And was there any consideration...to the best of your knowledge...I mean, you, as the engineer don't make that decision. But did any discussion about a smaller house to give some room for these kind of improvements in the future?

Mr. Glasson: I didn't have that discussion. He may have had that with his architect.

Mr. McGroarty: Thank you.

Mr. Weiss: Anybody else from the Planning Board have any questions for Jim. I'm seeing none. Let me open it to the public, if anybody from the public has any questions based on the testimony that Mr Glasson just delivered, you'll find the button on your screen, which is a raise the hand and we'll identify it. We do have Ms. Laura Kuhl. So, Chuuk, if you could bring Ms. Kuhl up.

Mr. McGroarty: Doing that now, Mr. Chairman.

Mr. Weiss: There it is and then we have another one. I see Jesse Cohen. Let's bring up Laura Kuhl.

Mr. McGroarty: All right.

Mr. McGroarty: Want Mr. Cohen as well?

Mr. Weiss: No, we'll do one at a time.

Mr. McGroarty: Very good.

Mr. Weiss: Ms. Kuhl, let us know when you're hearing us and...

Mr. Selvaggi: Was there a question? I don't know.

Mr. Weiss: We're not waiting for Ms. Kuhl to come up.

Mr. McGroarty: Yes, we're waiting here.

Mr. Weiss: While we're waiting, Chuck, let's try...okay, there we are...never mind. Okay, Laura, we can see you. Can you hear us? Have to turn the audio on. Okay, you almost there? You have to unmute it.

Mr. McGroarty: It's on mute.

Mr. Weiss: There you go. I don't hear anything though.

Mr. McGroarty: They may not have audio.

Mr. Weiss: No, it's not working.

Inaudible

Mr. Weiss: Perfect. Okay, Ms. Kuhl, can you hear us?

Ms. Kuhl: Yes.

Mr. Weiss: All right. So I offered to have somebody from the public has any questions for Mr. Glasson based on the testimony he gave. You had identified yourself as having a question. So feel free to ask a question.

Ms. Kuhl: Okay, we're at 10 First Street with Jerry Kuhl, my father. And we want to know how it's going to work with the retaining four foot wall that's above our property.

Mr. Glasson: Meaning, is there any water going to be directed to your property? Is that what you're...?

Ms. Kuhl: We we're just worried about heavy equipment knocking down the wall into onto our property. There's a four foot wall dividing...inaudible...

Mr. Glasson: I understand that. There's really no grade change along there. So that first 12 feet along that side, there's really no grade change there. There's not really going to be anything going on there. That grade is almost...all we're doing is making the water swell in both directions. So I don't...I can't answer the construction practice that Mr. Lidwin would use, but it shouldn't be anything where he's anywhere near that wall.

Ms. Kuhl: Okay.

Mr. Weiss: Laura, let me interrupt real quick, just so we have a clean record, can you state your name, spelling your last name and your address

Ms. Kuhl: It's Laura, the last name is K U H L and we're at 10 First Street.

Mr. Weiss: Okay, thanks for the record. Do you have any questions?

Mr. Buzak: Ms. Kuhl, you're...or Mr. Glasson, it is just a lot to the left...

Mr. Glasson: I believe its Lot 5.

Mr. Selvaggi: Yes. If you're looking at your Sheet 3 of 3, it's to the left.

Mr. Buzak: Right, okay. That's what I needed to know. Thank you.

Mr. Glasson: If you see the elevations, the spots along here, we have an elevation of...inaudible...and they have an elevation of 1, so there's is a three foot difference in elevation there that it's that transition between that wall that she's discussing along the property line.

Mr. Weiss: Okay, any other questions, Laura?

Ms. Kuhl: And as far as the well, we're already affected with the three houses that were just put in on our street. We've already had two other people that had to dig deeper wells because of the amount of housing.

Mr. Weiss: Laura, I'm going to stop you. We're going to hear from the hydrogeologist. That's probably the better person...

Ms. Kuhl: Okay.

Mr. Weiss: ...to ask about impact. I know Mr. Glasson just simply noted where it's going to be. The next expert will talk to us about the well in particular. So we'll bring you back up to ask that question to the proper expert.

Ms. Kuhl: Okay, thank you.

Mr. Weiss: Anything else? Anything else?

Ms. Kuhl: No, that's it.

Mr. Weiss: Okay, so I saw that we had another question, too. Is it still there? Jesse Cohen, looks at your hand is down. I'm going to assume there's no question. Chuck, we could drop off Ms. Kuhl.

Mr. McGroarty: Okay, and Dane, can you help me with that, please?

Inaudible

Mr. Weiss: Okay, so as I look I don't see any other questions. I'm going to assume that Jessie Cohen's question was answered. But if there's anybody else from the public that has any questions for Mr. Glasson. I don't see any. Therefore, I'm going to close it to the public and let me turn it over to you, Michael, again.

Mr. Selvaggi: Yes, I'd now like to call our next witness, Vincent Uhl, who is already been accepted into the meeting. If he can be sworn in, then we'll go through his qualifications.

Vincent Uhl was sworn in for the record.

Mr. Uhl: Vincent Uhl, last name spelled U H L. Business address is 278 North Union Street in Lambertville, New Jersey.

Mr. Buzak: Thank you, sir.

Mr. Selvaggi: Good evening, Mr. Uhl. I don't know if you've testified before this Board, but if you could please let them know your educational background as well as your experience in matters of hydrogeology here in New Jersey and perhaps elsewhere.

Mr. Uhl: Yes, I have a master's in hydrogeology from the University of Arizona. A BS degree in mechanical engineering and another master's degree in...inaudible...engineering. I've been practicing for 40 plus years...30 of which have been...35 of which have been in New Jersey.

Mr. Selvaggi: Okay, and have you testified in other land use proceedings in matters of hydrogeology?

Mr. Uhl: Yes, I have.

Mr. Selvaggi: All right, a ballpark number? How many times you've been asked to do this?

Mr. Uhl: Tens of times.

Mr. Selvaggi: And you've been accepted as an expert in the area of hydrogeology in those other communities, correct?

Mr. Uhl: That's correct.

Mr. Weiss: And appropriate licensing is accurate...it's in place?

Mr. Uhl: I have PH, that's a professional hydrogeology license which is a national organization. And a PG in New York State. New Jersey does not have a PG professional job geology licensing.

Mr. Weiss: And those licenses are current?

Mr. Uhl: Yes, sir, they are.

Mr. Weiss: All right. I don't know if anybody from the Planning Board has any questions for Mr. Uhl. If I don't see any, I certainly will then accept Mr. Uhl as the professional expert hydrogeologists for this hearing. Welcome, Mr. Uhl.

Mr. Uhl: Thank you.

Mr. Selvaggi: Mr. Uhl, you've been listening in and you've also had communications with Mr. Glasson and myself, as well as Mr. Lidwin and his son. And I think you understand the concerns that were expressed by Mr. Vreeland as well as the neighbors. Correct?

Mr. Uhl: Yes.

Mr. Selvaggi: And had you had a chance to examine the...you know...the issue here. What's your what your expert opinion on the concerns about a lack of water and shallow wells and the like.

Mr. Uhl: The area, as I'm sure you are aware of, is underlain by a glacial aquifer, which is then underlain by a bedrock aquifer what we call a basement or precambrian bedrock. The well records that I have been able to look at indicate roughly 100 plus feet of glacial deposits, in the area of these lots and in the bedrock, I think one record that I looked at, west of the site, in bedrock had a yield of 50 gallons a minute. I'm looking at records for wells in the area. They're fairly high yields and talking with Dan Ballantine, who's drilled a lot of wells in the area, he is anticipating both lots, well, this lot will require well down in the glacial deposits to 120 plus, plus or minus feet. I think in terms of water use, we're looking at four bedrooms, so if we look at New Jersey code, that would be equivalent to about 400 gallons per day, which is roughly a quarter of a gallon per minute.

Mr. Selvaggi: And I guess the question is, and most people, if you drop the well on, Lot 6, does that mean there's going to be no water left for Lot 5 on one side, Lot 7 on the other, as well as other adjacent lots?

Mr. Uhl: No. In terms of, if you're talking about putting in more than 120 feet, the...I would not anticipate water level impacts more than half a foot or a foot on nearby wells. We're not talking. What's important here is to remember that we're talking about a quarter of a gallon a minute. So, we're not talking about large production wells. These are these are, you know, small capacity residential wells.

Mr. Selvaggi: And what about, you heard Ms. Kuhl, a moment ago said, well, you know, there's been other wells that have gone bad in the area. Do you have any way to opine on that as to what may have caused that? Or is it just old wells, shallow wells?

Mr. Uhl: I think in order to opine on that, I really we need to know more about how deep the wells and what are the water levels of the wells and more of a history of what's going on.

Mr. Selvaggi: But in your expert opinion, just dropping a well here based on the aquifers should not have the deleterious impact on adjacent wells, on adjacent properties.

Mr. Uhl: I don't believe so. No.

Mr. Selvaggi: Is there any, I mean, when in terms of building this, you're going to...well, my guess would be the first thing he's going to...he's going to drill, correct?

Mr. Uhl: If he's the driller that the owners selects, yes.

Mr. Selvaggi: All right. So would that be able to give you any indication right off the bat if there was going to be a problem with the well?

Mr. Uhl: Well, with the well that's being installed or...?

Mr. Selvaggi: Yes, with the well being installed. I mean, would that yield anything?

Mr. Uhl: After he installs the well, I'll probably do a yield a yield test of some sort, for the applicant, so that will tell the applicant how much water yield he's got.

Mr. Selvaggi: And so, you know, as you look at all of this, you feel comfortable of telling the applicant that there's going to be water available for...because obviously if it's going to have a negative impact on adjacent properties, it will also have a negative impact on his. Correct?

Mr. Uhl: But what the applicant is going to be interested in is getting, you know, the amount of water he needs to service a four bedroom house.

Mr. Selvaggi: Okay.

Ms. Natafalusy: I thought it was a three bedroom house?

Mr. Weiss: Four.

Mr. Selvaggi: It's four. I mean, Mr. Lidwin, it's four correct? I mean, he's available?

Mr. Lidwin: It is a... inaudible...

Mr. Buzak: Plans show a three bedroom house.

Mr. Lidwin: Yes its 3 bedrooms.

Mr. Uhl: That's my fault that I have four on my plans.

Mr. Selvaggi: All right.

Mr. Lidwin: Three bedrooms.

Mr. Selvaggi: Three bedrooms. So does that change your opinion, Mr. Uhl?

Mr. Uhl: No, no. We're still talking about, again, fractional gallon, you know, gallons per minute.

Mr. Buzak: There is, however, a den, I think, and perhaps just a glass enclosure that is a bedroom. I'm not sure how you count it, but I assume you would have to account for it in some way.

Mr. Selvaggi: Well, let's...let's take worst case scenario. Somebody converted the den into a bedroom, and you have four, does that change your opinion, Mr. Uhl, about what the impact is going to be?

Mr. Uhl: No, no.

Mr. Selvaggi: I don't have anything further from Mr. Uhl on this.

Mr. Weiss: All right. I do have a question. Mr. Uhl, have you done any analysis as to the depth of the surrounding wells? I know you briefly said you were unsure of the neighboring wells. Any idea how deep other wells are in the area? In the neighborhood?

Mr. Uhl: There are two nearby wells on Netcong Road that are to the South West that are about 120 feet deep. And then I have records for some wells within a 1,000 feet of the site, that are anywhere from 300 to 600 feet deep. All with very high yields.

Mr. Weiss: Okay, so you don't you don't believe there's anything very shallow, a 50 foot wall in the area?

Mr. Uhl: That...no, there are a number of wells on the plans that Mr Glasson referred to the...

Mr. Glasson: Inaudible...my Sheet 2...

Mr. Uhl: ...record, and I did I did a record search for wells within the area, and they're...the only records I could find were the same ones that Mr. Glasson had on his plans.

Mr. Glasson: Yes, if you if you look at my Sheet 2, I designate a bunch of different wells around us, what the well logs that we found were and which ones we did not find. So if you look at my Sheet 2 of 3 on the lots that I have the information, I noted right on there.

Mr. Weiss: Okay.

Mr. Uhl: And, I double checked that with the DEP database, and I concur. I mean, found the same data that Mr. Glasson had.

Mr. Weiss: Okay. Does anybody else from the Planning Board have any questions?

Mr. Clerico: I have a question, Howie.

Mr. Weiss: Go ahead, Bob.

Mr. Clerico: On Jim's plan he's showing a well on the adjoining Lot 20, that's about 25 feet away. And he's showing a casing of about...a little hard to read on it. I believe it's a casing of 100 feet and the depth of 111 feet.

Mr. Uhl: Correct.

Mr. Clerico: Okay.

Mr. Uhl: Correct. Yes.

Mr. Clerico: Your experience when they drilled the well, on this particular lot, they'll do a yield test on...on that particular well... will they do any observation on the adjoining well? See if there's a draw down? And would you anticipate, given the size pump you might put in this well, the proposed well, for the three or four bedroom house, whatever it is, that that would have could potentially have some adverse impact on the proximity of the adjoining well, and the fact that there's only about 10 feet of well below the casing?

Mr. Uhl: I think what you have probably is a... I don't have a construction diagram for this well, and I don't know who drilled it, but you probably have a couple of feet of well screen. And, but you're fairly deep within that glacial aquifer. So I think you have a lot of saturated thickness to take, to...to avail of.

Mr. Clerico: Do you know what the water level in these wells are? Where the...what elevation of pumps are set at? For example, on that adjoining well.

Mr. Uhl: I don't. I don't... That was not on the well record that I got from the DEP.

Mr. Clerico: Back to my initial question, would...when drilling as well and running a pump test on it for yield, what would they typically what rate would they typically pump that well at?

Mr. Uhl: Well, the DEP and the New Jersey Geologic Survey have put together, some years ago, what's called a three part pumping test for residential wells. And the way that that is set up is that you run the first hour at what's called a peak demand rate, which is the number of bathrooms times three gallons a minute. And that's to see if the well can meet the morning peak demand when you're using a lot of water and then a four hour concentrate test, which can be a few gallons a minute or less, you know, depending on the number of bedrooms. Then a recovery test for half an hour. So that's an individual well test. I'm not sure that...most drillers I work with, will do that for a residential well.

Mr. Clerico: Is that a requirement of the code?

Mr. Uhl: I don't...I'm not sure with Mount Olive, whether that's a requirement. It is in some townships in New Jersey.

Mr. Clerico: It would be in a local code. It would be the state code.

Mr. Uhl: That's correct. It's going to be township code.

Mr. Clerico: And with that kind of test that was conducted would they...would they be monitoring any adjoining wells as part of conducting that test?

Mr. Uhl: I...you know, I think that's going to be up to...if it's requested and that's really going to be up to...it's not, you know, in the Mount Olive Township code, it's going to really be up to the homeowner and the developer and the nearby neighbors.

Mr. Selvaggi: There's no... I mean, there's no state law that requires, when this test is going on, an analysis of adjacent wells, correct?

Mr. Uhl: Not that I'm aware of, no.

Mr. Clerico: That was it. That was the question.

Mr. Weiss: Thank you. John, did you have a question? Okay. No, John Mania. Does anybody else on the Planning Board have any questions? Chuck, go ahead.

Mr. McGroarty. Yes. Mr. Uhl, have you had experience testifying for situations like this where the lot is substandard with respect to the current zoning?

Mr. Uhl: No, not that I can recall. No, no.

Mr. McGroarty: Okay, and in your experience, then, when you when you're dealing with residential wells, just to pick up on Mr. Clerico's question, is it your experience that monitoring adjacent wells is a common occurrence or very infrequent?

Mr. Uhl: Not that frequent, in my experience.

Mr. McGroarty: And last question, then. What, if you know or in your own experience, you've had a lot of experience with this in this area, what happens when they're drilling the well? For example, on this lot, they're doing the test while they're drilling it, how will adjacent wells or adjacent neighbors know if there's an adverse impact on their well, other than insufficient pressure or service? Is it something that would be immediately apparent or is it something that reveals itself over a period of time? For example, six months, a year after family is in here and there's a constant use of water for the three or four bedrooms? That was a long question. Let me say it differently.

Mr. Uhl: Inaudible...question, I mean...Inaudible.

Mr. McGroarty: Would it be an immediate impact, do you think? Or is it something that that reveals itself only after a period of time?

Mr. Uhl: Well, I think you're...I mean, you're talking about what I'll call the minimum pumping rates here, demands that the time...so the time factor, you're going to have water levels that are going to naturally fluctuate from wet to dry seasons. So, from what we call the spring high level season to the September - October low water level season. So that the September, the drier season...the long dry summers and the dry falls is when you'll have most well complaints in terms of water levels declining. And that may be natural declines coupled with impacts from your own well and other wells.

Mr. McGroarty: So, and if... I'm ask these questions because I think it's rather obvious, I have no expertise in this area at all, but during the drier periods of time would a new well, on a lot of this size, be expected to have an adverse impact on...on these adjacent wells? Or does it depend on the depth of those wells, in proximity to this lot?

Mr. Uhl: Well, I think you're shallower wells might have impacts that are just due to natural fluctuations in the water table, and I don't have, you know, again, I don't have a survey of the well depths in the area. I'm told there's some very shallow wells, but don't have any records. In terms of wells of similar depths, like the well that you referred to, that's one hundred and eleven feet deep, I don't see where two wells that similar that's drawing...meeting demand for residents is going to have much of an impact on each other.

Mr. McGroarty: Thank you, Mr. Uhl.

Mr. Weiss: All right, anybody else from the Planning Board? Seeing nothing, would open it to the public. If anybody from the public and I see that Mr. Cohen has a question, so we'll bring him up first. The question is going to be directed to the hydrogeologist based on the testimony that he just delivered. This is the opportunity to ask a question. Now, in order to ask a question, we need video and audio. Mr. Cohen, are you there?

Mr. Cohen: I am here.

Mr. Weiss: There you go. Perfect. Thanks, Jesse. You have a question? What I want you to state your name and address for the Record.

Mr. Cohen: My name is Jesse Cohen and I live at 35 Netcong Road, which is Lot 20.

Mr. Weiss: Okay, perfect. And your question for the hydrogeologist?

Mr. Cohen: Yes, I share the same concern about my well, a lot of my questions were answered, so thank you. But, is there any environmental or any contaminants that we should be concerned of? Or any changes to our water quality that would affect my well? I think it sounds like 111 foot well, but, you know, we're only talking about Lot 6 but I also have Lot 19 to worry about. And I know that Jerry does as well. So is there anything that we should be concerned about adding these two wells near us? I know it's about 800 gallons a day, but contaminants, there's already high iron. What can you tell us about that?

Mr. Uhl: Well, in terms of iron, it's probably natural. So, I don't think adding a new well is going to affect, you know, the iron concentrations.

Mr. Cohen: Okay. So, I'm just... I'm concerned about that. I'm also concerned about the same thing Laura had mentioned earlier. A house was built about six lots, maybe more, up the street and then someone else had to dig... re-drill their well. I don't know the depths of the well that had to be drilled. And me, being about 10 feet shorter on the well and you say that I shouldn't have to worry about it, but I am concerned about having to drill a deeper well on my property.

Mr. Weiss: Mr. Cohen, is that a question? I know you're concerned, but the idea here is that's the question.

Mr. Cohen: I'm sorry, I don't really have one. I guess, it was answered. But that was my question. It was answered when Chuck asked his. So, thank you.

Mr. Weiss: Okay, perfect. So let's thank you for that and of course there'll be opportunity at the end of the hearing to bring us your comments. Jesse, I didn't want to dismiss your concerns at this point. Let's bring up, Dane, let's drop Jesse and let's bring up Carlos.

Mr. Weiss: Okay, Carlos... I know you also brought up Laura, but let's call upon Carlos.

Mr. Vera: Hi, can you hear me?

Mr. Weiss: I can. Carlos if you have video we'll need the video as well.

Mr. Vera: Well, I don't know if I if I have video. Hold on one second. Why can't I see the video? Okay, I got it.

Mr. Weiss: Okay. Carlos, what I'll have you do is... I know you have a question. But will you please state your name and address for the Record.

Mr. Vera: Sure. My name is Carlos Vera. I'm at 31 Netcong Road, right next door neighbor.

Mr. Weiss: Will you do me a favor and spell your last name for the record?

Mr. Vera: Sure, Vera. V E R A.

Mr. Weiss: Okay. And Carlos, you have a question for the hydrogeologist?

Mr. Vera: Yes, considering his expertise. Can you guarantee that there will be no damage to our well, considering that our well is going to be closer than anybody else's? Can you guarantee that it would not affect us? Did he actually do the inspection himself, in person or is he just going by past history? Because I know this is an atypical size lot and normally all the surrounding houses have been here and adding a new well, I'm afraid that's something we won't know until they start digging, and by then it'll be too late. So I want to know if he can guarantee that my well would not be affected. And did he do the inspection himself?

Mr. Uhl: When you say...first of all...when you say inspection, could you clarify?  
Explain a little.

Inaudible.

Mr. Vera: Do you actually come into the property, yourself, to see...to see for yourself, where the well is and how far apart and how is it going to affect, our houses?

Mr. Uhl: And you're...I'm sorry, you're located in...

Mr. Vera: 31 Netcong Road.

Mr. Uhl: Okay and that would be south of the lot in question?

Mr. Vera: Yes.

Inaudible

Mr. McGroarty: Southeast.

Mr. Uhl: Southeast, Okay.

Mr. Nelsen: Would you have the lot number on that?

Mr. Vera: It was 2106...inaudible.

Ms. Natafalusy: Lot 18.

Mr. Vera: 19, okay. 19.

Mr. Uhl: I'm sorry, Lot..?

Mr. Buzak: Lot 18?

Ms. Natafalusy: Yes. It looks like he's adjacent to the next application.

Mr. McGroarty: That's correct.

Mr. Selvaggi: It's the other lot. He's that he's talking about Lot 19. We're on Lot 6.

Mr. McGroarty: Mr. Carlos, This is Lumary's lot?

Mr. Vera: Yes.

Mr. McGroarty: So, you're Lot 18.

Mr. Weiss: Well, I think the question is still valid, regardless of which lot we are talking about.

Mr. Selvaggi: Mr. Uhl, Can you make any guarantee that dropping a well here is going to have an impact, where is going to pass...where his, well will fail?

Mr. Uhl: I don't...I really don't want to get into the business of guaranteeing. I'm talking about what I think will be impact, or lack thereof, from operating a well on this aqua zone.

Mr. Vera: Did you make... So you are you're assuming that nothing will happen because the past records, is that it?

Mr. Uhl: Also the... I think what's important...important is the type of aquifer you're dealing with, which is fairly productive, both the upper aquifer and also the wells in the bedrock, have some pretty good yields.

Mr. Vera: This close together though?

Mr. Uhl: I'm going vertically, so... How far is your.... are you on the south side of Netcong?

Mr. Vera: Southeast.

Mr. Uhl: Southeast, Okay. I'm not sure.... I probably haven't answered your question to your satisfaction, but...

Mr. Vera: No, you haven't.

Inaudible

Mr. Weiss: Well, you know, sometimes in this process you're not going to get the answer you're looking for. I understand. You asked him if he can, you asked Mr. Uhl if he can guarantee it. Clearly, he can't.

Mr. Vera: I can understand. He can't. But that just tells me that we're just...we're taking... I'm taking a big risk and letting this happen. And it's going to be and it's going to end up being too late, once they start digging and I want to...

Mr. Weiss: Mr. Vera, I'm just going to interrupt. Is there a question? I'm going to give you the opportunity...

Mr. Vera: That was the question. I want to know if you can guarantee it. If you can't...

Mr. Weiss: He already said... He said he can't guarantee it.

Mr. Vera: Okay. That's all I need to know. Thank you.

Mr. Weiss: Okay, thanks. I believe that Laura Kuhl had a question. Laura, your let's come back. Let's bring you back up. We'll get the video going.

Ms. Sammarco. Hi, my name is Maria Sammarco. I'm here with Laura.

Mr. Weiss: Okay. So, I know you're on Laura's camera. Why don't you state your name and your full name, spelling your last name and your address for the Record please?

Ms. Sammarco: Last name, S A M M A R C O...3106, Lot 4.  
First Street.

Mr. Weiss: What street? What house number on First Street?

Ms. Sammarco: Eight.

Mr. Weiss: 8 First Street, Okay. So Ms. Sammarco, you have a question for the hydrogeologist?

Ms. Sammarco: Yes. We live next to Jerry Kuhl, which is Lot 5. The well, we just had our pump replaced last year, submersible pump. It's only eighty feet deep. The well, is 100 feet. How is this going to affect me? My family, house of six? I got two little grandkids. I got my daughter and my son, my husband and myself, we use a lot of water.

Mr. Weiss: Okay, you're asking Mr. Uhl, how your well might be impacted by the new well.

Ms. Sammarco: Yes, because if I heard correctly, the builder wants to put in 120 foot, plus? The well?

Mr. Weiss: Mr. Uhl, can you possibly answer that question?

Mr. Uhl: I...in speaking with the driller, driller being, inaudible Ballantine, Dan Ballentine, about the...well this lot on First Street, he anticipated 120 foot depth well.

Ms. Sammarco: Well, that's an anticipation. He's anticipating a 120 foot...okay.

Mr. Uhl: Based on his experience in drilling in the area. And I think he probably has the most experience of any driller.

Ms. Sammarco: Okay.

Mr. Weiss: Okay. So, then the follow up question, will...can you possibly state the impact on Ms. Sammarco's well?

Mr. Uhl: Well, I think we... what you're well is to the west?

Inaudible

Mr. Selvaggi: West, yes.

Mr. Uhl: Roughly how many feet away?

Ms. Sammarco: My well is right in the front. So...I don't know where they're going to be drilling it on that lot?

Mr. Selvaggi: She is at least 150 feet away from this...Lot 6.

Mr. Uhl: Okay.

Mr. Selvaggi: That's the width of Lot 5, which is in between the two.

Mr. Uhl: Those distances, you're talking about, very little impact, in terms... I mean, when I'm talking about impact, I'm talking about water level impacts from one well pumping on another, well.

Mr. Weiss: All right, so your answer is very little impact?

Mr. Uhl: Right.

Mr. Weiss: All right.

Mr. Uhl: Less than...less than a foot.

Ms. Sammarco: Less than a foot. And I'm not college educated...

Mr. McGroarty: What does that mean? I don't understand?

Inaudible

Mr. Uhl: You're well is going to...I don't know when you replaced the well, when you're... the drilling contractor replaced your pump, did he tell you what your water level was in your well?

Ms. Sammarco: I have water.

Mr. Selvaggi: Yes, but what depth?

Ms. Sammarco: According to town records, is 100 feet. When they pulled out the whole piping to replace the submersible pump that was 80 feet.

Mr. Uhl: Okay.

Mr. Selvaggi: So with those numbers, Vince, would we expect any...any impact and what would a foot mean in layman's terms?

Mr. Uhl: When we talk about impacts, we're really talking about how much does well A or the applicant's well, how much does the pumping of that well affect the water level and the neighbor's well? So you made your pump may be set at 80 feet. The water level...the water levels that I'm seeing in some of the well records that I have are in the 10 plus or minus feet neighborhood. So we are really talking about how much does the applicant's well pumping draw down your water level? And I'm saying...

Mr. Selvaggi: So the applicant's... would the applicants well, have any draw down to a point where I guess you would go below her pump? Where she couldn't get any water?

Ms. Sammarco: That's what I'm...inaudible.

Mr. Uhl: Yes, I'm not, I mean, you're talking at those distances, less than a foot.

Ms. Sammarco: That's if we have a wet season?

Mr. Uhl: If you have a water level of ten feet that means that a neighbor's well may be closer down to eleven feet.

Mr. McGroarty: Could I ask questions, Mr. Chairman?

Mr. Weiss: Sure, Chuck, go ahead.

Mr. McGroarty: Not to interrupt the member of public, but what does that mean? I mean, in terms so...so that difference in the elevation of the capacity in the system, how does that, what does that mean when someone turns on the tap or uses the shower and so on? Is there is there much pressure, less water, what is it what does that mean?

Mr. Selvaggi: If you lost a foot?

Mr. McGroarty: Yes.

Ms. Sammarco: Low pressure.

Mr. Selvaggi: Does that mean, low pressure, Vince? Does it mean a lack of water?

Mr. Uhl: It does not mean lower pressure or lack of water? No, I mean, you're...you're. If you're talking about impacting a foot or less a level nearby, well, it's...it's not going to affect your pressure or your yield.

Mr. Selvaggi: And Vince, maybe...maybe to help... So when you say 10 feet, that means the aquifer may start 10 feet below the surface of the ground. Correct?

Mr. Uhl: That's...yes. But that...

Mr. Selvaggi: I'm talking about...that's what we call static levels, not pumping levels.

Mr. Selvaggi: All right. So if it's if it's 10 feet. And if her pump sit down to 100, is that mean there's 90 feet of aquifer that that is available?

Mr. Uhl: Right, and you have 90 feet of available...we call it available draw down, in the industry.

Mr. Selvaggi: So, losing one foot takes it perhaps from 90 to 89 feet or the width, if you will, of this aquifer. Correct?

Mr. Uhl: Correct.

Mr. Selvaggi: So, the long and short is I mean, unless we're putting in an industrial well, that would suck that all the way down to about 90 feet. Chances are residential well, that's proposed shouldn't have that kind of negative impact on the community, correct?

Mr. Uhl: No, we're talking about a quarter of a gallon a minute.

Mr. Weiss: It sounds like the question has been answered. Is there anything else? Ms. Sammarco? Any other questions?

Ms. Sammarco: No, is this going to cost me more money? That's about it, but no.

Mr. Weiss: Okay. Thank you. Let me see if there's anybody else from the public that has any questions for the hydrogeologists? I don't see any? Dane, you could check for me. I'm not seeing anything. Okay. So let's close it to the public. Michael, let me turn it over to you. I'm sure you can bring Jessica up.

Mr. Selvaggi: Yes. Ms. Caldwell. I think is also available. If she could be sworn in and hopefully the Board will find it appropriate just to accept her credentials as well, given her experience with you guys.

Jessica Caldwell was sworn in for the record

Ms. Caldwell: Jessica Caldwell, C A L D W E L L, 145 Spring Street, Suite E, Newton, New Jersey, 07860.

Mr. Weiss: Michael, I will agree with you 100 percent. We we've seen the Ms. Caldwell in front of us. Unless anybody from the Planning Board disagrees. Let's accept Ms. Caldwell as the expert Planner tonight. Jessica, welcome back. And let's proceed.

Mr. Buzak: Just to confirm, Ms. Caldwell, your licenses are all currently in effect and in good standing.

Ms. Caldwell: Yes, sir.

Mr. Buzak: Thank you. Mr. Selvaggi.

Mr. Selvaggi: Yes, thank you. Mine are too, if you were asking about that Ed.

Inaudible:

Mr. Selvaggi: Jess, you've had an opportunity to review the various plans for Lot 6, Block 3106, correct?

Ms. Caldwell: Yes, I have.

Mr. Selvaggi: All right. And we're talking about variances for two pre-existing nonconforming conditions. Lot width and lot size as well as that front yard setback that Jim had mentioned early on. What's the...the standard that you believe would justify these variances? And perhaps, you know, it's just C-1 for one of the variances and C-2 for the others and vice versa. What's your professional opinion on the Board's ability to grant this relief?

Ms. Caldwell: Well, I think it's a C-1 isolated lot, a hardship case. You have addressed the...the Nash Doctrine by requesting buy property or sell the property to adjacent neighbors. So we satisfied that. So with respect to lot width and lot area, I think that does fall under that. And again, we have a lot that's...it's 5,000 square feet where ten thousand square feet as required. So that does minimize the size of the lot in terms of being able to develop it. I still think that's a C-1 hardship case for the front yard where we're proposing twenty two and a half feet where thirty feet is required. And we are essentially, though, in between one neighbor on one side and the other neighbor on the other side. As Mr. Glasson noted, we've got about twenty two to twenty three feet on one side, so we're pretty much in line with that. And then the other adjacent neighbor is set back at the step back. So we're still in keeping with the neighborhood in terms of the footprint that we're proposing, 1046 square feet. We're also in keeping with the neighborhood with that. Other several, sort of 1,213 square foot homes within the area that are either one story, one and a half stories or two stories is the mix of the neighborhood. I believe this residence would fit in with the neighborhood as well. Additionally, we're on a public sewer, so that minimizes impacts to adjacent properties and the need for a larger lot where we don't need to install septic system. And likewise, in terms of impact to the public good, I think because the property is they...the residences' size is similar to adjacent properties that will fit in. We are proposing to meet all the other bulk standards, the side yard, the rear yard, lot building coverage and lot coverage, which I think really shows that we fit into the neighborhood in terms of the zone standards. So I don't believe there's any substantial detriment to the public good or impairment to the Zone Plan or Master Plan. As we heard prior to the Zoning Plan does actually anticipate some nonconforming lots remaining as they are. The ability for the property to meet the bulk of the bulk regulations with the only pre-existing non-conformities. And the front yard, I think shows that it's... it's not a substantial document, or impairment to the Zone or Master Plan.

Mr. Selvaggi: And now one of the negative aspects of this, that's been raised in an earlier application that the applicants brought with Drew and this one is...is water availability. I mean, you know, based on the hydrogeology testimony, I mean, is that a potential negative...a negative impact?

Ms. Caldwell: It could be a potential impact if there were is going to be substantial impairment to adjacent properties. But I think the key is substantial. And the testimony was that there would be minimal impacts to adjacent wells.

Inaudible:

Mr. McGroarty: Jessica, if you would, I just realized something. And Jim, I'd ask you to check this as well, I didn't catch this, but your architectural plan shows a porch and your house shows what appears to be a porch and is that, in fact, the porch and not a stoop that's set nineteen point five feet to the front? I'm looking at sheet three of your plans, Jim.

Mr. Glasson: Yes is a cantilevered...it's a cantilever roof that sticks out there. It's not...it doesn't have support columns. It says, proposed cantilever stoop overhang, no posts or columns.

Mr. McGroarty: Okay, the fact that it's still a roof, Jessica, if you would, it may not matter in terms of your testimony, but I think you really should address... Oh yes, Jim, you do say it right on the plans, as opposed to 22.5 feet. I think the front yard setbacks should be considered 19.5 feet point five feet instead of...inaudible. Does that change your position at all?

Ms. Caldwell: No, I think it's still, it's another three feet. I think it's still very similar to the adjacent property and selling and keeping with the neighborhood. There definitely are properties that are close to the street in that neighborhood. This...some are set back and the neighborhood is mixed. It's not one...one standard. It's been built over time. So I don't think that that three feet would negatively impact the neighborhood or change my opinion on the testimony.

Mr. McGroarty: Thank you. So, Mr. Buzak? I have to correct my report then. It's not 22.5 feet, it's 19.5 feet. Then, would be the front setback.

Mr. Buzak: I have it. Thank you.

Mr. McGroarty: Thank you.

Mr. Buzak: I do have a question, Chuck, if you're finished and if the Chair would allow me to do that...

Mr. Weiss: Sure, go ahead.

Mr. Buzak: Well, Ms. Caldwell, you mentioned in talking about the negative criteria, and I didn't quite catch something about the current regulations in the municipality, and I'm paraphrasing with limited notes here... but what I got out of it was, that the testimony was that the current regulations in the municipality seem to favor this kind of development. I wasn't sure you didn't tell me what those regulations were to what you were referring. You just said, general...

Ms. Caldwell: I was referring to Mr. Selvaggi's discussion in the beginning of the hearing about the nonconforming lot ordinance. That it does contemplate that some lots would remain nonconforming.

Mr. Buzak: Okay, thank you.

Mr. Weiss: Okay. Jessica, any other any other testimony you'd like to give?

Ms. Caldwell: That concludes my testimony, Mr. Chair. Thank you.

Mr. Weiss: Okay. So, does anybody from the Planning Board have any questions for Jessica based on the testimony that she gave us?

Mr. McGroarty: I do, Mr. Chairman.

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: Jessica, I had this question of Mr. Glasson. You may have heard it earlier. Have you had any conversations with your client, with Mr. Lidwin, about possibly going with a somewhat smaller footprint of the house, in order to accommodate improvements in the future, be it a deck, a shed or whatever else they might be looking to do, realizing that they're almost at the maximum both in building coverage and total impervious coverage?

Ms. Caldwell: No, I have not.

Mr. McGroarty: Thank you. Thank you, Mr. Chairman.

Mr. Weiss: Anybody else, again, from the Planning Board? I see none from the Planning Board. Let's see if there's anybody from the public. Okay. With nobody from the public, let me, close it to the public. Michael, and turn it back over to you.

Mr. Selvaggi: Yes, as it relates to Lot 6, we do not have any further testimony to give. And we've addressed both Mr. Vreeland's comments, I believe we've addressed Mr. McGroarty's observations in his report as well. I guess the question is, Mr. Chairman, is, you know what... what's the Board's pleasure? I know the question of the merger is...is out there. You know, I don't know whether you want to hear from Mr. Buzak, who had said earlier, is not necessarily in a position to give his...his opinion, which I respect. I mean, it was presented to me this afternoon as well, or do some...So, I'm kind of asking you as to what you want to do. And I'll respond accordingly, because, you know, if you're willing to take action, I'll give a closing statement. If you want Mr. Buzak's input, then I would probably wait.

Mr. Weiss: Well, I think my opinion is that we're going to... I'm going to ask the Board to take an action tonight, unless Mr. Buzak advises me that that's not the right course of action. Otherwise, I think we've heard the testimony. We've heard from, obviously, the engineer, the hydrogeologist and the planner. I'm going to look for an action. I'm going to look to make I can make a motion, Mr. Buzak?

Mr. Buzak: Now, Mr. Chairman, my only comment is that, as I said earlier when I had the colloquy with Mr. Selvaggi, I don't think there's a question that any of these lot's merge...had merged now. Clearly, they are three separate lots. And there is no way that that they can merge at this time. But I do think that the impact as to how these lots were created, relates to whether this is any kind of self-created situation from the applicant's point of view. I mean, I think I think clearly it was self-created in the sense of the deeds and the transactions that we talked about. As I said, I'm not...I'm not prepared to go beyond that because I looked at the ordinance, the reference to the ordinance, that was in the deed. But I'm not sure I agree with Mr. Selvaggi's interpretation of it, as it impacts on the merger issue. If he's right and these lots were effectively grandfathered, as Ms. Caldwell has commented, I guess, and as Mr. Selvaggi contends, then I think the issue of whether this was a self-created situation is off the table. It's not. And while the deeds were self-created, so to speak, the fact is that those lots enjoy the benefit of the ordinance. On the other hand, if it did not enjoy the benefits of the ordinance, then as I said earlier, the fact that this was...these three lots were created through the various deeds, I think that does have an impact on the Board's decision in terms of whether this hardship that is being contended was one that was created indeed by the applicant's actions. So, I think...I think it does have that kind of impact.

Mr. Selvaggi: If I... if I...

Inaudible:

Mr. Selvaggi: If I may, and I think I cut off when I was reading the vesting schedule and the last sentence of the vesting schedule says is further evidence of the intent of the grantees to preserve the nonconformities, grantees are simultaneously conveying the tax Lot 6 to Mr. Lidwin and Lot 19 and Block 3016 to Bernadette who are husband and wife, such that all three lots continue in different and separate ownership to the same degree and in the same manner as the granters did. So they did that simultaneously. And I think Mr. Buzak raised that issue. So, they... while they took the deed, they took the three lots in one deed and relied on the Township's ordinances, they subsequently and immediately separated those three lots. To...look, I don't think it's any question to avoid the doctrine of merger. So, this is not a self-imposed hardship. While they had every right to do that, I submit under...under the ordinances and I think when they took it and the simultaneously deeding out to three different grantees, that was their expressed intent to keep these as separate lots. Now, you may not like that, but they had every right under the law to do that. And the fact that the Municipality never did anything to stop it, which in my opinion, I don't think that they have any legal right to do, I don't think you can say that this...these lots that are now here, are self-created hardships. Again, you may say, well, they could have and you're right, but, you know what, it was a smart business decision, I mean the only thing you can perhaps question, is maybe right at the outset, rather than taking it in one deed that could have taken it in three. And had they done that, I don't know if it would have been a different outcome from where we are now. And that...and furthermore, this is an applicant and we'll talk about a lot 19 next. But, you know, the first time they came before you and I was there for another applicant, this was the proverbial five pounds of rice and the three pound bag. They've come back with a proposal for the home, which is consistent with the neighborhood. It's not...they're not coming in saying, hey, we need side yard relief, we need rear yard relief. You know, the front yard is, you know, just slightly below, but it's not right on top of the road. So, it's a home, a modest home that is otherwise consistent with that neighborhood scheme. So, I believe the variance relief is certainly warranted. And the hydrogeology testimony shows that while there may be some drawdown, as Jessica said, it's not substantial enough where these aquifers are going to be so drained or drawn down that neighboring

wells should have some impact. So, on balance, I think the application, we're really here just for various relief, under the C bulk variance standard, the applicants entitled to the relief as it relates to Lot 6.

Ms. Natafalusy: Howie?

Mr. Weiss: Yes Catherine, go ahead.

Ms. Natafalusy: Okay, couple of questions. Can we ask Mr. Lidwin, if he knew, if these blocks were substandard? I mean, we've gone over it, but can he answer that? That he knew these were substandard when he purchased them?

Mr. Lidwin: Yes.

Ms. Natafalusy: He did?

Mr. Selvaggi: Yes.

Ms. Natafalusy: Okay. Is there any way that you can fit, rather than the front yard setback is 35 feet in this zone, I think Miss Caldwell said it was 30. Its 35 feet in the zone. Is there any...inaudible, any way that you can build the house, that you can meet that front yard setback back and not need that variance? I think Mr. McGroarty asked that question already. Mr. Lidwin?

Mr. Lidwin: Yes. We actually we did that this plan, whatever we have, we have smaller plans than before. And...

Ms. Natafalusy: Exactly.

Mr. Lidwin: We have three bedroom house so we can make smaller or three bedroom house.

Mr. Selvaggi: But, Mr. Lidwin, I think the question is, can you, for lack of a better term, could you pull it back further into the lot? And maybe, Jim, I don't know if there's some engineering issues that would preclude that.

Mr. Lidwin: Yes, it's no problem with me. If we can push to the back its okay. We are okay with that.

Inaudible

Ms. Natafalusy: Then he probably doesn't have to agree to the setback does he?

Mr. Lidwin: Then we're going to have smaller backyard.

Mr. Selvaggi: Jim, does that create a rear yard setback? I mean, it's like a balloon squeezing in with the air, I mean, it comes out on the other side, perhaps.

Mr. Glasson: Yes, absolutely. You have a 35 foot rear with 35.5. So if you slide the house, if you don't make the house smaller and you just slide the house back, you'll now need a rear yard variance.

Inaudible

Mr. Glasson: I consider that to be more nonconforming with what's going on in the neighborhood, because there are a lot of houses over there that do not meet that 35, whereas the rear yard here is only at 35.

Ms. Natafalusy: And a lot of houses over there were built in the 1940s or the 50s, and that was prior to our zoning ordinance. And I think the 487 that used to be, that is now 500 something, that talks about a lot of lots in Mount Olive Township. After the Clover Hill subdivision and nonconforming lots, because they don't fit into the 10,000 square foot zone. So it's not just for vacant parcels. I think it's for a lot of lots within the township.

Mr. Selvaggi: I believe...I believe...I agree with you.

Mr. McGroarty: I have a question.

Mr. Weiss: Sure, go ahead.

Mr. McGroarty: If Catherine is done. Catherine are you done?

Ms. Natafalusy: Yes.

Mr. McGroarty: You know, and after a conversation that Mr. Buzak and I had today, I did send this to Mr. Selvaggi late in the afternoon. So, I appreciate the fact he had very little notice about it. Although I did ask Mr. Lidwin when he was first in front of the Board two years ago, about the hardship issue and the merger issue. But nonetheless and Mr. Selvaggi, in a very quick time, provided some very interesting food for thought here. I have, just... I have never read the nonconforming uses lots and structures section.

Inaudible

Mr. McGroarty: I have never read that section to...to mean that a vacant lot can be developed. You know, if that vacant lot is a nonconforming lot, that it can be developed for a permitted use, that in this case a house, a residential use. And that may be just because I just never thought about it that way. I do agree that Subsection F says, you know, you can, for sale, any nonconforming use, structure or lot may be sold and continue to function in the same nonconforming manner. You can sell a vacant, nonconforming lot. Jones can sell to Smith and Smith can continue to use the vacant lot for nothing basically, because it's a vacant lot. But I and this may be something that we'd want to spend a little more time, maybe actually, the Board, have an interpretation review of this, because the rest of the language in that section deals with restoration, repairs, maintenance to nonconforming uses and structures. It's clear that elsewhere in the sections that if it's more than 50 percent destroyed and it goes on about in the event of total destruction design or accident and so on, then you need a variance. Then you're dealing with a variance to build on a substandard lot. So, I'm not saying, you know, Mr. Selvaggi is wrong and this is a legal

question. So, I'm not the expert here, certainly. But I just wonder if that's the correct reading of...of the ordinance. That a substandard lot can be can be used in that fashion.

Mr. Selvaggi: But what's interesting, Mr. McGroarty, in the preamble of the...of the ordinance, the last sentence, is land on which a nonconformist structure is located, any nonconforming lot. Okay, so, doesn't have a use or structure, shall not be subdivided or re-subdivided so as to be made more, not conforming. So I do think the contemplated, obviously an undersized lot, and you couldn't exacerbate the problem by further subdividing it to make that a lot smaller. And Ms. Natafalusy probably hit upon it, you know, Clover Hill and even this neighborhood, because don't forget, these lots were created by virtue of subdivision in 1955, I believe. So, I think what the town did was so people that own these properties and wanted to put up a shed or pool, didn't have to run back then to the...to the Zoning Board to get a use variance because you're...you're intensifying a nonconforming, you know, residential lot. So, you know, but again, I think what this all leads to is there wasn't...they...did Mr. Lidwin know that these were undersized lots? I don't think there's any question because the deed was written in that matter and he had an attorney there. But does that mean that there's self-imposed hardships? No. I think your ordinance would have logically led any one of you who were similarly situated to take advantage of that. And I think that's really what the question is. Is this a sub...?

Mr. Buzak: I just I think when we're talking about two different things and, you know, if we follow Mr. Selvaggi's logic, and I don't want to get into a long debate here, Mr. Chairman, but I think it is important because this is not only going to affect this application, but we have the next application that's in the same transaction. So, whatever decisions are made with regard to this issue will affect both this application, the next application. I guess I have two points. One is that if this ordinance was so ironclad, as Mr. Selvaggi suggests, there would be no need to do anything. These lots could have been taken in the same name because under his theory, there is no merger issue because they're protected by this ordinance. I daresay that the applicant was not satisfied that they were protected by this ordinance at all. And that's why they did what they did to avoid any attempt to have the doctrine of merger apply to this situation. If they were satisfied that this ordinance protected them, there would be no need to put the lots in different names. It's clearly done to ensure that these lots would not merge. And there was some concern, I submit, back then, that prompted the transaction to be structured the way the transaction was structured. Secondly, I think that the issue of what's in the ordinance concerning how the lot can be used or not used is different from the doctrine of merger. This...this does not deal with mergers. These deal with lots...you see nothing in here to say if undersized lots are owned by the same person that those lots do not merge in Mount Olive. That's not what this ordinance says, and we have situations, as has been suggested throughout the municipality, where there are existing nonconforming lots that are undersize lots. That's a different issue. We're not discussing whether the lot is undersized and whether a variance should be granted. What we're discussing on this...lots...they didn't merge, but was the hardships self-created or not? And I think that's the... that's the issue. And again, that, as I said earlier, I think impacts and we've gone through this before on this issue, impacts whether or not of variance should not be granted. So.

Mr. McGroarty: The one other thing I would add Mr. Chairman, again, I think it's an interesting discussion on this, but that the last sentence of the introduction as Mr. Selvaggi had mentioned that land on which a non-conforming use or structure is located. And then and it goes on to say in any nonconforming lot. So in the first part of that, there is no use on this lot today and no one has said there is. There's no structures on these lots. So then the question is, well, it's a non-

conforming lot. It can't be subdivided or re-subdivided to be more nonconforming. I mean, that's pretty clear. But I don't know if that means sort of piggyback on what Mr. Buzak just said. I don't know if that automatically means it's then okay to just go ahead and build without a variance?

Mr. Selvaggi: And...and one final thing, as we put it, you also the Doctrine of Merger also is really an opportunity for the municipality to take advantage of it. And, you know, if these tests are run every year you can revise or update your tax map. If so, it's not something that magically automatically happens? So, again, my point in this, is to address the concern or the idea that this was a self-imposed hardship. I think the applicant proceeded in good faith, did what is his legal adviser at the time, told them how to do, to protect it. So I don't, I don't think it was a preservation of rights that they thought they had. I don't think there was anything, you know, malicious or trying to be underhanded about any of this. So I would hope you'd agree and say, well, this isn't a self-imposed hardship.

Mr. Weiss: All right, so we've heard opinions from both of them. The applicant's attorney, we heard from our attorney, we heard from our planner, we've heard the different opinions. I want us to put a thought into that. Let me open it to the public if anybody from the public has any comments about the process, about the pending application?

Mr. McGroarty: I don't see anyone, Mr. Chairman.

Mr. Weiss: Let me close it to the public. If anybody has any last comments? Like I said earlier, I'm going to look for the Board to take action on this. Keeping in mind we have different point of views of the way the ordinance is written and its meaning. And again, Ed? Did you have a question or comment?

Mr. Buzak: No.

Mr. Scapicchio: Mr. Chairman, I have a question of Mr. Lidwin.

Mr. Weiss: Go ahead.

Mr. Scapicchio: Mr. Lidwin, when you purchased that property, was there a home on it?

Mr. Lidwin: There was on home on lot one. And the two lots were empty.

Mr. Scapicchio: I'm sorry, was there a home or was there not a home on it?

Mr. Selvaggi: There was a home on Lot 20 and Lots 19 and Lot 6 were vacant.

Mr. Scapicchio: Okay, thank you.

Mr. Weiss: All right. Thanks, David. So it looks like I'm looking over my notes, I see no conditions were asked besides the standard conditions. So when a motion is made, we don't have any conditions that we added. Correct? Okay, Ed. Ed I'm just went looking to see if you're going to chime in and feel free to, Ed. I see no conditions besides the standard conditions that come with all applications. And so there's...

Mr. Buzak: Mr. Chairman, the 19.5 setback as opposed to the...

Inaudible

Mr. Weiss: 22.5, correct. Chuck's report, 22.5, it's been changed to 19.5. Outside of that, there's really no other condition. So if somebody would please make a motion regarding this application.

Mr. Schaechter: I'll move of PB 20-03 ZL Construction, LLC.

Mr. Weiss: Thank you, Brian. Somebody second that?

Mr. Buzak: Is that a movement for an approval?

Mr. Schaechter: Yes.

Mr. Buzak: Okay.

Mr. Weiss: And the second? Dave? Do I see a second? Is that you that just raised your hand...?

Mr. Scapicchio: Second.

Mr. Weiss: Thank you, David. Let's hear... Do we have any...? Motions been made and seconded. Do we have any comments from the Planning Board before we call for roll call?

Ms. Natafalusy: All right, I want to make a comment.

Mr. Weiss: Go ahead, Catherine.

Ms. Natafalusy: I have an issue with the maximum on building and lot coverage, because you know that they're going to sell this house and within a year or two, somebody is going to be coming in for a variance to build a deck or to build a shed. And I did go to the property today and it looks like it's a side yard. It is so small you can't even tell that it's on its own lot. It just looks like it belongs to the other two lots. That's about it.

Mr. Weiss: Okay. You know, and then... I just had some comments to. We keep on talking about the neighborhood and this home being consistent with the neighborhood. After all, the neighborhood consists of other two story houses, but it also consists of small ranches. And I think with the extremely small size, you have to remember, we're at 50 percent of the lot area and now with 19 feet of the front yard setback, it only meets 55 percent of the bulk standard. I think there could have been better choices than building a two story house. There's plenty of ranches, plenty of small houses. And maybe if I saw something like that, I would have been a little bit more a little bit more leaning towards perhaps taking a look at this house. But I don't think... I think the applicant went for getting the most that he can. You know, I think the phrase the earlier... And I have other ones that I can think of, but five pounds of rice in the three pound bag is extremely accurate. Like I said I could think of...inaudible. But that's a concern of mine. And again, if we're going to be consistent with the neighborhood, we have other options. Going for the two story

house, I know it's not a tremendously large house, but there's other smaller houses in the neighborhood. Does anybody else have any comments or questions?

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

Mr. Weiss: Go ahead, John, thank you.

Mr. Mania: My comment is, when an applicant buys an undersized lot, does he not create his hardship?

Mr. Weiss: John, I think that's up to you to make that determination. I think if you feel that's the case, then you'll vote accordingly. I'm just giving my opinion.

Mr. Lidwin: I have a...

Mr. Weiss: Mr. Lidwin, that's okay, you don't have to answer... You don't need to answer. That's okay. Anybody else want to, Planning Board? All right, seeing none... Mary, roll call.

Roll Call:

David Scapicchio	No
Brian Schaechter	No
Ken Forlenza	No
Kim Mott	No
Catherine Natafalusy	No
John Mania	No
Dan Nelsen	No
Paul Ottavinia	No
Howie Weiss	No

Mr. Weiss: You know, let me try to put some land use things behind my...my no. I think...I don't think, when we look at positive criteria, I don't think that it's been met. I don't think the application...the applicant proved a positive criteria nor the negative criteria. I know that Ms. Caldwell, in her testimony, felt that it was. But I don't believe that the applicant did it for one second. I mentioned earlier, 50 percent...50 percent of the lot area in this particular case. 55 percent of the front yard setback, I think it's way too much, crammed in way too little. I think there could have been other ways to make this fit into the community. I'm going to vote no. It looks like it's a unanimous no vote from the Planning Board. This application is not passed. We will draft a Resolution to...

Mr. Selvaggi: If I may, because look, this lot...something is going to happen on this lot. If I may, Mr. Buzak, can I poll the Board? Is it...is it... Are you upset about the size of the structure or you just don't, you think you're not going to ever see anything built on this property?

Mr. Weiss: Well, you know, Mike, I can... I'll answer that personally. I think when you look, when we look at our planning, I don't think it's the intention of our plan to develop every inch of land in this town. And this particular lot is unfortunately way too small, size wise. It's way too small to put the house of this size in. And you're going to need to get a front yard inaudible variance

or a rear yard. It is too much for the small piece of property. My opinion is that this piece of land should remain in the status that it is now. Somebody purchased it with the situation that is. And it's I think it's okay to keep it vacant. It's not meeting..

Mr. Selvaggi: We...we know that's not going to happen. I mean....

Mr. Weiss: That's my opinion.

Inaudible

Mr. Selvaggi: That's fair. That's fair.

Mr. Weiss: Thank you for that. I don't know what the Board... if you're planning to take a break, I'd like to talk to my clients before we go to the next application for obvious reasons.

Mr. Weiss: Let's do that. It's ten after. Inaudible. Let's take a ten minute break. We'll come back and we'll address the next application. Chuck, I kind of, looking at the time, I know we have another application after that. Let's wait to see what Mr. Selvaggi comes back and tells us. We'll come back in ten minutes.

Mr. McGroarty: That would be 9:20.

Mr. Weiss: 9:20. Mr. Selvaggi, is ten minutes enough?

Mr. Selvaggi: Yes, that's fine.

Mr. Weiss: Okay, we'll come back at 9:20. Thank you.

Break

Mr. Weiss: Everyone's here. We have 9:21. Just for the record I spoke to Mr. Selvaggi. He had to step away. And I think he told me that Rich Warner... No, no, I want to make sure I get the name right... Is going to step in for him as we look to introduce the next application.

Mr. Buzak: Rich Wenner.

Mr. Weiss: Rich Wenner, thank you. Rich Wenner is coming up right now. And so Rich Wenner, Michael had to step away and was running a little later than we thought. So Rich is going to come in and he's going to address the next application. And so we'll just let Rich catch up a bit.

Mr. Buzak: Mr. Chairman, while we are waiting...

Mr. Wenner: Mr. Chairman, can you hear me?

Mr. Weiss: I can, Rich, yes.

Mr. Buzak: Mr. Chairman, go ahead while we're waiting. I know you mentioned earlier that we do have another application on. It's already 9:20. I don't know if you want to consider what we're going to do with that application now where you want to see where we're going to go.

Mr. Weiss: Well, based on my conversation Mr. Selvaggi, I think it gives us two minutes, Mr. Buzak, and then we'll start.

Mr. Buzak: Okay.

Mr. Weiss: What I'd like to do, Mr. Wenner, let me introduce the next application, that application. Let me just make sure I have all the numbers correct. The application is PB 20-04 ZL Construction LLC, here on the agenda tonight for a variance of 33 Netcong Road, which is Block 3106 Lot 19. As I said, Rich you're here as Mr. Selvaggi had to walk away, which is totally acceptable. And I know that he informed me what wants to do... So why don't you let us know what's going to happen with this application.

Mr. Wenner: Thank you, Mr. Chairman. Members of the Board. Thank you. I did speak with Mike just now, as the Chairman indicated. He had a conversation with Mike. And based upon the last application and how that went for the applicant, at this point, we would like to carry this application for Block 3106, Lot 19 to another date.

Mr. Weiss: Okay and thank you. I told Mr. Selvaggi that we'd gladly do that. I'm looking ahead. I have our schedule and Mary, it looks like we're pretty tight in December. Perhaps January 14th on the...inaudible...meeting.

Ms. Strain: Yes, that would be fine.

Mr. Weiss: I know, Richard, probably very quick. I don't know if you're available and Mr. Glasson and Mr. Lidwin and all your professionals, but I can offer you January 14th. Let's do this. I'm not trying to handle it, I want to give you that opportunity. I don't know if you're in a position to accept that, Mr. Buzak, how can we best handle that?

Mr. Buzak: Well, I think what we can do is we can carry the application without further notice to January 14th, 2021 at 7:00pm, utilizing the same platform, Zoom platform, virtual meeting that we are talking about today. And there'll be no further notice. If in fact this application cannot be heard on the 14th, which is the earliest date that we can hear it on the 14th, we can then dispose of it again and carry it if we have to, to another meeting in this way again. There does not have to be given notice.

Mr. Weiss: Okay that works, Mr. Wenner.

Ms. Strain: Excuse me, I'm sorry...

Mr. Weiss: Yes.

Ms. Strain: We're going to need an extension also. I'll e-mail that tomorrow, okay?

Mr. Weiss: Okay. So, Richard, we're going to need an extension for the application. We're going to carry this until January 14<sup>th</sup>, 2021. And Mr. Buzak noted it'll be 7:00 right here during this, using the same format. If for any reason your team can't get together, we will make the proper announcement on January 14th, but no further notice will be... inaudible, will be requested. And we'll carry it until January 14th. Chuck, did you have a question?

Mr. McGroarty: I do, it's not a question, just some noise in the background. I don't know where that's coming from. What I would... just want to mention for the members of the public, they can get the... they will be able to find the Zoom information the same way as tonight, on the town website, when the agenda is posted. And if any member of the public is interested in this application on that date on January 14th or before that date, if any of those, any member of the public has a question as to how to get to that Zoom information, they should contact the Planning Department and we'll help them find that.

Mr. Weiss: Okay, thanks for that notice, Chuck. So, Richard, that's fine with you. We're going to carry this to January 14th. As I mentioned. No further notice. 7:00 during, using the same Zoom format.

Mr. Wenner: Thank you. That is that's totally acceptable. I appreciate the Board's courtesies in that regard.

Mr. Weiss: Thank you for that.

Mr. Wenner: Have a Happy Thanksgiving.

Mr. Weiss: Thank you. You too Rich and everyone else. So Mr. Buzak, right now, I think that we're looking at and we're looking at 9:26pm. We have another application.

Inaudible

PB 20-10 Budd Lake Storage LLC, 89 Route 4. Block 4100, Lot 85

Mr. Weiss: And we can... I mean, we do have some time, we are going to look to close the meeting at 10:00. So I suppose I could turn to the applicant to find out if they want to get started. I really don't see us finishing it in 30 minutes.

Mr. McGroarty: I'll bring the attorney up, Mr. Chairman.

Mr. Weiss: Okay, perfect. And that's Matt Capizzi.

Mr. McGroarty: Matthew Capizzi, yes.

Mr. Capizzi: Good evening, Mr. Chairman, members of the Board, Matthew Capizzi on behalf of the applicant.

Mr. Weiss: Hello Matt, welcome this evening. Yes, I do apologize for the length of this meeting, it's certainly out of our control and I will give you as much time as you need. We're going

to carry the meeting will go until 10 o'clock tonight. I'll leave it up to you if you wanted to start the meeting. But we're certainly not going to finish it.

Mr. Capizzi: Off the Board, wouldn't mind. I mean, my first witness was anticipated to be our Civil Engineer. We can start with Mr. Welch and see how far we go with his testimony. And wherever we leave off, we can pick it up again in the next hearing, if that's acceptable to the Board.

Mr. Weiss: That is more than acceptable. I do appreciate working with us. So let me just real quick introduce the application. For the Record, we're here for PB 20-10 Budd Lake Storage LLC, here for combined Preliminary and Final Site Plan for a property located 89 Route 46 Block 4100 Lot 85. Again, Matt you're here representing the applicant. So without wasting any more time, let me turn it over to you.

Mr. Capizzi: Thank you, Mr. Chairman. So just a brief synopsis just so we can get going with Mr. Welch's testimony. This is an approximate 5 1/2 acre site located at 89 Route 46. It's the former, unlike school building site that's really been nonfunctional for quite some time. No activities taking place at the site. It is a school building on the property. To the rear of that is the school building parking lot, a ball field and a cell tower. What we're proposing to do by way of this application is to remove the existing building and ball field and redevelop the site with a self-storage facility. The self-storage facility will consist of essentially four buildings. A building in the front portion of the property located closest to Route 46, will be a three story building and the three other buildings will only be one story in height as we go back towards the rear of the property. As the Board may be aware, self-storage are really light intensive use. Not much trips in and out. Not much of a parking demand. So we're proposing 13 parking spaces in the front portion of the property and some other associated improvements relative to landscaping, lighting, drainage and so on and so forth. The applicants team will consist of Mr. Welch is going to talk to us about the civil engineering components in traffic. Scott Daniel from Ware Malcomb will speak to us about the architectural components. Lorendi Roos will talk to us about operations. And then we're going to conclude with some brief testimony from our Planner, Sean Moronski. Essentially, it's really a site plan application, really minor variance. The relief is required by way of this application. Parking stalls in the front yard. If we viewed it under a lens of a retail use, there really wouldn't be a variance for that. On our bulk table. We viewed it under the warehousing standards. And so our bulk table does call out a variance for having those 13 parking spaces along Route Forty Six. It's a minor disturbance to steep slopes relative to constructing some of the improvements that are proposed. And then there's a way relative to not providing the...the parking it's anticipated if we regulated under a warehouse or retail standard. So that's our application in a nutshell, Mr. Chairman, if there's no procedural questions, I can have a Mr. Welch sworn in. We can start with his testimony.

Matthew Welch was sworn in for the Record.

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

Mr. Welch: Well, it's Matthew Welch, W E L C H. I'm a Senior Project Manager with Langan Engineering and Environmental Services, located at 300 Kimball Drive in Parsippany.

Mr. Buzak: Thank you, sir. Mr. Capizzi.

Mr. Capizzi: Thank you, Mr. Buzak. Mr. Welch, can you give the Board the benefit of your educational and professional experiences, please?

Mr. Welch: I can. I received my Bachelor of Science in the field of Civil Engineering from Rensselaer Polytechnic Institute. I'm a licensed professional engineer in the State of New Jersey and several other states, with over 15 years of experience working on land development projects, including approximately 10 self-storage developments, similar as the one this evening. I have appeared before over 50 Land Use Boards in this State, including the Township of Mount Olive. Also, I am professional Traffic Operations Engineer and although I am also a professional Planner, I will be deferring my planning testimony to Mr. Moronski.

Mr. Capizzi: You're familiar with certainly with the plan set before the Board this evening?

Mr. Welch: I am. It was prepared under my supervision.

Mr. Capizzi: As far as preparing a plan, I imagine you've been out to the site on a few occasions.

Mr. Welch: I've been to the site several times.

Mr. Capizzi: You're familiar with the surrounding neighborhood as well?

Mr. Welch: I am.

Mr. Weiss: Matt, Let me interrupt real quick. Let me just see if anybody from the Planning Board...I know this is your first time in Mount Olive, correct?

Mr. Welch: I've been once before, but it was some time ago.

Mr. Weiss: Okay. Well, welcome back. I just want to see if anybody has any questions. I know the big question is your licenses are still current in the State of New Jersey.

Mr. Welch: Correct.

Mr. Weiss: Well, anybody from the Planning Board have any other questions for Matt. Nothing. Okay. And Bob Clerico?

Mr. Clerico: I'm fine.

Mr. Weiss: Okay. So, Matt, welcome to Mount Olive, once again. We'll accept you as the expert engineer for this application that. Matt, go ahead. I'm sorry to interrupt.

Mr. Capizzi: No problem, Mr. Chairman. So, Mr. Welch, before you get into your testimony as part of the municipality's review of this application, does some of the Board professionals have prepared some review letters. Have you had an opportunity to review the letters from the civil engineer, planner and traffic engineer?

Mr. Welch: I have.

Mr. Capizzi: And have you had an opportunity to speak with some of those professionals?

Mr. Welch: I have. I spoke with the planner as well as Mr. Vreeland. Now, there's a number of technical comments in the letters that we can certainly agree to work with the professionals and address. There were also a number of testimony items in those letters that I will be wrapping into my testimony this evening.

Mr. Capizzi: Perfect. So when we get to that point in your testimony, if you can just highlight the fact that you're responding to a comment where it's appropriate just to help move things along for us. I appreciate that.

Mr. Welch: We'll do.

Mr. Weiss: Thank you.

Mr. Capizzi: So as far as taking us through your testimony, can you screen share for us? Let's go through the existing conditions if we can start there, please.

Mr. Welch: Yes. So I'm referring to an aerial exhibit prepared by our office. Do we need to mark this?

Mr. Buzak: Yes. What we'll do, Mr. Welch, is...these are marked this is Sheet 1... This is sheet one of your plans, is that correct?

Mr. Welch: This is just a standalone exhibit. This was not part of our formal site plan application set.

Mr. Buzak: Okay, and how about your plans themselves? They're numbered one through something? I don't have in front of me.

Mr. Buzak: That's...that's correct. They are numbered 1 through...

Inaudible

Mr. Buzak: What I suggest we do is, if we can mark your full set of plans using A as the prefix and the one, two, to A1, A2, A3 corresponding to the sheet numbers on your plans. If you have...how many sheets do you have in your full set of plans?

Inaudible

Mr. McGroarty: Ed, I could I just ask though, Ed, for one second?

Mr. Buzak: Sure.

Mr. McGroarty: I think...I think what Mr. Welch is going to show us tonight are exhibits separate and apart from his 19 sheet site plan. Do you want the site plan marked?

Mr. Buzak: Well, I was only doing that... Chuck, so if we were going to get into the site plan at the next meeting, the pages would coordinate, so to speak. You know what I'm saying? We have A1 through A19. So we're not saying A what, is sheet 5? I was trying to avoid that problem. I don't know if that's necessary. If you don't think so, then...

Mr. McGroarty: No, no.

Inaudible

Mr. Weiss: Let me chime in. I think without making it too confusing. Matt is introducing the separate exhibit that we're going to call A1, which is an aerial exhibit separate from his plan. So let's...let's call this one A1.

Mr. Buzak: Okay?

Mr. Weiss: And when Matt brings up his set of plans because he hasn't testified to that yet. Then we could change that. So, but if you would, we'll mark this A1.

Mr. Welch: Okay, great. As its A1, it's an aerial exhibit prepared by my office of the subject property in the surrounding area. The aerial image was taken, I'd say probably within the past 18 months. North is to the upper right of the page. Route 46 runs along the North side of the page. Just for ease of my testimony this evening, both for this exhibit and any other plans, I'm going to be referring to north as the top of the page, so its Route 46. So this is an aerial exhibit of the site, which is Block 4100, Lot 85 also as 89 Route 46 East. That's approximately 5.53 acres located in the commercial light industrial district. To the north of the site is Route 46. To the west and south is a townhouse development that's currently in various stages of construction. And along the east side is actually a JCP & L powerline easement that you can kind of see with the break in the trees. The site is currently occupied by the former Budd Lake school building. There's also a 120 foot cell tower that I believe was constructed approximately 10 years ago, along with the maintenance building, ball field and a large asphalt parking area. There is one existing nonconformity that I'll note. There's an existing front yard variance. One hundred feet is required and that existing building is approximately 88.9 feet from the Route 46 property line. One significant topographic feature, if you're familiar with the site, if you've driven by it, there is a pretty significant grade change from Route 46 onto the site. For instance, from the driveway to the existing site, which is located in the Northwest corner. There's about 11 foot grade change from when you enter the site on Route 46 until you get to the actual building. Additionally, there's about a 12 foot grade drop going from west to east along this site frontage. And along most of the perimeter of the site, we do have some significant grade drops to the surrounding area. Really, the only flat part of the site is where the building, the asphalt pavement and the ball field is today. And that really factored into, in addition with the zoning regulations, how we look to layout a site design that worked for this site. So I am going to now pull up a second exhibit we prepared is a site plan rendering of the development. I guess we'll call this exhibit A2. And essentially everything that...it's a color rendering of the site and all the features shown on here are consistent with the design that was made as part of our site plan set. There are some changes that we are going to propose to make based on comments that we received. And I'll talk about the testimony this evening. But essentially it shows the proposed development. The goal really here was to redevelop the site with a self-storage use that was as...as feasible as we could make it in compliance with the ordinance and also take into account some of the topographic challenges, as well as some sensitivity to the adjacent residents. So there are four

self-storage buildings in total that are proposed. Building A, the closest to Route 46. That's a three story building with an 18,000 square foot footprint approximately 43 feet tall. The other three buildings, buildings, B, C and D are each one story less than 13 feet tall and have footprints of 22,500 square feet, 18,400 square feet and 2,300 square feet. Between these four buildings are a total of approximately 737 individual, self-storage units. Thirty five of those are drive up units that can be accessed from external to the building. And then their balance are...are only accessed via internal building. There are entrances for both building A, B and C along the north and southerly sides. You'll hear a little bit more about those internal layouts as part of the architecture testimony. The existing cell tower is proposed to remain. Inaudible...in this rendering, this...the layout currently as submitted, encroaches into a vegetative buffer that was approved as part of that initial application. I'll discuss a little bit how we are proposing to amend this site plan so that we no longer encroach in that buffer and that way, all of the existing landscaping that was put in as part of that cell tower approval, will be allowed to remain. There is no outdoor storage proposed. All storage will be maintained within units, and all of these building footprints have been located within the required front side and rear yard setbacks. However, we do have one setback variance that in the front of building A there is a small, it's roughly four feet by 26 foot awning that goes over the main entrance and that does encroach about six inches into the front yard setback. So that's that front yard setback that we've noted on our application. Access to the site is proposed via a right-in, right-out driveway, similar to the existing driveway, it will be located in the Northwestern corner of the site. This is the...from a grading perspective and the way the Route 46 dives down as you go west to east. It did maintain to keep that access in that current...current location. However, that driveway is being modified in order to make sure that it is in compliance with the New Jersey State Highway Access Code. Route 46 is a State highway and we have submitted a minor access permit to NJDOT and are currently awaiting their comments. The buildings proposed are roughly at the same topographic elevation as the existing site. So we still have that 11 foot rise from Route 46 to building A. So in order to accommodate that without getting into some too steep slopes in the driveway, we are proposing a 200 foot throat depth until you get up to the main entrance and the front parking stalls. There are 13 parking stalls proposed proximity to the main entrance. One of the engineer's comments also talked about putting a crosswalk that would run from the access isle to the main entrance. And we can certainly do that to accommodate pedestrians. There is...inaudible...variance for these 13 stalls that we'll get into later. The township really doesn't have a parking requirement that's sufficient. That's specific to self-storage. So whether you look at this as warehouse or retail use, either way, there is a parking variance proposed for this site. The drive out, as you come in, is 25 feet and then you can notice on the rendering as you get to the...the easterly portion of building A, it widens to 35 feet. The reason for that is that there are 11 units that can be accessed from that main drive. They have overhead doors that you can pull on and you can access it from that main drive isle. So we wanted to make sure there was room for a vehicle coming in to pull up parallel to the building and still allow for sufficient room for any other vehicles to enter and exit the site so that thirty five width gives us more than enough room for a car to pull over just into the building, unload into their unit and other cars to park or continue driving into the rear of the site. The entire rear of the site will be gated and fenced off. Our application states that it will be a chain link fence, but based on some comments from your planner, we agree it's appropriate to change that to a solid vinyl fence that would provide some additional screening, for the adjacent residential neighborhood. That gate will be...have a pin access only, so be secured at all times and no one will be allowed into the rear of the site after 10:00 pm. So no one no one who has units in the rear of the site will be able to access those units after 10:00 at night. And that's really because of the kind of sensitivity...we know there's residential units to the west, there's residential units under construction to the south. So trying to limit activity in the rear of the site and really only having an

activity for those, you know, minor portion of the tenants that may need to utilize units 24 hours would only occur in the front of the site along Route 46. The aisles throughout the site are generally 30 feet wide, there's a couple that are 28 feet wide and they've been designed to accommodate really the largest vehicle. They anticipate being on this site, which is like a 40 foot long truck. That's like a very large delivery truck or an emergency vehicle. It's pretty rare in terms of operations, to actually see those trucks that big on site. Trucks that large generally only go on site like this, maybe five times a year. More common trucks would be your typical 26 foot U-Haul. And even those for a site this size really only going to see about two or three a month. So the predominant vehicles accessing your passenger car is actually the SUVs, vans, not a lot of truck traffic, but we have designed this site to be able to accommodate large vehicles as needed. Additionally, on circulation, the fire marshal requested an access drive along the West side of building A. I spoke with him and when we spoke, we talked about potentially having an 18 foot drive isle. And that is something that we can incorporate on these plans. One more note regarding the front of the site, the site does slope up pretty significantly from Route 46. So in order to be able to accommodate those 13 parking stalls, we are proposing a block wall that would go in front of them and on top for full protection would be a split rail fence.

Mr. Weiss: Matt, before we get too far, can you come back and address for me the fire lane? I saw where you started it, the fire marshal... you're going to just have a curser?

Mr. Welch: Yes, I have...I have an exhibit prepared. If you want, I can bring up we can call it exhibit A3.

Mr. Weiss: Okay, Thank you.

Mr. Welch: I think that that will help. So this exhibit A3. It's a sketch we've done on the site plan depicting the location of that emergency access.

Mr. Weiss: And so we're going to call this A3, is emergency access...

Mr. Welch: Emergency access isle exhibit dated November 16<sup>th</sup>, 2020. Essentially, what it shows, is it shows that 18 foot drive isle to the west of building A. We would place the press curbs on both sides of it and it would be gated and locked. And then, you know, if needed for emergencies, then the fire department would be able to access it.

Mr. Weiss: This is, because this is really one of my concerns. So a fire vehicle or emergency vehicle comes in off the highway and they have access to the West of the first building. And what happens from there?

Mr. Welch: So...so I think the first truck that comes in, it's probably going to pull right in front of the building and so the concern is, you know, truck number two comes in, how they get around? And that's kind of where this emergency access comes in. So that way they could get to the rear of the site. Based on my discussions with the fire marshal, that's kind of...that's...that was the direction he was looking for on this. So I haven't had a chance to share this plan with him. But based on my discussions, this is what he told me he was looking for.

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Go Ahead, Chuck.

Mr. McGroarty: I just want to insert here, I don't want to take too much of his time, but Mr. Welch, that...that will be paved...inaudible.

Mr. Welch: It will be.

Mr. McGroarty: Thank you.

Mr. Weiss: Because Matt, one of my concerns, and again, like Chuck, I don't...I don't want to take any time from you, is when I look at these buildings, I got to imagine the little triangles are entrances, correct.

Mr. Welch: Those are, those are the doors. And then the...the crosshatched area, that's where the overhead units are that you can access from the...

Mr. Weiss: Okay. So my concern, and I was a former self-storage renter, and so I've always noticed that customers tend to park right in front of the door for obvious reasons. And so if that's the reality that we're going to be living with. I just want to just want to be certain that we still, with a car parked, multiple cars park, and maybe it will be painted on the curb or on the pavement where cars can and can't park because it... Let's look at the area that's in red. Right? There's a door to that Western side of the building A. We have the 18 foot emergency right away. And I've got to figure cars are going to park right tight against the building. But if there's multiple cars and one decides to park in the fire lane, I don't want to steal your thunder, but I want to make sure that situation doesn't happen throughout the site. Again, knowing people are going to park by the doors, how do we make sure we maintain the driving lane and more importantly, an emergency lane?

Mr. Welch: So, I think with the emergency lane, I think that is definitely striped for no parking. And I also think we can incorporate some... I'm going to go back to the site plan rendering, just so we can kind of see the full circulation. I think any of the perimeter roads that aren't directly adjacent to a unit, I think those are appropriate to stripe for no parking because as you said, you're not going to park away from your unit. You're going to park right in front of your units. You can unload directly into it. So those perimeter roads are going to be kept clear. So and that's kind of where the more critical turning movements are coming. If you look at between the buildings, we have 30 feet. So if you pull in front of a unit, to pull cars, say, six, seven feet wide, let's say a couple of feet off, so let's say you're taking up even 10 feet right down from the building, and that still leaves a 20 foot access isle. Which is more than enough for cars, emergency vehicles to pass by. So...

Mr. Weiss: Okay, that's good. So let me give you a quick example. I'm looking at a storage building, A. There's an aisle road between storage, building B. And so I pull up at one of those multiple doors on the Southern side, if you would say, on building A, you see right about where your cursor is, there's four doors. I park there and 10 minutes later, Mr. Schaechter drives up and he also wants access to the same door, so he drives on the Northern side of building B. He parked his car there, because it's also very quick. And so moving to the left a little bit, moving there you go... He parks there and I park right along the building... Moving forward, now what's left for a driveway in case there's an emergency?

Mr. Welch: It's pretty tight. I mean, you may have 10 feet in the middle, but I think the key feature here is, you know, if the aisle way between building A and B is obstructed...

Mr. Weiss: Yes.

Mr. Welch: We have other ways to maneuver around the site. So if there is an obstruction between A and B, you can drive between B and C, drive around B and D. So, you know, it is rare. You don't see a lot of people on site at a given time. And typically five is really the most you'd see on a site like this. But I don't know, if you have that rare occurrence where you have two cars accessing opposite units and kind of blocking the aisle, then, yes, I think you would have that momentary obstruction. And that just might be a situation where, you know, there's going to be generally two staff at all times where they might have to go out and ask one of them to...

Mr. Weiss: Well Matt, let me ask you a question. In that scenario that I just drew up for you, is it possible on those situations where it's kind of tight, like across from a door, to show a no parking zone, like that would be on the north, northwestern side of Building B? Across from the doors? I just want to try to avoid that. I agree with you 100 percent. It's not a common thing, but I'd like to see access around the entire place in the event of emergency. I know we're trying to... we're kind of thinking of worst case scenario. That's just a concern of mine.

Mr. Welch: It's... I get what you're saying. I think the hard part is, or you have overhead doors on both sides. So how do you tell the 10 on one side that he can park directly in front of his unit, but not the 10 on the other side? So, you know, it...it might happen. I think it will be a very you know, to have that rare occurrence happen and have an emergency happen at the same time is certainly a very rare occurrence. And as I said, if there's a blockage in one aisle, we have full circulation throughout this site. So if you can't get between A and B, you can circle around the other side. So I think there is sufficient maneuverability around this site. You know, even in that... that rare case, that you have two cars parked exactly opposite each other.

Mr. Capizzi: Mr. Chairman, May I ask Mr. Welch just a couple of follow up questions?

Mr. Weiss: Sure, go ahead.

Mr. Capizzi: So, Mr. Welch, the building is...A, B and C have sprinklers, correct?

Mr. Welch: That's my understanding. Correct.

Mr. Capizzi: And if you're aware, how many feet of hose is a fire truck typically carry when it's in operation?

Mr. Welch: I don't know off the top of my head.

Mr. Capizzi: Would you assume there is enough if a fire truck is on site, that even if an access lane is blocked off, they would still be enough hose on the truck in order to provide service to a building that may need water associated with it?

Mr. Welch: I would assume so. And I know it's you know, we're doing this to, you know, having the access lane to address concerns that the Fire Marshal raised. If he does have other

concerns and we're obviously happy to work with them to make sure that he is satisfied that this will be a safe operation.

Mr. Weiss: And you know, Matt I do appreciate that I'm not so worried about fire, not that it's not a concern, but even EMS. My example before, I'm in there, Mr. Schaechter is in there and one of us hurts our back and we need an ambulance. You know, it just I want to just try to avoid a clog, a bottleneck, that's all. It sounds like there's certainly good access for the fire truck because I agree with you. If you can't get there one way, you get there the other. I don't want to cause... I don't want to create a situation that's not going to be there. But that was more my concern that we don't create a bottleneck and is anything just to make sure that there's everything that you're doing to make sure that we eliminate that. That was my point.

Mr. Capizzi: Matt, there are more ways than one into the building correct? So if an ambulance had to come in and put somebody on a stretcher and remove them from the building. There are several access points within each building.

Mr. Welch: Correct. All buildings have access points on all four sides, north, south, east and west

Mr. Weiss: Okay, your answers are fine. I'm just kind of raising some...

Mr. Welch: Understood. I appreciate it.

Mr. Weiss: Okay.

Mr. Nelsen: Mr. Chair?

Mr. Weiss: Yes.

Mr. Nelsen: I have a question,

Mr. Weiss: Go ahead Dan.

Mr. Nelsen: Mr. Welch, the roads going around here, are they one way or two way?

Mr. Welch: Two way.

Mr. Nelsen: They are all two way roads?

Mr. Welch: They are.

Mr. Nelsen: Okay, and those...those corner turns, they're adequate for larger trucks?

Mr. Welch: They have. I'm going to pull up a truck moving exhibit. I think we're on A4? There's a truck movement exhibit prepared by our office dated November 16<sup>th</sup>, 2020. I mentioned that we've designed this truck to accommodate a large 40 foot box truck, which is the largest truck we anticipate being on the site or large a very large emergency vehicle. And essentially what we've done is we've ran a truck around every turn, every radii to make sure it can access all aisles from all

directions. So what you see on here are what I felt were some of the more critical turns. But it's it has the ability to get to all paved areas of the site.

Mr. Schaechter: Mr. Chairman, I have a question,

Mr. Weiss: You know folks from the Planning Board, I'm not seeing the whole thing, so you do have a question. Just go ahead and just let me know you have a question. Go right ahead.

Mr. Schaechter: Do we know how long the fire trucks are in Budd Lake in Flanders? 40 foot? Is that adequate for that?

Mr. Welch: I don't know off the top of my head, but, you know, I'm happy to provide this to the Fire Marshal and if he needs something larger, we can certainly look at look at that. As I said before, we're willing to work with him to make sure that this site has been designed to his satisfaction.

Mr. Nelsen: Those...those...Mr. Chairman and Mr. Welsh, those turns in your drawing here look pretty tight and considering there are two way roads, it appears to me even tighter.

Mr. Welch: So...so keep in mind, I, I agree they are for this vehicle, which is the largest vehicle we anticipate being on this site. As I mentioned, in terms of the need for tenants, we're talking five or less a year, the overwhelming number of vehicles that are going to be on the site are significantly smaller. This is a...this is a 40 foot box truck, I think about twenty six foot U-Haul. That's almost half the size.

Mr. Nelsen: I'm going to make another comment as a condition that the Fire Marshal does look at this, because if they have a three story building, they're going to be able to hook and ladder back there. That's a big truck. You know, its 18, 18 wheeler size. And the middle building. Might be in the way, but I'll let the Fire Marshal make that determination.

Mr. McGroarty: We have...we have...I have provided that. And I've had conversations with Mark about this. But, you know, both Mr. Welch and...we'll do it. And I will certainly bring to the Fire Marshal's attention, the concerns tonight, especially about the turning radius as such. I know he's consulting with Budd Lake Fire Department as well.

Mr. Nelsen: Well, make sure you know, because when Budd Lake responds with their rig, Flanders will probably respond and we want to make sure that everybody needs to get back there. There's been too many fires recently where we've had seven or eight towns respond to and there's a lot of equipment in those spaces.

Mr. McGroarty: Okay.

Mr. Weiss: I do agree Matt. But I do agree with you 100 percent. I know this is...this is a size truck that we're rarely ever going to see. That's not really the intent of a self-storage unit. Do you... do you and your other drawings of this, do you prohibit like a 52 footer? I know that's insane to even think it, but would anybody ever pull in here with a 52 foot straight truck?

Mr. Welch: I mean, I don't think so. You know, I'm not sure in terms of if...if there's anything written into the leases for the tenants, on this, you know, it's...

Mr. Capizzi: You know, Mr. Chairman, when we have somebody from operations or perhaps from when we come back to see you next month, we'll have an answer to that question.

Mr. Weiss: You know, you're right. Thank you. Thank you for that, Matt. That's right. So maybe that's something we'll just... we'll look to prohibit. But I agree we're not going to see this truck but a few times a year. Keeping in mind that this is a personal use self-storage. A car, a minivan is probably what you're going to see. I'm not testifying, just giving an opinion. I don't want to stop even rolling.

Mr. Nelsen: Mr. Chair? Is there the question, Mr. Chair? I just wanted to say I just text my son in law. He's on... he's on that... He's a secretary of the Budd Lake Fire Department and he said the big truck they have is somewhere between fifty-two and fifty-five feet.

Mr. Weiss: Hey Dan, let's hold off on that. Obviously, we'll get a written report, but thank you for that insight. We'll address it in more formal matter. I want to... I don't want to break up Matt. Matt is on a roll. And I know we'll probably just end with his testimony tonight. So let's let Matt finish with what he was talking about.

Mr. Welch: Okay.

Mr. Capizzi: Matt, since we're talking about fire prevention, where's the hydrant in relationship to the site?

Mr. Welch: There's an existing hydrant on 46. The closest one is just west of the driveway. It's basically right between the driveway for the site and the access road to the residential development.

Mr. Capizzi: And if there was ever a need be for the department to tie into that, that's available for that use, correct?

Mr. Welch: Correct.

Mr. Capizzi: Okay. Where do you want to go to next? Do you want to talk about drainage?

Mr. Welch: I'd love to talk about drainage. I mean, we...

Mr. Capizzi: Let's talk about drainage.

Mr. Welch: I'll be brief. We do have a comprehensive storm water management plan for this site, which includes an above ground...inaudible...retention basin and an underground storm water basin. And all the conveyance system is tied in to the state highway. So it is being reviewed by NJDOT as part of our minor access permit. The storm water system has been designed in compliance with the Township and NJDEP storm water quantity, quality and groundwater recharge requirements. There were a number of technical comments and Mr Vreeland's review letter

particularly retained the storm water. I had an opportunity to speak with them this afternoon and we agreed that we can certainly meet and we are... the applicant and our team will agree to resolve those comments to his satisfaction.

Mr. Weiss: Okay. That was in its entirety then, right? Because there's a bunch of comments.

Mr. Capizzi: Yes, in the entirety with the storm water. He has other comments pertaining to testimony that I'm kind of weaving into my testimony this evening. But storm water, we will we will agree to comply.

Mr. Weiss: Let me just make a note of that.

Mr. Weiss: Okay. I have it here. okay, perfect.

Mr. Welch: We do have a comprehensive landscape plan for this site. It includes twenty six shade trees, three ornamental trees, thirty evergreen trees, one hundred ninety-eight evergreen shrubs and fifty-six deciduous shrubs. When we put this landscape plan together, kind of looking at it from the top, we had some nice trees along the westerly and southerly sides. So we did focus a lot of that from our landscaping in the open, we'll call it the open areas, to the north and east. However, speaking with your planner and taking a recent walk, excuse me, a recent walk through the that new residential neighborhood, these trees, although they provide a very nice canopy when you're down on the ground, they don't provide a lot of visual screening in terms of looking from the residences into the site. As I mentioned, we are now proposing the fence will be solid, but we can also propose a number of rows of evergreens that aren't currently reflected on our site plan, but would provide some additional buffering and screening. Those would range from probably four feet to seven feet at planting and mature from there. So that would help in terms of the visual buffer to the site from the adjacent residences.

Mr. McGroarty: Mr. Chairman, let me... I think this will save time in the long run. I made a comment, a number of comments about the landscape in which we can talk about it next time. And perhaps after we see the revised plans, but as I mentioned, the in the Southwest area where the basin is located, that is the largest stand of trees on the site and they're being removed to accommodate the basin. So what I said in my report was that they have not provided us the tree removal, tree replacement plan. So the fact that they've planned show the number of trees that they are proposing is certainly a good and positive direction for this. But unless they're asking, unless this applicant is asking for The Board to waive the requirements under the ordinance, under section seventy five for a tree, a tree removal and replacement, then they should provide that plan. And perhaps they're going to satisfy the replacement requirements with what they're proposing? I don't know. We haven't seen it yet. There's some very large, mature trees in that area.

Mr. Welch: And I will say, since...since we made our initial application, I think it was back in June, we did complete a tree survey of the site. And so we will be preparing that more detailed tree removal plan and the replacement calculations for the township's review.

Mr. McGroarty: All right. Thank you.

Mr. Weiss: We'll come back and readdress landscaping when you're updated.

Mr. Welch: Okay. One other item, just because it pertains to landscaping, I mentioned previously, we are maintaining that existing cell tower on site. And when that cell tower was approved back in, I think it was 2009, there was a landscape buffer proposed around that cell tower that are submitted, site plan proposes to remove. I'm going to exhibit, I think we're on exhibit A5 now, plan exhibit called Site Modifications for Cell Tower Buffer Exhibit. That's the best name I could come up with it. And it shows the area around the building C and everything that's in black and white is what was submitted. And everything that's in red are changes that we are going to propose and amend our plans in order to maintain that vegetated buffer around the cell tower. It includes moving building C approximately five feet to the east, which will still maintain it within the required 50 foot setback and moving the curb line. That's to the west of building C, approximately 10 feet. So you end up with 25 foot aisles to the east and the west of building C. To make sure that was sufficient, we did take another...inaudible...to make sure that those aisles are sufficient with...for turning movements because they are narrower than the 30 foot aisles we are providing elsewhere and it is sufficient. And this will allow us to maintain that vegetated buffer along the cell tower. It also does balance out some of the new impervious surface that we would be creating with that fire access lane. However, take another fresh... I think we can probably do some sort of pervious access to the cell tower to stay under the Townships, 60 percent impervious coverage requirement. So, you know, when we when we make these planned revisions, I'm going to take a hard look to see if we can stay under that 60 percent requirement and not have any of these changes necessitate the need for an impervious coverage variance.

Mr. Weiss: Okay. Now this change in A5? Is that already depicted and noted in your A2?

Mr. Welch: No.

Mr. Weiss: Okay.

Mr. Welch: You know, this... A2 shows exactly what was submitted as part of the site plan submission. So these are beyond that.

Mr. Weiss: Got it.

Mr. Capizzi: It was just trying, Mr. Chairman, we just trying to quickly respond to the... some of the comments made in the review letters, which is why we didn't have an opportunity to update the entire plan.

Mr. Weiss: That's fine. I was just curious if this was a...without going back and forth.

Mr. Welch: Lighting, we have a mix of building mounted and aerial light fixtures throughout the site. They're all led with an 18 foot mounting height. Their full cut off fixtures and full compliance face downwards. And based on our calculations that were included in the submission there, there would be no light spillage onto adjacent properties. Additionally, because we are only going to have 24 hour access in the front of the site, any lighting in the rear of the site can be dimmed after 10:00 pm. I still think it'd be appropriate to have some lighting there for security purposes, but we can certainly have it at a lower level. Typically, we look around 30 percent, than what is there during normal operation periods. Going back to Exhibit A2, to just want to note the

two signs that I proposed. The architecture will provide some additional detail on it, but there is a proposed monument sign adjacent to the right and... inaudible...driveway that would be in full compliance with the ordinance, which allows for a maximum area of 90 square feet and a max height of 15 feet. And then there would be one building mountain sign on the northerly facade of building A that would also be fully compliant with the ordinance.

Mr. Weiss: You know what, show me again the road sign. The sign by the road.

Mr. Welch: It's...you can see it on the rendering. It's got some... a little vegetative buffer around it.

Mr. Weiss: Because...you can tell it's getting late. You're moving your mouth and I'm looking at my computer screens saying how come nothing's moving? I see it now, so thanks for that.

Mr. Welch: We did prepare a traffic impact study for the site. That was reviewed and, you know, it shows that the proposed right around...inaudible...operate at level of service C or better. And the site, the traffic associated with the site would not significantly impact existing traffic along Route Forty Six. You know, it's a very low turnover use, particularly compared to other retail uses with the most trips based on IT that you've seen at peak hours. Twenty ten in and out. So certainly not a use that's going to have a significant impact to the adjacent roadway network. I mentioned we do have a parking variance based on data published by ITE. The average peak parking demand for a facility of this size is about 10 spaces. We are proposing 13. So, sufficient parking based on the industry standards. And we always want to look at worst case scenario, what happens if someone comes in and all these spaces are full? I think the good news is we have a very wide drive isle, in the front of the site and a very long 200 foot long...inaudible. So even if you come in and you know someone's about to pull out, you have to wait a little bit. You're not going to be causing any backup onto Route 46. So it's efficient parking based on industry standards. And even if, you know, worst case scenario, there's any if all those spaces are full, I can't see a scenario where cause any impact to the surrounding roadway network.

Mr. Weiss: Matt, let me do this. Let's kind of bring this to a close. But before we do that... Walt, we referenced your report, your traffic report, so that we can address it and maybe put it to bed. You submitted the report dated November 6th. Matt just alluded to it. Do you have any comments or find that there's any issues that are open that Matt and his team can go back and readdress before we meet again?

Mr. Lublanecki: Not really. The...again, the report was done according to regular industry standards, and it's a DOT jurisdiction anyway. So there really didn't have any comments on the report. Most of my comments were on the...on the site plan itself. And they've already been covered tonight. I was concerned about the vehicle, the large vehicle traffic being able to negotiate the site. And again, you show an SU40. And I did believe that the fire truck would be...definitely be larger than that. So I think we're going to be we're going to be looking at that next time. And I did have some issues on areas to the... I guess to the east of buildings A and B. We probably want some no parking zones there. So vehicles don't park there and use those walkways through the side doors. I think that might be...that could end up being problematic with, again, blocking the aisles and everything. And then final question, or one of the final questions, is the...the emergency access and I realize that you don't want to make it any wider. I guess you've been impervious issue or

problem. But again, my question in my report was, why don't we just make that a regular access? And anyway, that's my... you know, that...again, you add to the impervious coverage. But already you've got, what, eighteen feet wide, if you made it twenty five feet wide and just leave it open to everyone, you might help the internal circulation and vehicles wouldn't have to go... that were headed to the back buildings, wouldn't have to go around to the front. So in a nutshell, those are my comments.

Mr. Welch: Understood. And it really it's...it's there are three reasons. One is the, regarding why not just make this another access? One is the additional impervious. Two, there is a bit of a slope drop off that occurs heading to the west side. Again, it's something we could probably manage. And the third is, it's really more security. We really want to have a single point of entry for patrons of the self-storage facility. So, you know, I can sort of continue to talk about it with the applicant on it. But those are the three things. And I guess the fourth one, too, is you have a much shorter throat between that gate and the state highway. So someone stops to, you know, put their key code in and wait for the gate to open, now there's a potential, you know, one or two cars come behind them that you start to have some queuing back up to the state highway. So that definitely we'll take into account and we'll, you know, have some time to reflect on it. But those are some of the initial thoughts that came to my head in terms of why they leave that for emergency only.

Mr. Weiss: All right.

Mr. Lublanecki: That seems reasonable. And again, the rest of my comments are just a couple of little signs. A to sign or two and maybe some pavement markings.

Mr. Nelsen: Mr. Chairman?

Mr. Weiss: Yes Dan.

Mr. Nelsen: I would like to amend my statement about the fire truck. I think, I got an updated thing. I think it was 43 to 45 feet. But the big truck, they got...

Mr. Weiss: Okay. I think Brian raised the question. We'll make sure we get something official from the Fire Department. Thank you Dan. So let's go to this, Matt, if you can take down your Exhibit, we'll go back to the full screen. Let's end it here. We've spoken about a bunch of things. It's getting late. Let's look forward. I think we can carry this hearing. We have do, have some openings in January. I'm not sure if you wanted to follow, Mr. Lidwin. I do have January 21st available as well. The 14<sup>th</sup>.

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Yes.

Mr. McGroarty: I wonder if it would be better for the applicant to take whatever time is necessary and revise the plans. I mean, there's a lot of things, there's some inconsistencies with the architectural plan and the site plan, not major stuff. The tree removal plan. Mr. Welch said that working on that now. I wonder if it would be better to revise the plans and come back, address the issues that are in the various, at least my report and the other reports. That may not resolve everything, but I think will be it'll probably save time because a lot of the issues that are up for

discussion may be addressed at that point. At least technical stuff. Obviously you as The Board may still have lots of things you want to go over with them. I just think it would serve everyone better if we had the plans. Another shot at revising those plans. Again, we're talking about a whole new landscaping plan.

Mr. Capizzi: It was my intention to...to use the opportunity between now and then when we return to take care of housekeeping, incorporate some of the exhibits in the actual plan set so that the revisions relative to emergency access, landscaping and so on and so forth are...are in the physical plants as opposed to a standalone exhibit. And then when we reference a plan sheet, that talks about drainage or landscaping or lighting, it reflects the circulation modifications, for example, that have been made. So certainly we'll be doing that.

Mr. McGroarty: Well, that's great. My concern is time for us to be able to review it. I just saw this exhibit yesterday and this morning. And I understand... I understand that it wasn't intended for us to review for tonight. I get that. In fact, I appreciate the fact that the applicant went through the trouble to prepare this stuff for tonight. So I'm just asking that if the plans are revised, we do need time to review. I'm not sure a January date is going to be enough time.

Mr. Capizzi: To the extent that I can. So we're...we're contract purchasers on this site and there is a certain carry obligation in order to prosecute the application before the Board. We can certainly ...inaudible... an office has already taken to addressing some of the traffic engineering drainage comments. So I think to finish up the modifications to their plan set, is hopefully something that won't take too long to do. I'm sure Matt may be in a better position to speak the timetable, but I think we can probably wrap this up to have a re-submittal in the first or second week of December so that there's at least a month between now and the return date. I would hope that that will be sufficient period of time for the Board professionals to be prepared to speak to it on the 21st January.

Mr. Capizzi: Yes, I guess my question is when you know, Chuck, when would you feel comfortable in terms of us having our updated materials in that gives you and your team sufficient time to review?

Mr. McGroarty: Well, I think you're giving us a month. That'll work. Ten days is not going to work, so not that you suggested 10 days, but it just said if you can get us something in the first week of December and then The Board is willing to hear you on the twenty first of January, at least speaking for myself, I will comment for you from Mike Vreeland or in this case, Bob. Bob is here tonight for Bob or Walt, but that'll give me time to review it. But it can't go much past that...

Mr. Capizzi: Understood.

Mr. McGroarty: Because we're busy.

Mr. Capizzi: We're getting done early tonight, you've got to stay there and get hopping on these plans.

Mr. McGroarty: Oh, yes, I am. I'm definitely...why sleep when I can review these site plans?

Mr. Capizzi: Not you, sir. I'm talking about Matt Welch.

Mr. McGroarty: Oh, I would stay here too. No problem.

Mr. Capizzi: I thought you were at the lake.

Mr. McGroarty: I am. It's where I live.

Mr. Weiss: So, if we move this to January 21st, we'll...we'll carry to the 21. There'll be no further notice. A meeting will be held 7:00 pm. At that point, for those from the public that are still listening, there will be no further notice. The meeting will be carried to the twenty first. And keep in mind that we still have our engineer, Matt Welch is on. We will open it to the public for questions when he's completed his testimony. The same with the traffic and all the other testimony, we won't forget the public. We'll make sure that we have an opportunity for everyone to ask questions. So make your notes. We'll let Matt finish and then we'll open it to the public. So that being said, Mr. Buzak, have I noted it properly? Carried until January 21st, no further delay, to 7:00 pm.

Mr. McGroarty: And we need an extension.

Mr. Buzak: We usually add something about now. Chuck, about access... will be on the website.

Mr. McGroarty: Yes.

Mr. Buzak: Access information will be on our website at least 48 hours prior to meeting on the 21st. Anybody have any concerns about accessing, they're welcome to call Mr. McGroarty.

Mr. Weiss: And Matt... Matt Capizzi, it sounded like Chuck said we need an extension. Of course, through the end of January, Mr. Chairman. Okay, so Mary you'll send that over to Matt's office.

Ms. Strain: Yes,

Mr. Weiss: All right. Well, that being said, thank you, gentlemen. Thanks for being prompt and efficient. It ran a little late, to The Planning Board. Thank you very much. And again, this is the last time we're going to see each other before Thanksgiving. So let me wish everyone Happy Thanksgiving. Happy Holiday. Enjoy some time with the family. And we will stay in touch and we'll see everybody in... in December, on the 10th.

Mr. Weiss: Wait, wait. I was going to say we'll need a motion to adjourn.

Mr. Scapicchio: Motion to adjourn.

Mr. Schaechter: Second

All in Favor: Aye.

Meeting was adjourned at 10:25 pm  
Transcribed by: Karen Grill

*May Stain*  
Signature

*May 13, 2021*  
Planning Board Meeting Date Approved