

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting

Thursday, November 12, 2020 at 7:00 pm

Remote/Virtual Meeting

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

MINUTES

Public meeting / Remote Virtual Meeting of the Mount Olive Planning Board of November 12, 2020 commenced at 7:00 pm.

The Pledge of Allegiance was recited.

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

Roll Call

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

Excused: Ms. Mott

Board Professionals in attendance were:

Edward Buzak, Esq., Board Attorney

Susan Crawford, Esq. Board Attorney

Chuck McGroarty, PP/AICP, Board Planner

Michael Vreeland, PE, Board Engineer

Mary Strain, Board Secretary

Committee Reports

Mr. Weiss: Well, if anybody has any committee report to give, otherwise, we'll skip through them. We'll to pick them up again next month, from my Street Naming Committee, I have nothing. Brian, anything from the Board of Ed?

Mr. Schaechter: Nope.

Mr. Weiss: Kim's not here for Open Space. John, anything from Ordinance Committee?

Mr. Batsch: Other than what Chuck had sent out as far as the Fence Ordinance?

Mr. Weiss: Okay. Anybody else? Did I miss anybody on the committee?

Mr. Natafalusy: Environmental...inaudible.

Mr. Weiss: Thank you, sorry about that. Anything Catherine?

Ms. Natafalusy: No.

Meeting Minutes

June 18, 2020 Public Meeting

Mr. Weiss: All right. So let's move into the first part of our agenda tonight is the approval of the minutes. The first one is the minutes of June 18th, 2020 public meeting. We have a copy of those were sent out. Anybody, please, somebody please make a motion to accept the minutes.

Mr. Schaechter: I'll make the motion.

Mr. Mania: So moved.

Mr. Weiss: Got it to Brian. Thank you very much, John. Second. Any comments or questions? I see none. Roll call Mary.

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

July 9, 2020 Public Meeting

Mr. Weiss: Thank you all. The next one is July 9, 2020 public meeting. Same thing we have copies of that. We had a chance to review it. Would someone please make a motion to move these minutes?

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

Mr. Weiss: Thank you, John Mania.

Mr. Schaechter: Second.

Mr. Weiss: Second by Dan?

Mr. Schaechter: Brian.

Mr. Weiss: Brian, thank you very much. Any comments? Questions? I'm seeing none. Mary, roll call.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Catherine Natafalusy	Yes

John Mania	Yes
Dan Nelsen	Yes
Paul Ottavina	Yes
John Batsch	Yes
Joseph Ouimet	Yes
Howie Weiss	Yes

Resolutions

PB 18-30(1) HSC Flanders, LLC, 194 Route 206, Block 5300, Lot 12

Mr. Weiss: We have a few Resolutions to approve. The first one, and again, we have those in front of us. The first one is PB 18-30(1) HSC, Flanders, LLC, which was a request to extend the variance at the property of 194 Route 206, Block 5300, Lot 12. Somebody please move...move this Resolution for us.

Mr. Scapicchio: I'll move PB 18-30.

Mr. Mania: I'll second it.

Mr. Weiss: Thank you, Dave, and thank you, John Mania. Any questions? Comments? I'm seeing none. Mary, Roll, call, please.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes

PB 19-07(1) ST FRA International, LLC, 700 International Drive, Block 104, Lot 4

Mr. Weiss: Thank you all. The next one is PB 19-07(1) for ST FRA International, LLC, which is Saddleback Realty II, LLC. There was a request to extend their variance. The property of 700 International Drive, Block 104, Lot 4. Same thing, we've got a copy of that and we've had a chance to review it. Would someone on the Planning Board please move this Resolution?

Mr. Nelsen: I'll make a motion 19-07(1).

Mr. Mania: I second it.

Mr. Weiss: Thank you, Dan and thank you, John. Any comments? Concerns? Seeing None. Mary, roll call please.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes

Catherine Natafalusy	Yes
John Mania	Yes
Dan Nelsen	Yes
John Batsch	Yes
Joseph Ouimet	Yes
Howie Weiss	Yes

PB 17-18(2) Chaudhari, Saket & Richa, 54 Corey Road, Block 5201, Lot 5

Mr. Weiss: The final Resolution on the agenda this evening is PB 17-18(2) Chaudhari, Saket and Richa, which was a request to extend the variance on their property, 54 Corey Road, Block 5201, Lot 5. Any questions? Concerns. I see none. Roll call...make... Someone please make a motion?

Mr. Nelsen: I'll motion 17-18(2).

Mr. Weiss: Thank you, Dan.

Mr. Mania: I'll second it.

Mr. Weiss: Thank you, John.

Ms. Strain. I'm sorry, that was September 17th and I have Dan was excused.

Mr. Nelsen: I'm so sorry.

Mr. Weiss: So, John, would you please move that for us? John Mania, you'll move it?

Mr. Mania: I'll move that.

Mr. Weiss: Thank you.

Mr. Schaechter: Second.

Mr. Weiss: Brian, Second? Thank you very much. Any comments, questions, concerns with none being said Mary, roll call.

Roll Call:	Brian Schaechter	Yes
	Ken Forlenza	Yes
	John Mania	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes

Ordinance

Ordinance #24-2020, Section 550-82, Land Use, Fences & Walls, Amendment

Mr. Weiss: Thank you. I skipped over our Ordinance #24-2020 review that we wanted to have, but let's address that right now. We want to review an Ordinance amending Section 550-82 regarding Fences and Walls of the Land Use Ordinance, really and specifically regarding fences on corner and through lots. Chuck, did you want to give us a little background as to what brought that here tonight.

Mr. McGroarty: Yes. What this Ordinance will do is amend the regulations that will allow a closed...closed type fence on one of the street frontages where there's a corner lot or in less frequent situations where there's an actual through lot, meaning that both the backyard and the front yard have frontages on public streets. The idea is that it would allow for the homeowner to use the...what they treat as a side yard as that they could then enclose it and it would be safer and give them more privacy. And it basically would recognize, quite frankly, what many homes have done in the town, particularly in the Clover Hill section over the years, some with permits, some without permits. So this would make it easier to do and in the sense that it would allow people to do it the right way, that is to come in and get a Zoning Permit and would be approved. It would also protect the site triangle at the street intersections so that a closed type fence would not go too far down and then block the motorist vision. It was introduced as the first reading by Council last Tuesday, and the Board here is being asked, as under the statute, to review it to determine if there are any inconsistencies with the Master Plan. Now, the Ordinance Committee, the Planning Board's Ordinance Committee and I have discussed this with a draft ordinance. We sent it along to Council. So the Ordinance Committee, all four members, endorsed it...was supporting...supportive of it. So it's really for the Board to determine whether there's any inconsistencies with the Master Plan and also if they have any other recommendations that they wish to offer to make, to improve upon the Ordinance. From my perspective, there are no inconsistencies with this approach, with the town's Master Plan, which frankly doesn't go down to this level of detail anyway, but it will again preserve site triangles. It will enhance public safety, and I think it will help. It will help neighborhoods in the sense that people will then have a better, fuller use of their properties by...by being able to enclose it in this fashion.

Mr. Weiss: Thank you, Chuck. I think that's fairly comprehensive review, again, unless anybody in the Planning Board objects or sees any inconsistency, the motion that I'm looking for from someone on the Planning Board is a motion to declare that this Ordinance is consistent with the Master Plan and the Planning Board approves such and is looking to move it forward... move it back to council.

Mr. Buzak: Mr. Chairman, I just want to nuance that a little bit, it's that it's not inconsistent with the Master Plan. That's...it's a slight variation, but actually the focus is a little different. So the double negative, the land use, it is consistent and that's right.

Mr. Weiss: So that being said, would somebody...would someone please move this Ordinance to motion, would be that this is not inconsistent.

Mr. Batsch: I make that motion, Howie.

Mr. Weiss: I thank you John Batsch.

Mr. Nelsen: I'll second.

Mr. Weiss: Thank you, Dan Nelson. Any other comments or questions? See, none.
Mary, roll call, please.

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

Mr. Weiss: Mary, before we jump off of these...the Resolutions that we just approved tonight. Do you have what you need from me regarding the electronic signatures?

Ms. Strain: Yes. Thank you.

Mr. Weiss: All three? All three?

Ms. Strain: Yes.

Developmental Application

PB 20-09, Freund, Courtney, 442 Drakestown Road, Block 7000, Lot 78

Mr. Weiss: All right. So perfect. Let us now move into our first developmental matter of the evening. I'm going to call up PB 20-09, Courtney Freund here for a variance of their property at 442 Drakestown Road, which is Block 7000, Lot 87. At this point, what we can do, Scott, is maybe bring up...um...

Mr. McGroarty: I'll do that, Mr. Chairman, I'm going to bring up the...to the, to the people and Scott's backing me up here if I foul this up, but...to the applicant, you'll drop off momentarily and then come back on, right Scott? They'll be they'll be promoted to a panelist?

Mr. Gaskill: Yes, that is true.

Mr. McGroarty: All right. All right, so we have...we have the architect and we have the property owner, the architect is...is Cindy Bourne, Bournier? Are we saying that right?

Ms. Bourne: Yes.

Mr. McGroarty: And Courtney Freund. Is there anyone else?

Ms. Freund: So I believe, Rosa Lamonte, is on, I'm just not sure. I can't see the participants.

Mr. Weiss: So, Rosa is part of your team, as well, Ms. Freund?

Ms. Freund: No, we just asked her to testify for us.

Mr. Weiss: She's going to testify for you?

Ms. Freund: Yes.

Mr. Weiss: Okay, so Chuck, let's bring up Rosa Lamonte.

Mr. McGroarty: Well, is she a member of the public?

Ms. Freund: She's our neighbor.

Mr. McGroarty: Want to hold off on that Mr. Chairman?

Mr. Weiss: Yes. Thank you. Let's hold off on that until we need it. So, Courtney, what we're going to do is we all have a copy of your plans, we've read the reports, we're going to create a record. And so for the record, Courtney, why don't you tell us what brings you here tonight? Tell us about your plan. Tell us about the existing conditions and tell us a little bit about what you want to do.

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Yes?

Mr. McGroarty: Wait, I think you'll want to swear in first.

Mr. Weiss: And I was going to say and you'll start that commentary once Mr. Buzak swears you in. So you'll follow direction from Mr. Buzak.

Courtney Freund was sworn in for the record.

Ms. Freund: It's Courtney, Freund. C O U R T N E Y last name is Freund, F R E U N D. My address is 442 Drakestown Road. It's mailing is Long Valley, New Jersey, 07853.

Mr. Buzak: Thank you. You may proceed. Chairman has asked you to tell us why you're here. So, feel free to go forward.

Ms. Freund: Sure. So I moved to Mount Olive back in 2005 because I started going to College at Centenary and we lived in a much more urban area, and we really loved this area. We wanted to have our horses at home. So, I moved out here and I met my husband in 2007. He is a lifelong resident of Flanders prior to moving into this house with me. His mother taught in Mount Olive High School, his sister taught at the Mount Olive Elementary Schools. So we're very connected to the town. And we bought this house in 2012 with the intention of bringing my horses home. So we did not have children yet. I wanted to have my horses here.

So we are on five acres here. We have fallen very much in love with the property that we have here. But the longer that we are here, the more we realize the changes that need to be made to our home in order to make it more usable for us and our family. So we now have a soon to be six year old daughter and a just turned two year old son. And they are very, very active. And our house is just not set up well for that. So our kitchen is very, very small. The house, or the original part of the house is from 1900 and then they've done two additions since and those two additions were just not well thought out. So not well executed. I've got a full bathroom downstairs with a bathtub and no bedrooms. I have no bathroom upstairs for my four bedrooms that my children can use without coming into my room. And so we are actually bathing the children downstairs right now and then carrying them up the stairs at night. I have a garage that's falling down. It was there when we purchased the property. But it is...it's really not salvageable at this point. So there are a lot of other features. But the house that just don't work for us as we have grown our family. So we wanted to bring Cindy in and get some ideas together for what we could do. So we are we're currently parking outside. We don't have a garage. I drive a suburban my husband drives an F 350, I think? So we're not fitting in that old garage either. Oh, we also don't have a home office. And as you know, with Covid, most of us I've been working from home since March and I'm currently hiding in one of my kids' bedrooms because there's just nowhere for me to get quiet in this house. So we really want to stay here. We plan on being here forever. We want this to be our forever home. We just want to make the changes to it. That would make it be that place for us. I have, you know, I have we've built our barn, so we've got our turnout areas for our horses. We...we just we're very happy here. We love our neighbors. We love the spot. We've got easy access to 206, 80. I work for Mars, so I am 15 minutes from the Hackettstown office and I was in the Mount Olive office that they just sold. So there is a lot keeping us here.

Mr. Weiss: And so Chuck, if you can maybe help us state the record, there's some variance and actually just one variance, would you state...help us, tell us what the variances are?

Mr. McGroarty: Yes, there are two, actually. One is a front yard setback variance. This property is in what's known as the RR-AA Zone which minimum, lot area is 5 acres, which is not the issue here, but it has a 75 foot front yard setback required. And that the house itself and there's a picture of it in my report on the first page, and there are some photos of it also on the architect's plans as well. The house is very close to the road, as you heard. It's an old house, so it doesn't...which is not uncommon. It does not meet today's zoning standards. So not only is the house almost entirely within the 75 foot front yard setback, but by virtue of that, the proposed improvements, which will be to expand the house and it will now be an attached garage as opposed to detached, which it is today. So the entire structure really will fall into that front yard, 75 foot step back. Perhaps the architect will go through the actual improvements, but there will be a connection between the house and garage. The garage will have a second level for what is described as a rec room. The linking structure will be a mud room of some sort, and then the back of the house will be bumped out and there'll be an expansion to the kitchen and there'll be some other improvements as well. So that's the front yard setback variance. The side yard, set back, his zone requires a 50 foot side yard setback when the improvements are in place. The addition and that will and I'm speaking here about actually the garage will be 47 1/2 feet to the side, the east side lot line. So it'll be just shy of the 50 feet required. And even though it's a garage, it has to meet the principal structure setbacks because it is attached to the house. So those are the two variances. And we had a few other comments along the way. But those are the focus right now.

Mr. Weiss: Okay, and Courtney, so you understand that even though the house is pre-existing non-conforming, once you do the additions take down the garage, the garage is going to end up being nonconforming as well, which is why there's a front set, you know, front yard setback, variance request.

Ms. Freund: Right.

Mr. Weiss: Okay, so I think you've certainly explained to us what you wanted to do. Maybe what we can do unless you have any other questions or I'm sorry, any of the comments for us. Perhaps we should take a look at the plans itself. And I know that you have...your architect, maybe Cindy can tell us a little bit more before you do that, Cindy. I think we should have Mr. Buzak swear you in as well.

Cindy Boerner-Lay was sworn in for the record.

Ms. Boerner-Lay: Cindy Boerner-Lay, B O E R N E R - L A Y. My address is 6 Squire Hill Road, Long Valley, New Jersey, 07853.

Mr. Buzak: Thank you. You may proceed.

Mr. Weiss: So, Cindy why don't you tell us a little bit about what you're doing here.

Ms. Boerner-Lay: So, I'm actually going to flip my screen because I'm kind of low tech and I don't have...because I have Zoom on my iPad and the drawings on my computer, I can't combine the two. So I'm going to put my screen so that I can show you my computer screen so that I can kind of walk you through the plan. So, this is the first floor plan. It's Sheet 4 of your packages that you have so you can look at them as well. So on the first floor, I'm going to kind of use my cursor. I don't know if you can...can you see that kind of floating around there both ways, if it's a little bit hard? So on the first floor, there's an existing playroom and obviously garage and have been converted into a playroom and then there's a family room behind that. We plan on adding a small addition off to the rear here to enlarge the kitchen. As Chuck was saying before. The existing front room here is sort of just a big wasted foyer space and a very steep staircase. So we're going to be rearranging that space internally, making a powder room, some pantry for a closet and a new staircase up the existing staircase is extremely steep and doesn't have proper headroom. And then there's an existing enclosed porch on the front here, which we will be opening up actually, and turning it back into an open porch. As Chuck was saying before, we are creating a link space of a mud room and open porch, which will connect the existing house to the new garage. And yes, we're removing the existing sort of dilapidated garage and doing a new three car garage on the first floor. On the second floor, which is your Sheet 5. Internally, again, rearranging space, as Courtney had mentioned, they actually, the current, even though there's four bedrooms, they don't actually have a bathroom. They have to go through the master suite currently to utilize the bathroom on the second floor. So we're going to be rearranging space internally, still maintaining the four bedrooms, but creating a hall bathroom space. And then we're going to be adding a new master bath above the kitchen addition below. In the linked space will be adding a laundry room. Currently, there's a laundry room up on the second floor now, but it's kind of just in the overflow of the hallway space and it has very low headroom. So we'll be adding a laundry area here, to a rec-room, above the garage. The existing basement is very low, it's the main existing basements, most like what I would call a basement with stone walls and dirt floors and trees as posts and joists. So it's not really

ever...would be finish able, into living space. So this is kind of like a big sort of rec room space instead of a basement area. Speaking of the basement, and this is the basement plan. So this area is all on slabs on the left here, which again, I think was an existing garage that had been converted at some point. This is what I was calling and referring to sort of as the existing basement. So, against sort of dirt floor and stone wall...

Mr. Weiss: Wait, Cindy slow down a little bit... Cindy slow it down a little bit. When we talked about the basement...

Ms. Boerner-Lay: And some crawlspace off the back...

Mr. Weiss: Cindy? I think...So we're trying to create a record, so I want to kind of slow down a little bit. I think you're talking, referring to the basement plan and let's make sure we're referring to the right to sheet. I believe, that's on Sheet 6.

Ms. Boerner-Lay: Correct.

Mr. Weiss: Okay. So let's make sure that we identify, which sheet we're referring to, because the record will need to show where we are and what we're looking at.

Ms. Boerner-Lay: Yes. So, again, Sheet 6. So, yes, we're doing crawl space underneath the new kitchen and dining edition. And there'll be a small area of new basement space underneath that mudroom space that's connecting the house to the garage. And that will be to house a new furnace. A new boiler. So now I'm going to go to Sheet 7. Which is the front and rear elevations. So on the front elevation here, you can see basically this left side, that's sort of been rendered. That's the existing house. This is actually still part of the existing houses area in the middle here. We're just raising the roof line a little bit and adding some dormers and the header is very low on the second floor there. And then, as I said before, this is the existing porch, which we're actually turning into an open porch. Right now it's an enclosed space. It's not heated, but we'll actually be opening it up, which will actually sort of create less...inaudible...with the area that's closest to the road. And then we're adding this link space and then we're adding to the right, the garage with the rec room space up above. And you can see that this is an existing roofline. Again, we're adding the kitchen and a master suite above it in that in the middle area. And again, this is sort of the existing area of the house where we're just raising the roof line. And again, we're adding the master and kitchen behind it. This is that link space that we...we keep referring to, that sort of connects the house to the garage area. So, there'll be a porch and mudroom on the first floor and a laundry room and office on the second floor. And again, the garage at the first floor and the rec room up above it at the second floor. So, Sheet 8. Is our side elevations. So this is the new elevation from the garage side and you can see there's sort of a lot of dotted lines in the background and those are the profiles of the roof, profiles of the addition beyond. So this is that little link space. So you can see it sort of very low and built in the dormers and then the house beyond. And then from the other side, it doesn't really change all that much. So this is all the existing profile. So this is just the two story, the second floor master suite that you can kind of see in the background. And way off in the background is the top of the garage roof peeking over the top there. So, now I'm going to actually skip to Sheet 1 which is the site plan. Sorry, my wrist I'm trying to hold the iPad. So, as Chuck mentioned, our main variances for the front yard setback. Hold on let me just try to zoom in on here. So, as Chuck mentioned as well, our basically our entire house is built in the front yard setback. So this is the...the road. And this is actually our front yard setback and this is the existing house, so almost our entire

house is built in the front yard setback. This is that existing detached garage which we'll be removing and creating the link space and the new garage and will actually be improving both the front yard and side yard setback with our new garage. So currently the existing garage is only 19 1/2 feet from the front and 42.9 from the side. And we're actually going to be improving that to 28 feet to the front and 40 sorry, just got to look at the chart for a second, and 47.5 to the actual roof canopies. So the actual garage is 50 feet on that side yard. But we have a little roof overhang that's going to be going over the garage doors and that is 47.5. So, I'm just going to go to Sheet 2. So this is our proposed site plan. So, again, I'm just going to zoom in on the corner. So, again, you can see the existing house, a new edition of the back, which is that kitchen addition, the new... addition and the new garage addition, and we'll be working the driveway a little bit on that driveway now that goes to that existing garage will be expanding. So obviously we can create that sort of turnaround space to get into the side loaded garage. So our existing front yard setback is 29 feet to the front porch and 19.5 feet to the garage or a 75 feet, as required. I propose, front yard setback is 35.2 feet, both existing and proposed. The new additions, so to that link space, we're actually, again, step back a little bit further at 37.6 feet to the mudroom. And we're at 28.0 to the garage. So, as I mentioned, we're actually improving the set back to the garage with our proposed additions. And as you can see, our rear yard is much larger than the required. It's about 560 feet versus the 50 feet required. So it's basically that our home is just not placed on our site in a conforming manner. It's a c-1 variance, a hardship as obviously it would be extreme hardship to pick our house up and... and move it back to the in a conforming location.

Mr. Weiss: I want to stop you there, Cindy, you've done a wonderful job presenting the architectural. I do want to just maybe confirm for the record that you are to testifying tonight as a professional architect.

Mr. Boerner-Lay: Yes.

Mr. Weiss: So, I think let's leave the planning testimony, we'll leave it up to Mrs. Freund, but I had a quick question for you. It looks like on one of the pictures next to the garage. There is a shed as well as that shed coming down.

Ms. Boerner-Lay: So, the garage is kind of like connected to a shed. It's kind of hard.

Ms. Freund: So, it's it looks like two pieces, but they're actually attached?

Ms. Boerner-Lay: Right.

Ms. Freund: Very bizarre. It's poorly made. I don't know when it went up, but I mean, you can see daylight through the roof.

Mr. Weiss: Okay, so both of those structures are coming down. I know you had said, Courtney, that it's one structure. The picture appears to be two. But what we're seeing is what maybe is a shed in the garage are all coming down.

Ms. Freund: Correct.

Mr. Weiss: And then Cindy, do me another favor, the space, the linked space, as you refer to it. How long of a run is it? How many feet is it from the house to the garage, right now?

Ms. Boerner-Lay: So, it's about its 14 feet 11, is the width of that...that mudroom link space.

Mr. Weiss: Okay. Very good. Do you have any other testimony about the architectural?

Ms. Boerner-Lay: So, I just wanted to...sorry, where am I? I wanted just to go to Sheet 9. So Sheet 9 is the existing floor plan.

Mr. Buzak: Cindy...just...just...Cindy just give us a second. You have it up and we're flipping through sheets here, so I think I have to get to Sheet 9. While we're doing that, I've been derelict in two areas. One is this. Inaudible...can you just give us a little bit on your credentials? Were you went to school that you're licensed in The State of New Jersey as an architect?

Ms. Boerner-Lay: Now, what I was wondering when you were going to ask me that. So, yes, I graduated Summa Cum Laude from NJIT in 1996, with a Bachelor in Architecture. Was licensed in The State of New Jersey in 2000. I haven't been in front of the Mount Olive Zoning Board before, but I have appeared before, many times, in front of Summit, Long Valley, Chester, Short Hills, Madison, Chatham, etc. I'm also the Vice Chair and the Class A Licensed Architect, member of the Historic Preservation Commission, in my own town here in Long Valley.

Mr. Buzak: Okay, and your license remains in good standing at this time.

Ms. Boerner-Lay: It does.

Mr. Buzak: Okay. That was my first area. The second one is we do normally, even though these are the plans that were submitted, we do mark these exhibits. So I think the easiest way to do this is let's mark the set of plans, Exhibit A generically and then each sheet, it'll be A-1, A-2, A-3, A-4, coinciding with the sheets that are on the plans. So testimony that's been provided so far will remain consistent when there's discussion about Sheet 6, that'll be sheet A-6 and so forth. So, now we're all going to go to what we'll now call sheet A-9.

Ms. Boerner-Lay: Correct. I also will have a couple of Google maps and photos that will mark as exhibits when we get there too.

Mr. Buzak: Very good.

Mr. McGroarty: Wait! Wait...wait... one thing. Mr. Chairman. Just for the record, the Board does not have the revised plans. We received them on the 9th. So there are plans, there were some changes made to the plans based on my initial report. So what we're seeing tonight, I believe, should be the plans which are revised through November 8th, 2020. Cindy, is that correct? What you're showing us now?

Ms. Boerner-Lay: Yes.

Mr. McGroarty: Okay. So, just so that the record is clear, what you're presenting is your exhibits tonight reflect the revisions that you've made?

Ms. Boerner-Lay: The revised drawings. Correct. The only...the only changes are basically the...the scale that was listed on the site plans. And on Sheet 1, the lot coverage calculation was...was incorrect. So, the zoning table has been changed.

Mr. Buzak: All right now. Chuck, just let me make sure that we have this. I believe that you distributed those two, not the sheets, but the two tables to which Ms. Boerner-Lay has just testified. Is that correct?

Mr. McGroarty: The tables? No. What I did in my report was...

Mr. Buzak: Not in your report, Chuck. I thought we got an e-mail that you sent to Mary and Mary sent out to everyone.

Mr. Weiss: It appears to be a reproduction of The Tables on Sheet 1.

Mr. Buzak: Right.

Mr. McGroarty: Oh, Did we send that? I don't remember.

Mr. Weiss: Yes.

Mr. McGroarty: Okay then that would be the...that would be the corrected version. I believe.

Mr. Buzak: Yes. I don't know if this is... inaudible.

Mr. Weiss: They're entitled revised zoning chart, so I would like to think...

Ms. Boerner-Lay: Correct. Yes. So the revised ones you'll see has these little dotted circles around them on the numbers that were revised. So that's I don't know if you have the revised one. If it doesn't have the added circles, that's the original one.

Mr. Schaechter: Mary sent them out on November 6th.

Mr. Weiss: Yes, we have them.

Mr. McGroarty: All right.

Ms. Boerner-Lay: Okay, so back to Sheet 9. Is everybody on there?

Mr. Schaechter: So, just...just to be clear, that...the plans that we're looking at are date stamped to June 16th, Chuck are those the ones we should be looking at?

Mr. McGroarty: No, there were some...there were some changes that were necessary to be made for those plans, which I mentioned in my report. So the revised plans that we received in the office, I received one...one set of plans. On November 9, we got them. And the...the revision date is November 8th. So that's what you're seeing tonight, and I believe, as Mr. Buzak said, the Two Charts, we got those as PDFs, I believe from Cindy, so we sent those out. We didn't get the

other...the other plans we got in separate emails and we just couldn't combine all the sheets together, in one document to get to you. And we received them separately.

Ms. Boerner-Lay: So...inaudible...make changes to Sheet 1 if that's of any note and everything else is...is the same. It's only one that really gets affected by the revisions.

Mr. McGroarty: But in a nutshell, what had happened, I pointed out that the setbacks that were in the zoning table were a somewhat imprecise and they had to be because of the 75 foot setback. So...so that's been changed. The scales were needed to be changed on several plan sheets and had no bearing on the actual layout of the structure or anything of that nature. And just a couple of other things like clarifying the previous coverage, clarifying the height of the building to the top of the cupola as opposed to the roof. It still meets the height standards permitted in the zone. So those are really the major changes. There's some miscellaneous stuff that would still have to be taken care of with this and also the survey, but it would have really no bearing on...on the on the merits of the variances.

Mr. Buzak: Well then, Chuck, what I'm going to do is I'm going to ask you, you or Mary, whoever has the original set, most recent set, to use those as the formal Exhibits for the purposes of the hearing and the old ones, and we'll...will continue to look at the ones we have in front of us.

Mr. McGroarty: Right. Now, the reference to each of these plan sheets will be the same, correct?

Ms. Boerner-Lay: Correct.

Mr. McGroarty: Unless Cindy tells me otherwise.

Ms. Boerner-Lay: No. Inaudible.

Mr. McGroarty: All right.

Ms. Boerner-Lay: Okay, so Sheet 9. So, I just wanted to point out with this drawing is you can see the existing house laid out and you can see the existing garage shed that we're removing and then the dotted line indicates the actual additions. So, again, you can see that our addition is actually more conforming than the garage that will be removing. So here's the front right corner of our proposed garage, compared to the front right corner of the existing garage that will be removing. So we're actually making the both the side and the front yard setback better than the existing condition. And again, just creating that link space to kind of connect to the space in between the two. That's just why I wanted to pull out this drawing. And on, if we go to Sheet Number 12...

Mr. Nelsen: Cindy? While you're on 9...

Ms. Boerner-Lay: Yes?

Mr. Nelsen: I'm going to ask you the measurements of the garage?

Ms. Boerner-Lay: The existing garage?

Mr. Nelsen: No, no the new...the addition.

Mr. McGroarty: It's in my report Dan.

Ms. Boerner-Lay: I actually have to go to the floor plan to give you that. So the new garage is 25 feet by 35 feet.

Mr. Nelsen: Thank you.

Mr. McGroarty: You'll see that in the first paragraph there, Dan.

Mr. Nelsen: Thank you.

Ms. Boerner-Lay: So, Sheet 12, which is the existing front elevation, again, shows you the existing house and that existing garage, so there's an existing garage and the outline of the existing house relative to the dotted line. So, again, our new conditions. So again, creating this link space and the new garage and shifting it back and over. I now have a new exhibit that I wanted to show. So this is actually a Google Earth view, and the reason why I wanted to show it was just because it shows you that, obviously. So this is us. This is our... the house. This is the garage that we're talking about...

Mr. Weiss: Let me interrupt you there, Cindy. We're going to make this Exhibit A-12, because the last...no I'm sorry A-13.

Mr. Buzak: A-13, right.

Mr. Weiss: A-13 the last Exhibit is A-12. You're introducing this Google Map. It appears to show an overall topography or maybe a new satellite view of the of the subject property in relation to the neighbors' homes.

Ms. Boerner-Lay: Correct:

Mr. Weiss: We're going to mark that A-13 as you speak about it.

Ms. Boerner-Lay: Okay, yes. So, they said this is the existing house and garage. This is their existing barn and garage and sort of barn structure in the back. And what this shows you is they really only have two neighbors to side yard neighbors across the street from them is...is open park space. And they're obviously just sort of surrounded by trees otherwise. So they don't really have many direct neighbors except for the two side yard neighbors. And then so here we have I guess this will be A-14.

Mr. Weiss: Correct. Tell us what A-14 is.

Ms. Boerner-Lay: This is a Google Street View. This is looking towards the side yard neighbor on the left, so it's looking towards this house here, on the Google Map. So this is, again, our subject property and this is the next nearest neighbor to the house. And obviously also you can see the relationship to the road. And so this is A-15, which is also a Google Street View, but looking towards the other direction. So obviously now I'm looking towards...I didn't mean to do that. Now

I've lost it completely. So this is looking towards this house to the right. So, again, you can see our subject property, you can see that the existing garage that will be removed and you can see the next house to the right. And again, the relationship to the road. So in conclusion, let me just...I'm going to put you back down again and flip the camera...inaudible. Scroll button...so, in conclusion, we believe we have a hardship of a conforming lot with a non-conforming front yard and the side yard setback. As mentioned, almost our entire home, which is built over 100 years ago, is in the front yard setback. We believe our addition will enhance both the aesthetics and the function of the home, increasing the property value of the housing stock, as well as not creating any negative effects on ours or neighboring properties. We believe are actually improving our non-conformances with our new garage addition and placement. We believe our lot can handle all of our improvements being under both the allowable building and lot coverage requirements. For all those reasons, we hope the Board looks favorably upon the application. I'd also just like to briefly summarize some of the responses to the engineer's comments in the in the letter.

Mr. McGroarty: That...would be the Planner, by the way.

Ms. Boerner-Lay: Sorry.

Mr. McGroarty: Thanks.

Ms. Boerner-Lay: So obviously we corrected the...the site plan scale and those drawings were given out, handed in to Chuck. And we revised a lot coverage to include that include that compacted gravel area. So that has been done. We also hope with the front yards of the garage from 29 to 28 feet because the road sort of curves a little bit. So, it is actually a little less at 28 feet. And we added the height to the top of the cupola versus the top of the roof, which is 31.5 feet. You mentioned some conditions of the variance, which we're totally fine with. Obviously the obtaining of the driveway permit and approval from the Health Department for the well location or to relocate the well as required. So, if those needed to be a condition of the variance, we're all for that. Thank you.

Mr. Weiss: Okay.. And so let me just... and Cindy thank you very much for that. That was very thorough architectural planning. And with all due respect, I'm going to ask the Planning Board to kind of disregard Cindy's comments at the end, when she was giving her opinion on the variance, on the criteria, make the positive inaudible...interpret it. It's not Cindy's place to give us that. I'm going to turn to Courtney to give us that testimony. And I don't really mind if Courtney was to turn around and kind of repeat what Cindy said. But coming from the architect, I'm not comfortable taking the testimony. As accurate as it may have been. I'd like to see if anybody from the Planning Board has any questions for Cindy from the architectural presentation. And I don't see anybody from the Planning Board. I should open it to the public. If anybody from the public has any questions for Cindy on the architectural presentation, you could raise your hand if you have a question for her. We're looking right now. I don't see anything. So I'm going to close it to the public. And what I'd like to do then is and Cindy, thanks again for the testimony, is let's turn to the...the proofs that we need you to make. Courtney, obviously, you saw in Chuck's report there's a requirement on Land Use Law for you to make and approve the positive criteria and the negative criteria. Clearly, we're here for c-1 at least, I heard you say this is a c-1 variance, to talk about where the hardship is coming from. Again, I think it's pretty clear, but I'd like you to create the record by telling us about why you need while you're here, asking us for a front yard in the side yard setback.

Ms. Freund: And as...as was mentioned earlier, it really, truly is impossible for us to do anything with the house that we currently live in without a variance because we are so close to the road and we are so close to the side of our property. We do have a tremendous amount of property behind us, but we're just...we can't pick the house up and move it. Unfortunately, it's built where it was built and we don't want to leave. My mom lives on our street. She's a great help for me, trying to work from home with two small children. My sister in law and her children and her husband live around the corner. My in-laws live ten minutes away and we don't want to leave. We're very, very connected to this area. We're very connected to this Town. And I'm just...I'm concerned that if we don't...if we're unable to make changes, that the house just won't work for us. I can't have...

Mr. Weiss: If I can interrupt. It sounds to me like you've told us, but you have a pre-existing nonconforming condition that you really can't change and that perhaps some of the changes that you are going to make are going to minimize the encroachments and the plan that you're presenting is better than exists now. I think I heard you say that.

Ms. Freund: It absolutely is.

Mr. Weiss: Thought that's what I heard. I also have an obligation then to discuss the negative criteria. Negative criteria, maybe a little bit more challenging, but not so difficult. If you don't understand that, I can certainly help. But you need to talk about the impact of this...of this project that you're going to do and the impact on the community. Will this addition impact negatively? The zone plan will impact our Master Plan? Will it impact your neighbors? Will it become a deterrent? Will it...will it be a negative thing for the public good in your...in your neighborhood?

Ms. Freund: I don't believe so. We've got a great relationship with our neighbors, and I don't I don't see it being a negative thing for...for especially this...our road, Drakestown Road in particular, I, I drive up it, I drive up and down every day, and I find that some of the houses on our street are...are starting to look worse and worse and some are looking better and better. And I think that if we make these improvements...improvements, we would just help bring along some of those properties on this street and encourage some...some improvements around here, because, you know, I do...I do love the street, but it's an old one.

Mr. Weiss: Let me kind of interject again, although we understand that the neighbors there now, might love it, it doesn't necessarily neighbors in the future. But what you're doing here, from what I've been able to tell, is that you're increasing residential space in the residential...in a residential zone. And by nature of that, I think you're telling me that that's not going to negatively impact regardless of who your neighbors are, correct?

Ms. Freund: No. It will not.

Mr. Weiss: I think then, Mr. Buzak, tell me if I'm wrong, it sounds like Mrs. Freund gave us pretty good testimony to both the positive and the negative. I'm satisfied if you are.

Mr. Buzak: I think that she has adequately set forth the proofs that are necessary. Mr. Chairman.

Mr. Weiss: Yes, and it's very nice to hear them with such conviction as it was testified to, Mrs. Freund, and I appreciate that. Does anybody from the Planning Board have any other questions for Mrs. Freund on the testimony, Catherine?

Ms. Natafalusy: I just have a question on the aerial that the architect submitted. There's a lot of stuff going on in the backyard of this property. It looks like trucks and other vehicles are back there. Is this barn being used for anything other than personal use? Is this a business going on there?

Ms. Freund: No. That...a lot of those aerials are inaudible...It was, I believe, when they were working on the barn. My husband does have trucks back there right now because they are working on the barn again and they are putting in flooring, I believe. But I...I don't know all of the specifics, but it's primarily my barn for my horses. Unfortunately, my two guys passed away this year. So I currently have like a little mini petting zoo of miniature horses and a mini donkey. But yes, I do know what you're what you're referring to.

Ms. Natafalusy: So, It's not being used to repair vehicles because it looks like there's a bunch of vehicles just outside of the area.

Ms. Freund: No, it's not being used to repair vehicles.

Ms. Natafalusy: Okay, thank you.

Mr. Weiss: Okay, Catherine. Ken, I think you had a question?

Mr. Forlenza: Yes, Mr. Chairman. Courtney, thanks for your presentation here. It looks like a beautiful home, beautiful property. Just curious, is it currently farm assessed?

Ms. Freund: It is not. We don't have enough clear acreage. I would love to be farm assessed. If you have some extra acreage I can buy? I will make it happen.

Mr. Forlenza: I wish I did. Thanks.

Mr. Weiss: Anybody else from the Planning Board, Chuck?

Mr. McGroarty: Yes, Mr. Chairman, a couple of things on...the plans, to Cindy, and also to the...to your land surveyor, who I don't believe is here with us tonight, need to reflect the fact that the compacted gravel goes around the side of the barn slash garage because it's more than just a barn, quite honestly. And...and goes into the back of it. So that should be reflected on...on those plans. So, that going forward, we're all clear what that area, how much coverage is on the property. So any approvals I would recommend, Mr. Chairman, plans be corrected to show that...that's actually a comment that I have in my report. Though, the coverage has been changed, as Cindy told us on the...on her plans, but the representation of the area, the footprint of the gravel needs to be shown. Also, we have a memo which I shared with Ms. Freund and Cindy from the Health Department, they are not satisfied with the location of the well, so a condition of approval, if the Board does grant approval, they will have to work with the Health Department. I believe the well is going to have to be relocated. But that's...that's a Health Department question.

Ms. Freund: So we have already discussed that and we are willing to move the well as part of the conditions.

Mr. Weiss: Hey Chuck, I'm also looking...are there any other engineering concerns, storm water management? Is there any of that...that we're going to be concerned about?

Mr. McGroarty: No, not really. Well, Mike is on the...inaudible...although he did not review these plans. But because it's an addition to an existing house, dry wells are not required, at least by our ordinance. I can't think of any other issues that would trigger that kind of thing.

Mr. Weiss: Okay, any other questions from The Planning Board?

Mr. Schaechter: Mr. Chairman, I'm going on to Catherine's picture. I'm looking at the aerial with one, two, three, four, five, six, seven, looks like seven or eight vehicles parked all the way back on the back of the property. You know...and I know your husband's a contractor. Is he storing any of his business trucks, equipment there? It's a residential area. How much of...how much of this storage is going to businesses that...and that related to your horse?

Ms. Freund: So, stuff comes in as he's doing work on the property and then it goes back out. So I don't know if you're familiar with the way the property was when we...obviously you don't know what the property looked like when we moved in, but we've had to make...we've had to do quite a bit of work on the...the land getting it level because there was quite a drop off. So we didn't really have a usable property. So as...so as work happens, vehicles are coming in. There are a couple of vehicles that shouldn't be here right now, and I know he knows that he needs to move them. But as work is...is done here, he brings the machines home. And then as they...as the work is done, they are they are leaving.

Mr. Schaechter: So are the machines stored there when they're not in use?

Ms. Freund: No. His machines are always working.

Mr. Schaechter: And when they're not working, there?

Ms. Freund: There are occasionally here, but they're not typically stored here. No.

Mr. Schaechter: And what kind of equipment is occasionally there?

Ms. Freund: We have many excavators that comes in and out, we have a skidster that comes in and out. He would be better to speak to it, because I don't know what all of that is called, and I honestly am going to sound like a bad wife, but I don't have time to deal with him. I work full time and I'm managing two little people and the animals. I don't have time to deal with him.

Mr. McGroarty: But if I may, can I jump in? It's...it's a less than ideal situation. I've been dealing with Mr. Freund with it. I've met him on the property. It does need to be cleaned up. He's aware of that. I'm aware of it. And I'm watching it. I'm working with him on it. But it does need to be cleaned up.

Mr. Weiss: Right. I suppose we could make a condition of approval to that before a CO was issued, that the property needs to be free and clear of any machinery that doesn't belong there.

Mr. Schaechter: Well, any machinery that wouldn't be good for that zone, certainly heavy construction equipment. It's a pole barn that's in the back, is it all for animals or is there storage for is a warehouse for some of it. Is there building materials?

Ms. Freund: So, he's got so he's...it's not building materials, but he's got like parts for his machines. But it's typically he wants to have his antique tractors here. He's got...so the end goal is that that will be storage for his antique tractors. And he's got an antique truck that he wants.

Mr. McGroarty: I'm sorry, Brian. One thing I was going to say, just to throw this out there, one way you could do it without making condition on this situation. It's up to you. You leave it with me. I can deal with that as a property maintenance issue. I don't need it...doesn't really matter whether you make it a condition or not. I'm still dealing with it as a property maintenance issue. And you could keep them separate if you wish.

Mr. Schaechter: My only concern is...you know...it starts to look like a junkyard back there and you've got antiques that turn into, well I haven't been working on, and just get stored back there. And then the neighbors today might not have a problem with it. But...you know...moving forward, we all know neighborhoods change. It could be an issue.

Mr. Weiss: Well, you know, I think I think we could bring a very quick resolution. As Chuck said, we'll keep it as a property maintenance issue. The testimony was very clear. The trucks that are there are not going to be there. Anything that's there now is most likely going to be moved. The barn and what's stored inside of it is really none of our business. It's...it's the goods and the trucks and the material that stored outside the property that we are concerned about.

Mr. Schaechter: So, Howie, it does become our business when there's a business being run out of there.

Mr. Weiss: I think the testimony that Brian said, there is no business being run out of there.

Mr. Schaechter: But she said, well, that they have some equipment that comes in and out.

Ms. Freund: So, but that's only to work on our property. He's not running the business out of this property. Most of his business, honestly, right now is in the Trade Zone working for Fratelli.

Mr. McGroarty: That's finished, but.

Mr. Weiss: Okay.

Mr. Forlenza: Howie?

Mr. Weiss: Yes.

Mr. Forlenza: Just...just one more question, and this is actually geared toward Chuck also viewing the site plan here, I guess the Google view seems to be two structures that are really close to the property line that are in that horse turnout area or the horse pen. Anything we need to be concerned with about conforming there, in terms of setback? I don't know if they're lean-tos or if they're small closed storage sheds, but they're right on the property line.

Ms. Freund: It's a run in. It's a three sided...Inaudible.

Mr. McGroarty: I've been on the property twice, actually, three times, actually. But looking at the survey, I don't see anything. I don't see anything like that. So, I don't know what...I tend not to use the Google aials because I don't know when they were...I don't know the dates of them. But looking at the survey, assuming the surveyor did his work correctly, he shows us all the structures that are out there. I don't see anything if there are some structures that are close to the property line. I don't...I don't see them on the survey. And if they are, they may be pre-existing. I don't know but certainly the ones in the front are close to the property line, but they're the ones we heard tonight are going to be removed. Which one...what other are you seeing, Ken?

Mr. Forlenza: Yes, well, I guess other folks do that. If you're looking at the aerial view that the actual Google Maps view, it looks like two wooden structures with asphalt roofs that are right on the fence line. So, Courtney, are they horse turnouts?

Ms. Freund: Yes, they are horse turnouts. It's a run-in and it's like a three sided...so that they can get coverage from the rain.

Mr. McGroarty: I'm not seeing...is that on the survey? I'm not seeing it?

Mr. Forlenza: It's not on the survey, Chuck. It's on the Google Map view.

Mr. McGroarty: Well, if it's not on the survey, if it's on the property, it should be on the survey. And if it's not on the survey, the surveyor chose to omit it, which he should not have done, or it doesn't exist anymore. I don't know which.

Inaudible.

Mr. Buzak: Did the survey...I didn't look at the date on the survey.

Ms. Freund: I don't know the date. I don't know what date is was.

Mr. McGroarty: 2018.

Ms. Crawford: 2018, right. September.

Ms. Freund: I think the sheds came after.

Mr. McGroarty: Well, did you get permits for those?

Ms. Freund: I would have to ask Jason, I don't know.

Mr. Forlenza: I guess Chuck, from my perspective, they look like they're right on the property line and I'm not sure how tall they are...

Ms. Freund: They can be moved. They can be moved.

Mr. Forlenza: They're not...okay, they're not permanent?

Mr. McGroarty: Hold on, please. The first thing is, they should get permits. Let's not move things without doing this. If you're here tonight to do it the right way, let's do it the right way. So, if you had other sheds that are not on the survey, I don't know why they are not on the survey, but if they came afterwards, then you should follow up with...give...show us the locations and we'll...we'll deal with it with zoning permits. I think that's the appropriate way to do it. But I'm not seeing them. Cindy, are they on your plans? I'm not seeing them.

Mr. Weiss: You're muted Cindy. Cindy, you are muted.

Ms. Boerner-Lay: The only shed that I see in the fenced area that's on the survey is right here.

Mr. McGroarty: In the corral?

Ms. Boerner-Lay: Yes, so I don't know if that's what you're referring to or not.

Mr. McGroarty: I...I don't know either. Ken do you see that? I don't know what else there is. I mean, I don't have the Google in front, the Google aerial.

Ms. Boerner-Lay: I don't see anything on the Google. That's why I kind of pulled that up before. I mean, this is all bushes. This is all bushes. I don't know if that's something, or if that's that shed that that's in...that's on that corral area, because obviously that's the fenced area. So I don't know if that's that shed.

Mr. Weiss: We're referring to A-13 when the picture was popped up. So, Courtney, are there any other structures and if there are, where are they on the property that we might need to just get some zoning permits to correct?

Ms. Freund: There's two run in sheds in the horses turn out. They are three sided sheds. They're, movable. They're not permanent. But it was just so that they had coverage from rain and sun.

Ms. Boerner-Lay: And is that one of them, Courtney?

Ms. Freund: I'm not sure. I can't tell from there.

Mr. McGroarty: So, are they...so, they're there just for the horses there in the corral area. They're not enclosed structures, correct?

Ms. Freund: Correct.

Mr. McGroarty: Okay. I know what? I'm sure that we can deal with that with the zoning permit. It's if it's in the corral, if it's on the property line and they sound like they're there. They can be moved. But before you move it, we should talk so that you can get a zoning permit and do it...do everything.

Ms. Freund: By the book.

Mr. McGroarty: By the book. Exactly.

Mr. Weiss: Okay, so I suppose the only issue is, Brian, go back to what you were talking about, is the concern about running a business on this piece of property. Business, call it whatever you like. That's not allowed in the zone. Correct, Brian, that's your concern?

Mr. Schaechter: Yes.

Mr. Weiss: And really, all we can go by is the testimony that said they're not running a business, that...that any machinery in there is personal use. We really shouldn't see truck traffic moving in and out of this property. And, Chuck, you feel that you want to handle it to a property maintenance issue, rather than putting in a condition?

Mr. McGroarty: Well, I'm...I can handle it. I will be handling it through property maintenance. Mr. Chairman if the Board wants to include it as a condition, that's your call. You certainly do that if you wish. I just want you to know I'm dealing with it anyway. I've already met Mr. Freund on the property and we're taking care of it.

Mr. Weiss: All right, anybody from the Planning Board would have an opinion on that? Otherwise, I'm going to defer to Chuck's...

Mr. Ottavinia: Howie, I have a quick question.

Mr. Weiss: Go ahead.

Mr. Ottavinia: Well, I guess it's actually for Ms. Freund. Where does your husband keep his machinery when it's not in use? What's the address?

Ms. Freund: I don't know the address offhand, but I know that it's like an old farm. But I don't know it. I don't know the address.

Mr. Ottavinia: You know what town it's in?

Ms. Freund: I believe it's Hackettstown?

Mr. Ottavinia: Okay.

Mr. Weiss: Well, the bottom line is that when in the evening after a day's work, the machinery is not coming back to this address at 442 Drakestown Road, correct?

Ms. Freund: Correct.

Mr. Weiss: Okay. So, I don't see any opinion from the Planning Board. We'll allow Chuck to continue to deal with this and make sure that the property is used properly through his continued inspections and efforts to clean this up. I think what I might want to do if nobody else from the Planning Board has any questions is let's open it to the public. If anybody from the public has any comments or questions? Mrs. Freund or anything else about the application? I don't see anybody...Rosa Lomonte has her hand raised. So what we're going to do Rosa, is...Chuck is going to bring you up. There might be a slight delay where you'll drop off, but you'll come back up. How did I do with that Chuck?

Mr. McGroarty: Perfect.

Mr. Weiss: All right.

Mr. McGroarty: She should be coming on shortly.

Mr. Weiss: I see it. Mrs. Lomonte...

Mr. McGroarty: I don't know if she's on the phone or video?

Mr. Weiss: It's muted regardless of where she is related, so there will be no sound.

Rosa Lomonte: Okay, I'm unmuted now. Sorry, I'm on my computer. I don't know why you can't see me.

Mr. Weiss: So, let me ask you a question. Do you have a question or comment? If you have a comment, I'm going to swear you in.

Ms. Lomonte: Okay, I have a comment.

Mr. Buzak: Is there any way you can you can provide any video Ms. Lamonte? There are some new regulations that seem to indicate that the testimony should be...inaudible.

Ms. Lomonte: Here we go.

Rosa Lomonte was sworn in for the record.

Ms. Lomonte: Okay, it's Rosa Lomonte, R O S A L O M O N T E, 438 Drakestown Road, Long Valley, 07853.

Mr. Buzak: Thank you. You may proceed.

Ms. Lomonte: Yes. I just wanted to make a comment that I am in support of this, for the Freunds. Not only, again...you know...they've been such supportive neighbors, but also just for the, again, the aesthetic of the neighborhood, value that it adds to our neighborhood, to our street particularly. So that's really the comment that I wanted to make.

Mr. Weiss: Okay, thank you for that, Ms. Lomonte. Thank you. Is there anybody else from the public that has a comment or question? And I see none. So let me close it to the public. Chuck, if you can, you could drop off Ms. Lomonte.

Mr. McGroarty: Yes. All right, Mr. Lamont, thank you.

Ms. Lomonte: Thank you.

Mr. Weiss: Okay, so Ms. Freund, if you have anything else that you wanted to add, any closing comments? If you're all done, I'm going to bring this to the Planning Board for their comments and ultimately we'll bring it up for a vote.

Ms. Freund: I think I've shared what I need to say. Thank you.

Mr. Weiss: Okay, so thank you. So as the Planning Board starts to consider this, I know that we have very few conditions. One of them is the obvious. One is that on Chuck's report 6.6, the well...the location of the well must meet approval from the Board of Health. Chuck, you also talked about presentation of the plans and representation of the data? Did you want to make that a condition that, that's all fixed.

Mr. McGroarty: Thank you. Yes, please.

Mr. Weiss: Okay. So we'll have a condition that the data, as Chuck talked about, is reconfigured. I guess we could put in the...

Mr. McGroarty: Oh, I'm sorry, Mr. Chairman. I was distracted momentarily. Number 1 has been fixed but the number 1...6.1, 6.2, that's been fixed...6.3 should still be addressed both on the architectural plan and on the survey. 6.4, that's been addressed. And 6.5, any approval that will...they will require a driveway permit from the Public Works Department. And we've talked about the 6.6, that's a Health Department issue.

Mr. Weiss: Okay. So with those...those should be conditions, obviously. Your trucks come in 6.3, the driveway permit to be required. And of course, the Board of Health approval on the well. Those would be the three conditions that I saw. I don't believe, and we agree with each other, that the use of the land as it is in the question by the Planning Board will be addressed by property maintenance, through Mr. McGroarty. I don't believe we need a condition. Does anybody else from the Planning Board have any other notes that shows anything differently? Mr. Buzak, do you show anything else?

Mr. Buzak: No. We have the relocation of the well, I just...I actually had more of a...Chuck said, I guess that these were addressed in the revised plans that you have, Chuck, the scale was addressed.

Mr. McGroarty: Yes.

Mr. Buzak: 6.2?

Mr. McGroarty: Yes.

Mr. Buzak: Okay, and the zoning charges on the revised plans that you have...is that right?

Mr. McGroarty: That's correct. Yes.

Mr. Buzak: That's it, Mr. Chairman, I have nothing other than the standard conditions that we put.

Mr. Weiss: Of Course. Okay. So, that being said, with the conditions of the 3 minor conditions that we discussed, if someone from the Planning Board will please make a motion to move this application.

Mr. Nelsen: I'll make a motion to accept PB 20-9, with the noted exceptions. With the set of conditions.

Mr. Weiss: Thank you.

Mr. Ottavina: I'll second.

Mr. Weiss: Thank you, Paul. Dan made the motion. Paul, second it. Do we have any comments from the Planning Board?

Mr. Scapicchio: Mr. Chairman? Can we just make sure that the conditions that are listed in Chuck's report are part of this application?

Mr. Weiss: Yes, David, we did. The outstanding ones are noted as the conditions.

Mr. Scapicchio: Great.

Mr. Weiss: That's what we were just reviewing. So that's all...it's all addressed. If anybody else has any comments? I kind of enjoy these applications because this...Ms. Freund and her husband are taking a lovely home and making it really special. I think the architecture that Cindy put together is really going to make this a lovely home. You know, we've lived...some of us have lived here many, many years, but we're all residents. We all know the road. And I think that this is going to become a very, very nice addition and I applaud you for the effort. And if that being said, Mary, roll call.

Roll Call:	David Scapicchio	Yes
	David Schaechter	Yes
	Ken Forlenza	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	Paul Ottavina	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: Courtney, congratulations. In about a month, we'll have the Resolution signed. And then at that point, you can go forward with the Permits. Any questions up until it's time, you can reach out to Mary or Chuck, in the Planning Office.

Ms. Freund: Thank you very much. I appreciate it.

Ms. Boerner-Lay: Thank you for your time.

Mr. Weiss: Thank you.

Mr. McGroarty: Okay. You have got to help me here, Scott. How do we remove Cindy and Courtney as panelists?

Mr. Gaskill: I'm taking care of that right now.

Mr. McGroarty: Perfect. Thank you, Scott.

Ms. Freund: Thank you.

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

Mr. Weiss: So, at the same time, what I'm going to do is let me introduce the next Application, which is PB 20-12, Sandra Albertson, here for variances at her home, 36 Main Road, Block 5400 Lot 1. And so as you're taking down, some folks, Scott and Chuck let's bring up Mrs. Albertson.

Mr. McGroarty: Right.

Mr. Weiss: And I'm not sure who else.

Mr. McGroarty: I know her architect is here, Mr. Singer, I believe, so I'm going to...

Mr. Weiss: Okay. So, we'll bring up David Singer as well.

Mr. McGroarty: All right. We'll do that. And where is Sandy?

Mr. Weiss: There she is. You're muted. Ms. Albertson? You're muted.

Ms. Albertson: I got it.

Mr. Weiss: There you go. Was anybody else on your team this evening besides just Dave Singer?

Ms. Albertson: Just Dave Singer. If, he's here.

Mr. Weiss: Dave's on. We're bringing him up right now.

Inaudible.

Mr. Forlenza: Chuck? It's Ken. Is the address 36 Main Road?

Mr. McGroarty: Yes, technically, it's Road, not Street.

Mr. Forlenza: Really? So that whole stretch where the firehouse is, that's Main Road?

Mr. McGroarty: That's according to the Tax Maps. Yes.

Mr. Weiss: Learn something new every day, don't we Ken? I'm with you.

Mr. McGroarty: It's typically called Street, as you probably know.

Inaudible.

Mr. Weiss: Okay, so I've introduced the Application, Ms. Albertson. I think what I'm going to have you do is we're going to have you get sworn in by Mr. Buzak and then we'll just ask you some questions about the application and keep it moving for you. So, if you would, Mr. Buzak.

Sandra Albertson was sworn in for the record.

Ms. Albertson: It's Sandra Albertson. A L B E R T S O N, 36 Main Street, I go by street, Flanders, New Jersey, 07836.

Mr. Buzak: Thank you. And you may proceed.

Ms. Albertson: Thank you. Well, I've lived in this house for 32 years. I think I am probably the only property in Mount Olive, that abuts the railroad as the house was once a train depot. My purpose in coming to you for this variance is to improve the functionality of our kitchen area. That's one purpose. The second purpose is that my husband and I are entering our twilight years and he is a disabled vet and he, our house was built in 1900 and are 13 steps with a very steep rise for him to get up to our bathroom on the second floor. So I'd like to be able to put a shower in there for him on the first floor. We're looking at 85 square feet of new area, to the kitchen.

Mr. Singer: Inaudible.

Mr. McGroarty: You changed it.

Ms. Albertson: I'm sorry?

Mr. McGroarty: Mr. Singer, I think, just introduced something, but he will... it would be best if he... waits until The Chairman calls on him. But I have submitted, Sandy. I submitted to the Board the revised plan that Mr. Singer has given us.

Ms. Albertson: Okay.

Mr. McGroarty: So your addition in the back has been reduced down from the proposed 85, but when the Chairman calls on your architect, he will present those details.

Ms. Albertson: Sure. Originally we had looked at, rather than the go for the variance, looked at the other side of the property, the south side. But there were some pitfalls. We have a bilco door to enter into the basement, a patio there, and our driveway is right there. And there's three cars in that we sometimes have to park on the patio. Plus all the...the lines, the water lines and everything are on the north side where we are proposing to put the little addition on there. I brought in two contractors to look at it and they wanted to charge \$150,000 for this addition and we just could not afford that. So our next alternative was to move it to where we're applying for the variance. Again, it just to improve the functionality, to put the shower in there and to be able to get the washer dryer out of the kitchen and just move it out a little bit so it's not part of our...our living space.

Mr. Weiss: Thank you for that explanation. It looks like, according to our planner's report, you're requesting two variances. The first one is an encroachment in the north side yard setback where the minimum is 25 foot, is required and you currently have 10 feet, 1 inch with the addition. And then there's an encroachment on the front yard setback. But there's a minimum 75 foot requirement, approximately 5 – 6 feet of the addition will fall into that setback. Chuck, is that accurate? Those are the two variances?

Mr. McGroarty: It is, Mr. Chairman. But I did not get a chance to modify the report after I got the revised plan on the 9th. Those two variances still apply. But as I read it now, the...and Mr. Singer's here tonight, the architect, the addition now is somewhat smaller on the northerly side and adjacent to the tracks. The setback on the plan shows it to be 13.84 feet. So we'll still need the variance because it's within that 25 foot side yard setback. And the entire addition, even though it's in the back of the house, falls within that 75 foot front yard setback. So, the two variances still are front yard back and the side yard setback. It's just the dimensions change a little bit.

Mr. Weiss: Okay. So, that being said, we will go over to your architect. Sandy, did you have anything else you wanted to bring to our attention? I'm going to come back to you as we look to make the proofs and we have some questions about that. But any other information we might want to know about the existing conditions? It looks like your existing home is maybe perhaps a pre-existing nonconforming situation where part of the house is already over...inaudible...is that accurate?

Ms. Albertson: That is correct.

Mr. Weiss: Okay. All right, if anybody else from the Planning Board has any other questions for Sandy, we will bring them back up to talk about the criteria, to make the proofs. But I'd like to see a little bit about...more here, a little bit more about the plan from the architect. Let me also do this, let's be fair. If anybody from the public has any questions for Mrs. Albertson about what her plans are? I see none. So let me. Close to the public and let's bring in David Singer, your architect. Mr. Singer, I'm going to have Mr. Buzak swear you in? And at that time, we'll talk about your criteria as an architect.

Mr. Singer: Okay,

David Singer was sworn in for the record.

Mr. Singer: David Singer, S I N G E R, 44 Federal Twist Road, Stockton, New Jersey 08559.

Mr. Buzak: Thank you, sir. Will you please proceed with your credentials?

Mr. Singer: Yes. I'm a graduate of Syracuse University with a Master of Architecture in 1985. I was licensed in New Jersey, in Pennsylvania in 1988 and 1989. I have given testimony before Boards from Trenton, Bordentown, Princeton, lots of places, I can't think of all of them. I've been practicing 30 years and I've done commercial, institutional, residential, industrial architecture. So I've got some sort of a generalist. I'd done a little bit of everything.

Mr. Buzak: Mr. Singer. Have you testified before any Board in Mount Olive either Board of Adjustment or Planning?

Mr. Singer: I do not believe so. No sir.

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

Mr. Weiss: If anybody has any questions for Mr. Singer? Otherwise, we'll accept Mr. Singer as a Professional Architect. And I certainly welcome you to our zoom world. You can now add Mount Olive to your list of Boards.

Mr. Buzak: But I do have one other question for you. I assume your license is in good standing as of tonight.

Mr. Singer: Yes.

Mr. Buzak: Thank you, sir.

Mr. Weiss: Okay. So let me turn it over to you, Mr. Singer. Tell us a little bit about the plan that you're proposing.

Mr. Singer: Yes, the current plan that attempts to provide a roll in shower or walk in shower adjacent to the existing half bath which was a previous addition. The rest of the changes planned are all internal for a better functioning kitchen and laundry. The other item that probably should go on to the request for variance list, if you look at Chuck's report, the excellent photo right on Page 1 is set in slightly from the sidewall of the current kitchen. And in order to get the windows centered over the...over the kitchen, cabinetry, that window is going to span the two additions, and so I need to pack that one wall out. Looks like maybe four inches at the most. However, since that does fall within the side yard setback. Technically, that will also need a variance, even though it's four inches. So I just want to make the Board aware that that also should be on the variance list in addition to the 22 square foot shower addition.

Mr. Weiss: That's still in the...is that still on the north side yard setback?

Mr. Singer: That...that portion of it, probably. It's hard for me to say right now, most of it's in the side yard setback, a small portion might be in the front yard setback. I have updated the plans to show the 75 foot front yard setback, and that's very close to where that second rear L is located. So it may be a matter of inches. It may require both.

Mr. Buzak: Mr. Singer, why don't we...before we get much further, why don't we mark the right plans here as exhibit A-1? Now, we have...I have a set of plans that are dated 7/22/20. I believe you submitted revised plans that are dated 11/9/2020.

Mr. Singer: Correct.

Mr. Buzak: Okay. And are we using the 11/9/2020 plans?

Mr. Singer: Yes, please.

Mr. Buzak: Okay, so we'll mark those for the record, A-1. And I assume, Mr. Singer, when you were just testifying and pointing out the fact that you were referring to the plans on A-1?

Mr. Singer: Correct.

Mr. Buzak: Okay, thank you.

Mr. Weiss: And even specifically, it was your drawing number four.

Mr. Singer: Yes. Detail four shows where I want to pack out the...that side wall. That's the side elevation view. It shows the...the full bathroom with its extension. It shows that the new proposed window into the kitchen and the area of the existing L where the wall should be packed out so that the window doesn't look goofy.

Mr. McGroarty: I think that Mr. Buzak doesn't disagree. I think it still can be treated as, I mean, it's still part of that variance for that other side setback for the improvement on that side of the house. I think, I don't know if we need to treat it as a separate item. I think it's contiguous to the other improvements.

Mr. Buzak: I think...that I think that's the easier way to handle it. I appreciate Mr. Singer's bringing it to our attention. And I think it was appropriate for him to do that so that there's no misrepresentation inadvertently. I think that was what he was doing. So we appreciate that, Mr. Singer. I think the way Mr. McGroarty has just mentioned it be handled, I think we'll do it that way and not make this bigger than it is.

Mr. Singer: Okay, very good.

Mr. Buzak: Okay, thank you, sir.

Mr. Singer: Sure. So simply that's...you know...the shower is to provide the convenience and accessibility of the downstairs shower room for Mr. and Mrs. Albertson. And the revision of the kitchen also to provide additional functionality. We are creating a larger opening which will require a header. There will be new kitchen cabinets and appliances. We're doing away, I

think, with the current laundry closet, which has sliding doors and they're terrible for laundry. If you don't want to have to bend down and even for a stackable one, you have to bend down for one unit. So these, I think we're thinking about side by side top loaders, which are a lot more friendly to people who, you know, as you get older. But that's up to the client. That's up to the owners. And simply, that's it. We do...I certainly want to try and match the character of the existing building, in terms of the finishes, the siding, the shape of the roof, the type of windows, things like that.

Mr. Buzak: Mr. Singer, this is...I just want to make sure I'm reading your plans correctly. I'm using larger plans because it's easier for me to see it. But inside elevation four that the Chairman was referring to, that casement window, is that the casement window that is shown in the view three? On which is that...that's the window that is above...is that the sink? Really relates to the floor plan. So it's in the...in the corner of where the...the kitchen cabinets turn the corner. So part of it is at the sink. Part of it is at the cabinet corner. And that's a matter of available room because we want to have the side by side, washer and dryer. The awning window that you see in detail three, would be for the shower room. And that's similar to the...is it an existing double hung window right now, but because it's going to be a shower, I went with an awning that would be mounted higher on the wall and with a vinyl unit because it is in the shower and the wood window would certainly rot.

Mr. Buzak: Okay, thank you, sir.

Mr. Weiss: Okay. So, Mr. Singer, you said that was kind of the extent of what your plan is?

Mr. Singer: Correct?

Mr. Weiss: All right. Does anybody in the Planning Board have any questions for Mr. Singer? I'm not seeing any. Let me see if anybody from the public has any questions for the testimony that Mr. Singer just provided. If anybody does, please push the raise the hand button. I'll just give anybody a moment to check. I don't see anybody from the public with a question for Mr. Singer. So, let me close it to the public. And with that, thank you for that testimony, Mr. Singer. Let's...let's come back now and let's talk, Sandy, about the variance really that you are asking for. You needed to give us some testimony as to the positive and negative criteria. And as you can see in Chuck's report, there was a note that should explain why the small addition to enlarge the kitchen in your laundry room, a pantry and had a bathroom would...wouldn't be more appropriate, to add it to the other side of the house, keeping it within the setback. I think the answer might be obvious, but why don't you tell us why you can't put it there?

Ms. Albertson: Well, as I explained, we had the basement bilco doors there on the other side and our driveway is right up to the patio area there. So there really was not a lot of room. We'd have to move everything, to different areas in order to access that basement through the bilco doors, so it wasn't appropriate on that side.

Mr. Weiss: That would maybe even cause some other hardships that we're not even addressing right now.

Mr. Albertson: Right.

Mr. Buzak: And let me just follow up with that, Mr. Chairman. Is it true of Ms. Albertson that the half bath where the shower is now going to be put, is already located on the other side of the house.

Ms. Albertson: That's correct. All the plumbing and everything is on that side of the house. In order to move it to the other side, everything would have to be moved because the washer is there, the dishwasher, the sink, and everything is on the north side.

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

Mr. Weiss: That's fine. So that addresses that. So when we look at the positive criteria...you know...as we're seeing, we're going to make the assumption again as to see one variance request one you tell us. And I think you already did, but maybe state them again, some of the reasons that you're requesting the variance and the hardships that you're...that you have. I know I heard you earlier say that the majority of the house or a good portion...of the house is already a pre-existing non-conforming use, which in layman's terms, means the house probably was built before the zoning standards and a good part of the house is already constructed outside of the building envelope.

Ms. Albertson: That...that is what... yes, that's correct. And I believe that the house, like you said, was not conforming before the...there were rules in order to have coding, so.

Mr. Weiss: Okay, I know that. I would also think, that putting, I heard you say earlier to my previous question, that putting this bump out for the shower is really the only spot that makes sense because of the existing plumbing and the logistics of the house. Therefore, putting it somewhere else wouldn't make a lot of sense. I think I heard you say that.

Ms. Albertson: That's correct. Right.

Mr. Weiss: Do you think of Mr. Buzak, do you think, or Mr. McGroarty, do you think that we needed more testimony to the positive criteria?

Mr. Buzak: No, but we can move to the negative, if you like.

Mr. Weiss: Which I will. And so when we go to the negative criteria, Ms. Albertson. One of the...some of the things we look for is to make sure that your plan will not have a negative impact on the zone plan. It won't have an impact, negative impact, on the Master Plan of the desired intent of the neighborhood. And putting this addition on won't negatively affect the quality of life in the way of life of your neighbors that perhaps you can confirm with us that none of those things are going to happen, in your opinion?

Ms. Albertson: In my opinion, that is true. And I did have the opportunity to talk to probably 80 percent of my neighbors in the 200 foot section, and there was no objection by them, so I don't think it would deter anyone from us getting a variance.

Mr. Weiss: And that's what I was going to ask just one more confirmative answer, is that this variance will not result in a substantial detriment to the public good?

Ms. Albertson: In my opinion, that's true.

Mr. Buzak: And is it true, Mrs. Albertson, that one of your one of your neighbors, so to speak, is the railroad tracks?

Ms. Albertson: That is very true. And we just went through a whole construction.

Mr. Buzak: Okay, thank you.

Mr. Weiss: You know, I think that Chuck's reviews, comments kind of wrap it up very, very nicely. It seems to be you're actually putting a simple little addition on to make the quality of your life that much better. You're making a basically a residential improvement in a residential neighborhood. That's the way I at least look at it. If anybody from the Planning Board has any questions or comments? Again, I think if we look at Chuck's reviews in section six, it summarizes and simplifies what we need to do. Sandra, do you have anything else you want to add to those?

Ms. Albertson: No, I don't.

Mr. Weiss: Thank you for that.

Ms. Albertson: Thank you.

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

Mr. Forlenza: Mr. Chairman, I have one question for Chuck.

Mr. Weiss: Go ahead, Ken.

Mr. Forlenza: I was just looking at the lot in Zone CR3. Is there any issue with lot coverage or and building coverage?

Mr. McGroarty: No, ironically, while they're penalized for these sort of exceptional setbacks that...that don't necessarily fit some of these lots, the coverage, the building coverage and lot coverage in the CR3 Zone, as I mentioned in the report, there are two...two parts of the zone. The one that applies to this property is...is they're allowed much more coverage than they have. So they're fine and both with respect to building and total impervious. Thanks, Chuck.

Mr. Weiss: Okay. So Mr. Buzak, we didn't really make...inaudible...no conditions associated with this, besides some of the boilerplate ones that we do. I have nothing really, no condition to add if the Planning Board so desires to approve this application. It's on the merits that we spoke about. The two variances that we discussed. Anybody else have any concerns or questions? Chuck, anything that we should add?

Mr. McGroarty: Nothing from my end, Mr. Chairman.

Mr. Weiss: All right. So, if somebody from the Planning Board, would you please help us? Let's move this application.

Mr. Nelsen: I will make the motion for Planning Board 20-12. I think it makes perfect sense. And I would like to would like to wish Mr. Albertson a belated Happy Veterans Day.

Ms. Albertson: Thank you for that.

Mr. Weiss: Well, thank you for that Dan.

Ms. Albertson: He will appreciate that.

Mr. Weiss: And do I hear a Second?

Mr. Scapicchio: I'll second.

Mr. Weiss: Thank you, David. So, motion made by Dan. Seconded by David. Any comments? Questions? I see none. Mary, roll call please.

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

Mr. Weiss: Looks like everyone is in favor. Congratulations Ms. Albertson. Again, like I mentioned last time, you give the Planning Board, about 30 days we'll memorialize the Resolution. At that point, you can come to the Planning Office and pick up your variance and get the Building Permit and then the other permits that you'll need.

Ms. Albertson: Okay, thank you very much.

Mr. Weiss: Here's what I'd like to do. I have 8:46pm on the clock. I'm going to take a break for 14 minutes. We're going to start the next application at 9:00 pm. Let's...let's go to a break and again, we'll be back in 14 minutes and at that point we'll bring up Mr. Selvaggi.

PB 19-14, New Jersey Foreign Trade Zone Venture LLC, C/O Rockefeller Group Blocks 105 Lot 1, 106 Lots 2 and 3, Block 202 Lot 1

Mr. Weiss: Okay, so what would they want to do is let's introduce the next application. We're back on the record. We introduced Application PB 19-14, New Jersey Foreign Trade Zone Venture LLC, care of the Rockefeller Group here for the General Development Plan at the ITC East, Block 105, Lot 1; Block 106, Lots 2 and 3; and Block 202, Lot 1. We have Mr. Selvaggi here with us tonight. Michael welcome, always nice to see you. This is our actually our third meeting on this application. The first one was July 16. We then moved it to September 10th. Carried until

tonight November 12th. Just looking over our exhibits, if you're going to present any other that...looks like, tell me if I'm wrong, the next one will be A-12. We left off on the 12th and in between our November meeting and now and for the record, the Planning Board, every member of the Planning Board during different site visits, did visit the site. We did them in small groups. And so for the record, there has been some Planning Board activity out there, again, in very small groups. And with that being said, let me turn it over to you, Michael.

Mr. Selvaggi: Okay, thank you, Mr. Chairman.

Mr. Buzak: Excuse me, Mr. Chairman, before you do that, did you say our next Exhibit will be A-12?

Mr. Weiss: That is correct.

Mr. Buzak: Okay, I just want to... I didn't know if you said A-11 or A-12, so that's fine. Also, as you mentioned, there were, there was a site visit that was done on a couple of different days, as I understand it. And as a result of that site visit, there was a letter, I believe, that Mr. McGroarty had prepared to Mr. Selvaggi, on October 14th. And Mr. Selvaggi also responded to that on November 2nd and I'm sure is going to provide some testimony tonight. What I'd like to do, just so that we get this on the Record, so to speak, in terms of what happened at those site visits, is to make the October 14, 2020 letter that Mr. McGroarty wrote on behalf of the Board, part of the Record so if we can mark that. A-12, I think that would be good. Mr. Selvaggi, then you can respond during the course of your proceeding tonight.

Mr. Selvaggi: Yes, Mr. Buzak. All right. So as both Mr. Buzak and Mr. McGroarty I mean, Mr. Weiss, had indicated, this is our third meeting. We're here to get a GDP approval in a manner that's consistent with the Ordinance 24-207, which converts a section of the Trade Zone to Residential. The Ordinance allows what we presented, is up to 686 units, of which 138 are going to be designated to be affordable, to a part of the court approved of that...inaudible...plan. I think perhaps the easiest way of, to advance the ball on this, is to work off of Mr. McGroarty's report and I have Ken here, who's appeared before you, on several occasions, continues to be sworn to kind of expand upon our responses in my October, excuse me, November 2nd letter. So, if we looking at A-12, Mr. McGroarty, as we understand, issued this letter and these were questions that were raised by members following their site inspections. So, the first question or issue that was raised was the density for the Crossroads Sections appears to be excessive, given that it's a 13 acre tract. And Ken, you've been involved intimately with this planning process for a couple of years now. What's the response? I mean, is this an overdevelopment of the proposed Crossroads Section?

Mr. Grisewood: Okay. I'm sorry, I just had to unmute. I don't believe it is, our initial application demonstrated that we were able to accommodate 192 units based on discussions with the Board Professionals, and we reduce the application down to 166 units, which yields a density of 12.2 units per acre.

Mr. Weiss: Ken, can I interrupt quickly? I'm sorry to do that to you. I just want, for the Record, you testified in front of us on July 16th. You were sworn in at that time. Just for the Record, you'll remain sworn, right now.

Mr. Grisewood: That's correct.

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

Mr. Grisewood: We've looked at the site. We believe that in our professional opinion, that the site can accommodate the 166 units, we have. That particular tract will still have 57.1% open space, meaning undeveloped lands. It provides a minimum net open space of 35%. So with that, we feel comfortable that the layouts that were presented back in July, function and can be constructed without exceeding the carrying capacity of the property.

Mr. Selvaggi: And let's kind of continue on with this number, because I think it's a related question, the storm water basin conceptually depicted, should be re-located on the southerly side. Again, is the location of that basin a factor because of the density or there are other considerations that went into tentatively putting it there on the north side.

Mr. Grisewood: When we're looking at the development potential of a property, you're looking at the existing topography and you're really trying to replicate the existing drainage patterns with the future patterns. So, detention basin, infiltration basins, are generally located to replicate those existing drainage patterns. On this particular property, on the very north or northeast corner of the property is the lowest elevations on site. That's where the existing runoff, for the most part, drains to. So that's the ideal location and the functional location of a proposed detention basin. The elevations along Continental Drive, compared to where we're showing that the basin in that North corner are higher in elevation, which would make it much more difficult and not logical to put in a detention basin along Continental Drive. Furthermore, there are also existing easements with utilities, including a sanitary force main run across from the east side of the site to the west side, along the frontage of Continental Drive, which would be restricting the area that basin would be allowed to be constructed. So, for those three reasons, basically the...you know...the south side of the Crossroads parcel isn't covered with sanitary sewer easements. The elevations on the south side of the property are much higher than where the basin is shown on the preliminary grading plans and the preliminary concept plans. And then the final thing is you always are trying to mimic the existing...existing drainage patterns with your future and your proposed drainage patterns. And there is a connection point under the International Drive jug handle there that allows that detention basin to drain off to the north, replicating the existing drainage patterns.

Mr. Selvaggi: So, and Ken and I mean and I...we talked about, I think two prior meetings. I mean, this is a GDP. We're going to have to return here for a full blown site plan, correct?

Mr. Grisewood: That's correct.

Mr. Selvaggi: So, it's possible in the course of doing that...I mean, you know, the basin, even where it's tentatively shown, could be changed for findings that you guys discover when you're doing the hard engineering, correct?

Mr. Grisewood: Correct.

Mr. Grisewood: It generally will be located in that area, but the configuration of it and the elevations of it maybe will be fine-tuned as the site plan is developed.

Mr. Selvaggi: Okay. Now, the next issue that Mr. McGroarty had raised, that in his October 14th, letter marked A-12, was consideration of a retail component for neighborhood scale shopping needs. And he goes on, and I don't know your best for this, but I know, Zack, you've been involved over the last several years with this as well. You represent one of the developers. What's...what was the consideration of not doing retail here, because it was considered at some point, correct?

Mr. Csik: Yes, Mike, I can speak to that.

Inaudible.

Mr. Buzak: Sir, excuse me, you and the Chairman had mentioned in...Mr. Grisewood, you were previously sworn and you remain under oath.

Mr. Csik: I have not been sworn, Mr. Buzak.

Inaudible.

Mr. McGroarty: Zack has not been a witness before.

Zachary Csik was sworn in for the record.

Mr. Csik: Sure, Zachary Csik. Last name is C S I K, I work for a Rockefeller Group who owns the entity and who owns the entity NJFTZ, who is the applicant here. Our business address is 92 Headquarters Plaza on the 9th floor in Morristown, New Jersey, 07960.

Mr. Buzak: Thank you, sir. Mr. Selvaggi, I'm sorry to have to interrupt.

Mr. Selvaggi: No, that's fine. I appreciate the reminder. Zack, part of your...what was part of your functions that you do for the Rockefeller Group.

Mr. Csik: Sure. So one of my functions is looking at land opportunities and analyzing those pieces of property for potential real estate development. Certainly highest and best use is a good term that we use internally. And that's a big part of my job. This particular project was...was put under my purview over the last couple of years. Obviously, I think everybody knows this is a quote unquote legacy project that we've had for a long time. So at this point in time, it's my goal to get it to the use that we're here and praying for today.

Mr. Selvaggi: All right, and so is the part of your functioning, was there a time where, Rockefeller, you, looked at a possible retail component on this on this Crossroads Site, to be specific?

Mr. Csik: So, Not to go too far back in time, but back in 2006, 2007, we were looking at this for residential use, which at that point in time was 55 and older. That market happened to fall through at that time when the recession hit. After that happened and that fell through. We did look at this for all sorts of retail uses, those retail use, as we explored between 2006 and 2007, team included big box retail, strip center retail, small scale retail, large scale retail and experiential retail.

We unfortunately did not get any real hits. We softly marketed, the site for many retail uses, and we put e-blast out and similar things like that with large brokers to regional retailers, to no avail.

Mr. Selvaggi: And so for obviously, for that reason, you guys did not pursue it in the final GDP preparation, correct?

Mr. Csik: That's correct, Michael. I mean, and I understand the question and the concern in the letter. I wholeheartedly do that retail uses would be a benefit to the users within the immediate area. Unfortunately, the scale is just not there. We would love to provide retail if it was a viable use. It just is not. And for this amount of homes, even though it seems like a lot of homes and it is, it couldn't support any retailer.

Mr. Selvaggi: And Chuck, not Chuck, I mean Zack, he said when you guys designed this, you followed along with the ordinance the town had prepared, correct?

Mr. Csik: That's correct. We obviously the succession went from the Master Plan to the ordinance was, which was done in parallel with the fair share housing plan. And this particular proposal for the GDP is, as I see it, well in line with the ordinance that's in place today.

Mr. Selvaggi: And I believe the ordinance does, in reference, a retail component in this GDP.

Mr. Csik: In my reading, that's correct, Michael.

Mr. Selvaggi: Now, moving on, Mr. McGroarty had talked about and this is an important issue about the phasing of the project, but most importantly, the phasing to incorporate and build the affordable housing. And Zach, I know this also was within the purview of your responsibilities for this project and. We had basically, my letter said, hey, we're going to follow the proposal or the formula, if you will, that the State is promulgated even though...inaudible...doesn't exist. But what is that? I mean, are we going to worry or should the town be worried about 400 market rate units in...inaudible...affordables? And if not, why? Why won't that be a problem?

Mr. Csik: So, the way that the State Authority mandates the delivery of the units based on a phasing schedule of market rate units versus the affordable housing units get delivered is based on the Certificates of Occupancy. The COs are given by the township, of course, through the Building Department. As we go through the development and we progress through construction. We would not be able to continue to move beyond or move out of line or out of what is allowed by both the state and...you know...smartly was put into the ordinance as well, beyond the market rate units that are allowable before the number of color units or affordable housing units were delivered. Within that phasing plan that the state mandates. So the short answer is the township has control and we have seized our plan accordingly to make sure that the affordable housing units are built up front enough and early enough to be well within that phasing plan as mandated by the state. So, I don't think there's...there's much room there. It's a very black and white, and it's based on Certificates of Occupancy.

Mr. Selvaggi: And then finally, in Mr. McGroarty's, report, or letter excuse me, when we talk about the safe connectivity for all three of these projects or sections, I should say, not projects,

and he talks about the walking path on the bridge and maintenance. What...what have you done since receiving Mr. McGroarty's letter to kind of address this issue?

Mr. Csik: So in going back and looking at some...some similar developments and discussing it internally with...with my team, we've decided that this was certainly a valid request. And for the sidewalks that front the property of what is now under our ownership and future will be a Homeowners Association or an apartment complex under ownership of a landlord, so to speak. If it fronts that property, that owner will be responsible for maintenance in perpetuity, we will take that on. Obviously, all paperwork with the township or whatever needs to happen will...will happen accordingly within the proposed development. I think we've all known since the beginning that those sidewalks and everything internally will be taken care of by each respective developer or development or homeowners association. Anything that crosses Continental Drive, if it goes from the west side to the east side by way of example, at the southern portion of the Ridge Site, there might be connectivity from the Ridge Site to the east side of Continental to get to the Netcong Train Station in the future. We would we would ask that that be maintained just based on pure logistics, things like snowplowing. It doesn't really make sense for a homeowners association to take on that. But all the sidewalks that front the property, yes, we will take on maintenance.

Mr. Weiss: Well, hold on, Zach. I don't know the answer to the rest of the question. What about the other stuff? You said it didn't make sense, but who was going to do it?

Mr. Csik: The bridge, the bridge, so...so, the bridge maintenance will be maintained by a combination of a homeowner's association and the proposed apartment complex to the north and the Crossroads.

Mr. Weiss: So is that...

Mr. Csik: We will maintain that bridge, that walking bridge as well.

Mr. Weiss: What about any other stretches of sidewalk that might be in between some of these zones that maybe there's no house? How is that going to be handled?

Mr. Csik: Yeah, that's a tricky one, Mr. Chairman. There is one little stretch that goes from the Canal Piece to the north before it reaches that proposed walking bridge, which is kind of a walking bridge as it stands today that's owned by the DEP. We have no rights to that walking trail. We have no easements. We have no correspondence with the DEP. I think right now it's being maintained generally by the DEP or perhaps the County. I'm not really sure which, but I think it's in somewhat decent shape. But we are not proposing maintaining that since it's not our property.

Mr. Weiss: But it seems like you're using it to use to make a connection between these...these areas, so it seems like you're having both sides of the issue you're going to incorporate and part of yours or you're not. That's a concern. What is it going to be? Are you going to be using that pedestrian bridge?

Mr. Csik: Well, I think this. The simple answer, Mr. Chairman, is that we...we are not proposing anything within that stretch. Now, we could, we could always think about coming, you know, to the north side of the Canal Site and move towards Continental Drive and not use that...inaudible. We can look at that and not go through that DEP as a connectivity point and just

try to make a sidewalk on Continental Drive and then but I don't know how I would get back, how you would get back to that bridge. We think it's by far the safest way for pedestrians to cross from the Canal Site to the Crossroads Site across Route 206. But unfortunately, we just can't control anything on that piece of property that we don't have rights to.

Mr. Weiss: Am I wrong? I don't have a good memory of it. The last time I think you were incorporating it into the connection between the Canal and the Crossroads?

Mr. Selvaggi: Mr. Chairman, I mean, it is a public thoroughfare, so you can run up to it. I mean, and people can use it. And one of the things that we've been urged is to try to take this project and connect to the available trails that are in the area. So I don't think there's anything wrong with us running a connection point to that so people can avail themselves of it. That doesn't necessarily mean that we then assume the responsibility of maintenance.

Mr. McGroarty: Let me Mr. Chairman, can I jump in on this, since we're not at a detailed Site Plan point? We can't really decide whether you get to use that pedestrian bridge, because actually we asked who owns it, the DEP owns it. We're not sure that you have the authority to use it. But what I was going to say is... In my follow up memo, which is sent out the other day to everyone, I would suggest that the Board take the position that any sidewalk that links these three tracks, whether it's fronting on the Crossroads, the Canal or the Ridge tracts, or if it's sidewalk connections between those tracts, that all of those sidewalks be the responsibility of one or more of the associations that will be created. Otherwise...and if these are sidewalks, for example, that go along within the right of way of Continental Drive, which they may, I don't know if it's going to work out there. We we're not at that point yet. But if those links of sidewalks are not maintained by one of the associations, then it's going to be the town's responsibility. And that's just not going to work. I mean, I can cite some examples of sidewalks in the town today that, this issue was not addressed at the time when it was in front of the Planning Board and it should have been, and as a result, the sidewalks don't get cleaned of snow, they don't get repaired when they crack, residents complain and that becomes a problem. Here, I think it's essential because this, again, is a general development plan, meaning that all three tracts have to interrelate with each other. They cannot stand isolated from each other. So I would say we may not know yet where the sidewalk and if it all works out that the...that the best way from Crossroads to Canal to Ridge is via the cross road or the bridge, rather, over the highway. And this may not be an issue at all, but I don't want to...I would suggest the Board, you know, preclude the opportunity to require that sidewalks be maintained even if they don't front on the properties, because the ordinance today requires that they be maintained if the front on the property so that we're not achieving anything new there. I'm simply saying I think it's essential for the reasons that I just said. I also had a couple of other comments and questions, Mr. Chairman, if I can do that now, you want me to wait.

Mr. Weiss: Go ahead, Chuck. Go ahead.

Mr. McGroarty: Okay. What we got from, by the way, I appreciate the fact that we've got from, I guess Ken's office, we got a phasing plan, which, again I think you just sent out to the Board, it's hard to read it at your scale when you get it, but it was very detailed. And then Zack provided us the other day, yesterday, I think, a matrix. An updated matrix of the build out. So, I think without going through all the numbers, as I said in the memo I just sent out to the Board the other day, I think they demonstrate that they will satisfy without question, according to the phasing plan they have here. They will satisfy the affordable housing obligations and the question that was

raised in the October 14 letter asked why. What happens with the fact that the affordable units have now been taken out of the Canal Site and the way that the phasing plan is now proposed, affordable units will be under construction and hopefully occupied, many of them on the Ridge Site, before the Canal Site gets built in phase three. So, I think in that respect, we're fine. But and as I said, I mean, ultimately, the town will not issue COs if they're not complying. I do have a question about that, matrix, the fact that you just sent out to us. It's color coded, so I don't know if the Board has this...Ed, I don't know. Should we mark this is an exhibit?

Mr. Buzak: Yes, we should mark it is an exhibit. And this would be A-13, I believe.

Mr. Selvaggi: Yes.

Mr. Weiss: What is this called, Chuck?

Mr. McGroarty: The title at the top is, NJFTZ GDP Phasing Plan ITC East. It's not dated, but we received it the other day and I think I sent it out to the Board yesterday or today, I don't remember. And again, as I said, we've got we've got a large plan, a phasing plan. Zack, to this matrix...one thing I'm not clear about is the...the numbers that are shown here. The ones that are color coded by the three tracts are all the market units. And the affordable units are listed and they indicate, you know, at what point you project they will be built, but I don't see them identified by color code for the particular tract. So it's hard to follow.

Mr. Csik: Sure. Yes, Chuck, I can update that very quickly. I'd have to go back in and do the math. Unfortunately, I don't have these numbers down in my head well enough to speak to it tonight. But I think, I think I can speak to it in a broad sense. Essentially, whenever...if you see the green, which represents the Crossroads parcel, any time there are buildings built and you can see them in 2/3/2022. You see 18 being built. You can see in Q1 2023, 24 units being built. There is affordable housing units that should be built into that same time frame on the Crossroads parcel. I don't know exactly what those numbers are. So for example that Q-3, 2022, those 18 units built within the Crossroads, I believe there's some affordable housing units, let's say maybe 6 or so within that 26 total. So say there might be 20 on the Ridge Site being built and six on the Crossroads Site.

Mr. McGroarty: Inaudible. I'm satisfied based on this information you gave us, plus the...inaudible...plan that you're going to comply. As though it seems you're...pretty detailed information. But I would ask you to let us know for each of these affordable components, what sections they're going to go in. So that in other words, take that 26 units in the third quarter of 2022 and tell us how many are going to this site. How many are going to the other one. I realize it's a projection and obviously you can't do it tonight. So, that...that would be helpful to have.

Mr. Csik: Okay, that's not a problem.

Mr. McGroarty: Thank you. Oh, I'm sorry, Mr. Chairman. That's it. I just want to clarify that.

Mr. Weiss: All right. So that we know...that was good because I had a couple open questions here, too. Namely the affordable housing in the Canal. So you've kind of put the Planning Board at ease that they're complying with their obligation to see that the affordable housing units in each of the sections is noted and listed and phased in. I also just want to add to the

comment that we had before about the safe travel and Mr. Selvaggi, I'm going to agree with you that at some point, probably during site plan, we'll address the safe travel. If that current pedestrian bridge isn't the answer, then I'm sure your team will come up with a safe travel plan. It's a concern of the Planning Board, the fact that it will be addressed during site plan...

Ms. Natafalusy: Speaking of...

Mr. Weiss: Catherine, go ahead.

Ms. Natafalusy: I'm back to Chuck's letter. Number 4, I think we passed over that one. Why aren't there any affordable units on the Canal Site? Why are we squeezing 166 units on the Crossroads Site? I think it's too high a density for that site. But why aren't there anything on the Canal? Why isn't there anything on the Canal Site?

Mr. Csik: Sure, I can speak to that a little bit. This...we thought this concept plan with the Ridge being phase one and the Canal section being part of really Phase 3. The affordable housing units, based on the conversation earlier with the phasing we actually have to based on that construction phasing plan, put affordable housing units up front. This was what...you know...this took a lot of time to get to the site plan. And for these affordable housing units at the southern portion of the Ridge Tract, we thought this was the best place for the affordable housing units. We did at one point in time have affordable housing units on the Canal. But we thought this this plan worked better from a phasing standpoint. And to be honest, this this actually breaks up the affordable housing more than some developments I've seen. It does break them up into a few different buildings. So we think it is a reasonable spot to put some.

Mr. Weiss: So Chuck, as a follow up question, don't each of these areas have to have their own affordable housing?

Mr. McGroarty: No, not...not necessarily. We were concerned that that all three tracts had...had to have some component of affordable housing. At least I think some of us were or many of us were concerned about that until I think the phasing plan that we now have, which will be adopted as part of this approval and as I understand, not only our ordinance, but the statute, if the applicant wishes to change that, schedule that phasing plan, that time and schedule, they have to come back to this Board to do so. So, the fact that a number of the affordable units will be will be going in on the Ridge site before the Canal site is even developed, I think protects the town in the sense that it's affordable, that the affordable units that are treated by the COs, the market units on the Canal Site, will have already been built and or at least to some extent will have been built and occupied. And I'll tell you that, and again, I'm comfortable saying this, because the timing schedule now gets locked in with an approval. They have to comply with the...the charts and it's in...it's in the memo, but you've seen it before and a certain percentage of market units, they have to have a certain number of co-units in place. The plan that they have given us shows that they'll be well ahead of that type of requirement. So, bottom line is the way they presented it, I'm comfortable that they will provide the required affordable units. They just happened to propose to concentrate them on two of the tracts as opposed to all three.

Mr. Weiss: So I guess...here's my confusion, they're going to develop the Canal as a separate entity? That whole Canal...maybe they're not going to be able to develop it as a separate entity. But if they do, the Canal will then have no affordable element to it. Is it is that wrong?

Mr. McGroarty: Again, just we...we want to remember that all three tracts, even though they'll be very different, they may be developed by different entities. Or at the end of the day, they're all part of one development. And that's why we make such an issue of connectivity and open space being shared, et cetera. So, the fact that there will be market units on the on the Canal Site and it'll be exclusively just market units, is not a problem, as long as some place within that three tract development, the required number of affordable units are being provided. And based on the phasing plan that they've shown us, they will they will do that.

Mr. Weiss: Okay. So, it just goes back to the concern is...I'm agreeing with Catherine that it seems like the Crossroads is so dense, that why don't we move some of the density over to Canal? I heard your reasoning, Zack, for not doing it. Doesn't mean I agree with it or like it, but I think the question was...yes, Catherine, is that a fair statement?

Ms. Natafalusy: I just...I think 12 units an acre or whatever you have for 13, I think it's a lot. I think it's too dense and there's not a lot of open space on the on the property. I know you said I think 57% over 35%, whatever. But I just think maybe a higher density goes someplace else. I just think the Canal... the Crossroads site, is not appropriate for that many units. That's my personal opinion. I'll leave it at that.

Mr. Selvaggi: I understand...everybody understands that we conform to your ordinances.

Ms. Natafalusy: So, Michael, you conform to the ordinance because you have three separate tracts. You've got a 13 acre site that's got 166 units. You've got what is the 87 acres instead of, you know, 400 hundred. It's just because you're consolidating, you're able to put these...I understand the ordinance allows you to do that, but personally, I think it's too many units on this site. We walked the site, it's...the roads are all around. It's noisy. It's loud. Wouldn't want to live there myself. I'll leave it at that.

Mr. Schaechter: No, I agree with Catherine on this. When we walked that site, it was very condensed, it was extremely loud. I mean, and we did it on a day where there was hardly any traffic and it was loud. I mean, we can hardly hear each other.

Ms. Natafalusy: We went on a Saturday morning and it was loud.

Mr. Mania: Yes it was.

Mr. Grisewood: Can I just speak to something relative to the Crossroads. If you look at the lot coverage, the building coverage, the setbacks, the lot coverage, we're at 41.4 percent with the scheme that's shown on the GDP...is now. The maximum...and in the lot coverage is allowed to be at 60 percent. That's individually. That's not cumulative. That's not adding in the Canal. That's not adding in the Ridge. This is simply the statistics relative to the Crossroads piece. So, the lot...the maximum allowed coverage is 60 percent permitted. We have 41 percent. The maximum building coverage permitted is 25 percent. We have 12.6 percent. Minimum setbacks are 50 feet. We have 52. We meet all the setbacks. We meet the separation between buildings. We have the required of parking spaces. We have the total open space. Now this is again, assigned to that tract, the total open space we...we show 40 percent is required. We provided 57%. So we, by far, meet all the zoning standards individually on that tract...In terms....

Mr. McGroarty: And I think...I think the... One of the things that it has to be said, though, is while the numbers are correct in terms of space and so on. The...the majority of the open space on the Crossroads tract is the perimeter of the track, which slopes down to the various roads.

Mr. Grisewood: And on the scheme that we presented, I could see you getting that perception. But if you looked at Concept Plan 4, which was one of the alternatives, you actually have more open space on the interior. So, I mean, there's options available that can be reviewed during the site plan application. The density, however, remains the same on both.

Ms. Natafalusy: Could you repeat what the setback is from Route 206? With the buildings?

Mr. Grisewood: The set back to Route 206 on our concept plan, the minimum set back was 52 feet. Let me...if you don't mind, I'm going to open up that exhibit.

Ms. Natafalusy: Thank you.

Mr. Grisewood: I need to be able to share my screen, though. So I'm going to share screen.

Mr. McGroarty: What exhibit are you showing us then, please?

Mr. Grisewood: This is the Composite Plan. I've got to look back. I'm not sure of the actual exhibit number. That was...it was presented in July. I think it's close to being...I think it might be 12.

Mr. Selvaggi: That was the one we just marked. Inaudible.

Mr. Grisewood: So then it might be A-11.

Mr. McGroarty: Okay. So we saw this before, and this is this is the Crossroads. What we're seeing here are three panels and it's all the Crossroads site?

Mr. Grisewood: That's correct. These were three different options. The first option on the upper left hand corner was the originally submitted plan that had 192 units on it. This concept plan 2 is what's included in the GDP. This has 166 units on it with a one point almost an acre and a half of open space in the center. It does have a perimeter, open space. And then concept plan 4 is another version, a variation. This one, the parking wraps the exterior of the development with a larger open space. And I checked this this morning. This is about two and a half acres of open space within the center portion. So now I'm going to increase... the view, so you are asking about a setback to...the buildings from 206. This building, the closest one to the jug...is 52 feet.

Ms. Natafalusy: Thank you.

Mr. Grisewood: Now on CP-4. That changes to...116 feet, 122 feet and 98 feet...let me just make sure that says 98 feet...I'm sorry 88 feet off of the loop. So there's...there's options if you don't like the scenario. That was...that's why we presented these two options. That if the Board prefers this...this scenario...inaudible, it's the same density.

Mr. McGroarty: This one, Mr. Chairman, if I can just ask Ken this question. So the one that you're showing us now, concept 4, I know we've seen it before, but so that...that provides greater set back from...from the perimeter roads for the buildings and it opens up an acre and or you said 2.5 acres in the middle?

Mr. Grisewood: It pulls more open space into the center of the development. That's true.

Mr. McGroarty: Did you say 2.5 more or less?

Mr. Grisewood: Yes. It's roughly 2.5 acres in the center, here. That the...this one...this open space right here is 1.46 acres.

Mr. McGroarty: And the buildings are closer to the road. Because...because of the parking.

Mr. Grisewood: Parking is on the interior versus the exterior. But it's the same density. All right I guess I can stop sharing the screen.

Mr. Weiss: The preference was right now you're leaning towards Concept Plan 4.

Mr. Selvaggi: Mr. Chairman, we presented the three, you understand, is the GDP, but to get some input from you, it sounds like collectively you guys are if you're worried about open space, you're worried about the proximity of buildings to the roads. Concept Plan 4 would probably be, from your perspective, the preferred approach.

Mr. Weiss: Well, that's my personal opinion, I think if you can keep the houses as far away from the road as possible to any kind of buffering will help, the parking lot might just be the only buffer they have up there. I'm not so much worried about the traffic and the noise coming off Continental Drive. It was the noise that was really deafening over on 206.

Mr. McGroarty: And these are...these are three story buildings here proposed, correct?

Mr. Grisewood: Correct. Right.

Mr. Weiss: Are the three story walk ups or elevators?

Mr. Csik: They would...I'm sorry. They would most likely be walk ups. Surface parked and walk up.

Mr. Weiss: That's a conversation for another day, I guess.

Mr. McGroarty: But yes. I mean, they're showing us three story buildings in the...in the build out plan, the interiors of them, right, exactly. The elevators and questions of walk ups are not at this stage.

Mr. Buzak: Mr. Chairman, I'd like to go back to the affordable housing units.

Mr. McGroarty: The phasing out of...

Mr. Buzak: Okay. Mr. Chairman, if I might, with regard to the affordable housing and this is to Chuck and to some extent to Mike Selvaggi... Do you have a breakdown of the number of rental affordables versus sales affordables? First...that's the first question.

Mr. Selvaggi: Zach, you may know off this chart what that breakdown is.

Mr. Csik: Well, yes, we have 30 for affordable housing unit rentals and we have...I believe a 104 for sale. I believe they'll be for sale. That's what's proposed right now.

Mr. Buzak: Okay. And I guess, Chuck, my question, to you is in the...if I remember correctly, this development was part of the settlement agreement with fair share. Is that correct?

Mr. McGroarty: Yes.

Mr. Buzak: And it was a rental component. I would think in the settlement agreement where there had to be a number of rental units produced that reached 25 percent. Your obligation has to be rental, usually get that factored into the various proposals that have become part of the plan. So, I guess my question is, does this plan in the...inaudible...is here 138 and the breakdown of 34 rentals and 104 sales meet the requirements that were in the settlement agreement. And the reason I ask that is because the rentals in addition to you have to have a minimum number. I would suspect we also receive rental bonus credits for that...that allowed us to satisfy the obligation as it was ultimately settled. So, I don't know if that's been calculated in Chapter 1.

Mr. McGroarty: Well, actually yes and no. Early on, I know Mr. Phillips had addressed it because I had asked that question in my first report, and I don't remember the answer, but I was a little surprised that there's 104 actual for sale units, only because, of course, half of them have to be half of the total have to be in the low income category. And 13 percent of those have to be very low, which I assume will mostly be in the rental side. I don't have an answer your question, Mr. Buzak, it's a good one, tonight. I'd have to go back and look. The settlement agreement of course, we incorporated other projects in the township. I know we max...we maxed out on our rental bonus credits and that's a...that was a factor not only of this job, but other ones that are already built. As a matter of fact, now that I think about it. I'd like to say I've forgotten all this stuff because it's good to forget all this stuff at some point. But if I if my memory is correct, we could not get rental bonus credits for units if they had not been built yet. So, and I may be wrong about that, but I thought that that was a requirement. But in any event, we we've maxed out on the rental bonus credits and I just would have to go back and check the housing on that. I don't have it with me. To make sure that we're not being hurt by a project that is more for sale than rentals here.

Mr. Buzak: Okay. That was my point. I just wanted to make sure that we checked that out. I hadn't thought about it actually before time...until we started talking about them.

Mr. McGroarty: It's a good point. I don't know what we do tonight because I don't I didn't think of that. I thought we were in good shape overall in terms of meeting our rental obligation and our family rental obligation, which is different, as you know. And we maxed out on our credits. But I'd have to look at the housing element to make sure that.

Mr. Buzak: Okay.

Mr. Selvaggi: Understand if I may, your ordinance for the GDP and I don't want to get too far afield, the phasing plan section says a phasing plan for low-moderate income units shall be provided at the time of preliminary site plan and or subdivision approval. So, I mean, for our purposes, we're showing you that it works and we're going to take that into account. But the nuts and bolts of it can certainly await the submission of our...our site plan.

Mr. McGroarty: Well, not exactly.

Mr. Selvaggi: Well, no exactly. That's what your ordinance says.

Mr. McGroarty: Well, let me tell you what our ordinance also says. It also says for under the General Development Plan, the contents include a housing plan, outlining the number of housing units to be provided and the extent to which any affordable housing obligation assigned to the Municipality pursuant to the Fair Housing Act, etc. will be filled by the developer. So, that's the General Development Plan, of course, is optional...you exercise the option to go with it. And so now that's why the affordable housing is a requirement to be addressed at this time. So, again, I think Ed's question is a good one. I just don't have the housing element in front of me to check that tonight.

Mr. Csik: So, do you need anything else from us or is that answer that we gave before on the number of rentals versus the number of for sale enough? From our end, just making sure we don't have something to give you.

Mr. Buzak: I think at this time that...that's really what...what we needed. But I would suspect and I didn't mean to put Chuck on the spot, I didn't think he'd actually have the answer for me but I wanted to raise the issue. And I think that in the event we need any further detail, simply ask Mr. Selvaggi to...to supply that and he can go to the various experts and witnesses to secure that. I think this may be enough, but...but I'm not sure either. And Chuck and I can talk about that at some time.

Ms. Natafalusy: Excuse me, Howie.

Mr. Weiss: Go ahead, Catherine.

Ms. Natafalusy: How do we...how do we...since we have two different developers, how do you coordinate who's done what part? Which tract is going to have the 13 percent very low? Is there going to be some 13 percent very low on the Ridge site and some 13 percent very low on the Crossroads Site? How does that get coordinated on...?

Mr. Csik: That's exactly right. We would have 13 percent on the Ridge Site and 13 percent on the Crossroads Site.

Ms. Natafalusy: Very low.

Ms. Csik: Correct.

Inaudible.

Mr. Ouimet: Zach, the 34 units, the rental units, the low to moderate, are they scattered amongst all the buildings or is it two buildings are going to have everybody? And where are they going to be located?

Mr. Csik: We briefly mentioned this at the last hearing and it did kind of get brushed over, but we're not that deep into the planning yet. We have not architecturally designed these buildings. The...the way...it certainly varies based on the way apartment complexes are built. Unfortunately, I can't...I can't tell you today, what we're proposing. We have traditional three story walk up buildings laid out that have the ability to have the affordable housing scattered within or be in separate buildings but we have not gotten far enough along to figure out which one we're going...which route.

Mr. Ouimet: I think it would be unfair to have, you know, 34 units in, and let's say, you know, I mean, for a developer money wise, he's going to put those units right...right by where it's, you know, probably the not most convenient. But then you're identifying these people as low to moderate housing if everybody is in that one building rather than scattered amongst the community.

Inaudible.

Mr. Buzak: This may be dealt with in the ordinance or in the settlement agreement. I don't know. Some of these that I've been involved with, I was not involved in Mount Olive's. We actually have provisions in the agreements that they will be scattered within the...within the complex and they would not be separate standalone, separate buildings or standalone buildings that house only affordable units. But sometimes that depends upon the product that's being produced and so forth. So I don't know what that Mount Olive says, if it addresses it at all. It may. And that's something we have to look into because if it does address it, then they have to comply with it.

Mr. Weiss: Just a little bit, though, we have something very similar to that over at Camelot. Is Camelot all affordable housing?

Mr. Selvaggi: Those two apartment buildings are.

Mr. Weiss: Which ones Mike? You're talking about the Old Marvel Farms.

Mr. McGroarty: No. Camelot. Camelot at Woodfield. We used to call Bartley Ridge. So our projects in Mount Olive, they are segregated in that sense. But Camelot, those buildings are stand alone. Those are affordable. At Regency, of course, the Crescent is separate. That's affordable. Simoff, which is under construction. Those are all...inaudible. The affordables are separate. So we have done it as separate. In fact, it's not two of those three cases they're on separate lots that'd been subdivided off.

Ms. Natafalusy: But with Regency, its 55 and over. So the Affordable, are separate.

Mr. McGroarty: Well, they're separate, but again, they're separate, at Woodfield and they're separate at Simoff also. And those are as you know, those are family units.

Mr. Nelsen: Chuck, do any of those buildings... Have elevators in them? Regency or Simoff?

Mr. McGroarty: Regency does not because you...the Planning Board, agreed with the applicant not to put it in. I don't know...I don't know...as far as I know, at the Simoff tract, no.

Mr. Weiss: And Camelot is a walk up.

Mr. McGroarty: I'm looking back at Mr. Phillips's fiscal impact report March, 2020 to Ed's earlier question about the breakdown between market and rentals, for the affordables. But I can't...I just can't put it all together. I have to go back and look at our own housing element to see.

Inaudible:

Mr. Buzak: I don't think that is something you look at every day, Chuck.

Mr. McGroarty: I like to read it before I go to bed. But I don't think there's anything in our ordinance for the General Development Plan or...Mr. Selvaggi...you know...we were just back and forth about...they have to address the affordable housing and they have done at this stage. I don't think there's anything in our ordinance for the General Development Plan or the plan unit development that requires that they have a breakdown between that certain...a certain number have to be...inaudible.

Mr. Selvaggi: I'm not saying we won't provide it, I just think to try to get down to that level of detail right now is probably premature.

Mr. McGroarty: Well, I don't disagree with that because certainly we can only get from you at this point a projection and we don't know what the rentals will be. What the rental incomes will be, what the numbers will be. But I think if we had had that as part of our settlement agreement specifically for this site, we would have we would have put that in the ordinance. And we...I don't believe we have...I'd have to go back and look through the ordinance. But I think we'll still check this out.

Mr. Weiss: Okay, so I know we spent a lot of time going over the letter that we wrote after the site visit and of course, the response to it. What else is open, Mr. Selvaggi? What do we have...left to discuss? I know it's almost 10 o'clock.

Mr. Selvaggi: You know, we've...we've tried to guide our presentation in a manner that's consistent with the ordinance and what needs to be done to show you're eligible for GDP. You know, it's common to get sometimes a little deeper on GDP conversation than...than you need to be. Honestly, I think we've, the categories that are set forth in your ordinance, we believe we've addressed. I don't know what else is really there that you guys may have questions of. In terms of an affirmative presentation, we've...we've checked off each one of the categories in your ordinance. If the Board members or members of the public have questions, we'll be happy to answer them. But I I'm in a position where I think we can rest.

Mr. Weiss: Do we have any kind of... Mike Vreeland, do we have, I know you presented a report that dated in February. Do you have anything open on your end that you'd like to discuss?

Mr. Vreeland: I mean, just one general question, and I think the details would come out fully in a cite plan. But tonight was the first time that I heard anything discussed about the layout of the sites with regard to potential conflicts with existing easements and other features on the property. And I just wanted to maybe get a little testimony or sense that because the surveys for each of the tracts show that there's some encumbrances either with easements or environmental features. And I just wanted to get some sense from the applicant's professionals that they took a look at that those restrictions and feel that the site can be developed at these densities and avoid those...those restricted areas.

Mr. Grisewood: Excellent point. There are a couple of monitoring wells on the canal piece on the very southern end. Those monitoring wells will be preserved in accordance with the...and they are associated with the...inaudible...manufacturing sites cleanup. So the LSRP, those monitoring wells, will be maintained in place by the LSRP. With regard to the other easements. Obviously, there are a couple of former utility pole lines. One on the canal piece that's abandoned. There's another active utility pole, that line that runs from Continental Drive to a billboard along Route 80. That overhead utility line will have to be altered and amended as part of the site plan application in coordination with whoever owns that billboard. With regard to the other easements on the site, there is a basin that's slated to be partially constructed underneath the PSEG easement. That's disturbing grading not...there's no structures involved in that. That would be coordinated again with PSEG, a time to site plan on the Crossroads piece. There are a centered sewer force main and as well as another utility, overhead utility pole on...bisecting the Crossroads site. That overhead utility line is not shown in an easement on the survey. So there'll be some logistical work that needs to be done in clarifying who that pole line is serving and how to relocate it. Again, that will be an issue that would be addressed during site planning. With regard to the DEP wetlands and any wetland regulations and fillings of wetlands, again, the project will comply with the DEP regulations with regard to the amount of fills, transition area averaging, if it's necessary and subject to and filing a NJ-DEP permit to get any disturbances approved through the department.

Mr. Scapicchio: Howie, I have a question.

Mr. Weiss: Go ahead, David.

Mr. Scapicchio: Yes, where on the property is the burial ground for the stumps?

Mr. Selvaggi: Ken, you can address that?

Mr. Grisewood: I don't. I think you're talking about the very southern tip. I have not personally seen any documentation with regard to the stumps, but I believe that's what was discussed at one of the other meetings...inaudible.

Mr. McGroarty: The report is very specific about what's on the site and on various sites, including that site, so that that's where you'll find that documentation.

Mr. Weiss: It's not necessarily limited to the Crossroads, right, where we thought it was?

Mr. McGroarty: No, no. The southern tip of the...of the Ridge Site is where the stump burial is. But the report also mentions other locations where there are other burial of other materials. So they'll have to be...those sites will have to be cleaned up, not to be excavated.

Mr. Scapicchio: Okay, so what you're suggesting then, is that you're going to remove all of those stumps?

Mr. Selvaggi: Well, I mean. And to the extent there may be development proposed that we have to. A larger section was intended to remain open.

Mr. Scapicchio: Is there any plan to build anything over that burial ground? Like a park?

Mr. McGroarty: That's where the open space is. Active recreation. And I think by May, I think that's going to...we raised that at an earlier meeting. I...I think that's absolutely going to have to be addressed. And it's certainly on the site plan if talking about an active recreation down there, the report was really analyzing the site as if it were going to be developed for buildings, as Zach mentioned earlier, that was one it was an age restricted project. But I think when the time comes, whether...whether Mike or other people get involved in terms of analyzing the ability of that area to be developed for active recreation, given the conditions underneath, whether it gets excavated.

Mr. Scapicchio: Can anybody tell me whether or not you're allowed to bury Stumps?

Mr. McGroarty: Not anymore.

Mr. Selvaggi: This all predated the current regulations.

Mr. Scapicchio: It did?

Mr. Selvaggi: Yes.

Mr. Scapicchio: Okay. I mean, because at some point that ground is going to start to sink as those stumps start to rot and somebody is going to be responsible for repairing that property.

Mr. McGroarty: I don't know if it was allowed even when it was done, but I know...

Inaudible.

Mr. Scapicchio: That that's a question.... That's actually a question I'd like to know.

Mr. McGroarty: Yes.

Mr. Scapicchio: Because maybe they weren't legally dumped.

Mr. Selvaggi: The reality is, whatever we're going to have to propose to do that, we're going to have to show you that it's safe and it'll work. And if it won't, we're going to have to take whatever remedial measures are necessary to...you know...it's going to be open space, to make sure that that soil in that area is stabilized. And it's going to be a park, whatever, that it doesn't pose a hazard. And the developer, for obvious reasons, is probably more in tune with those concerns than even you, as a municipality, because the liability runs directly to it.

Mr. Scapicchio: Okay, thank you.

Mr. Weiss: Okay, so I know we were talking about engineering, Mike, this...does Ken's answer, satisfy some of your open issues?

Mr. Vreeland: Yes, that was. And I think during the course of the previous couple of meetings through testimony, they went through the remaining items in my review memo.

Mr. Weiss: And then I think the other issue, which I reviewed our traffic report, Walter, makes it very clear that there's no traffic study presented and apparently then when he does get to review one is when he'll give his opinion. Is that pretty fair? Is that how he's going to proceed, Chuck?

Mr. McGroarty: Yes. Based on my conversations with him, yes.

Mr. Weiss: And I kind of reviewed this report, that's kind of the way it is. He's essentially saying is that there's no final traffic impact study and therefore there's not a lot of comments. But he did project what he might want to talk about, and that would certainly be a site plan. And so I don't show... I know, Michael asked me if there was any other questions from our end, but we certainly addressed whether we agreed with it or not. We addressed the letter. We addressed the engineering note, not nothing from traffic. Chuck, is there anything else that we really need to talk about? Anything that needs to be resolved?

Mr. McGroarty: I think just to go back and ask Mr. Selvaggi to check his notes on this and see... They had asked for waivers from certain... one that has a waiver from the agreement, from the requirement that there be a written agreement between the developer and the township, and I think we discussed this in the Board, at least informally agreed that that made sense to grant that waiver at this time. It would be a condition of approval and those are the sort of things to get ironed out as the project moves along. They had also asked for a waiver earlier on, on the timing schedule, but they have since addressed that, I think in... I think they've done an excellent job addressing the timing schedule, so that's no longer applicable. The last thing that I remember was there was some...whether certain utilities had yet to provide a will serve letter. I don't know where things stand on that. If we have if they've gotten confirmation, that will be water and sewer from the town or from American Water, I should say, and sewer from the MSA. Electricity, etc. I don't know if they have all their will serve letters yet.

Mr. Selvaggi: I can send you what we've received so far, Mr. McGroarty, because I know there's some more in here.

Mr. McGroarty: Okay.

Mr. Weiss: You know Chuck, it's funny, you were mentioning some conditions and I went back to my notes from July. And I kind of...I'm with you. I had...we had a couple of things at the time, we were looking for the timing. I wrote my notes, a timing schedule. But the phasing plan, which we have certainly addressed since July, is a condition that the recreation area by Route 46, which is what we were just talking about, the stump burial ground, to be stabilized. We've certainly addressed that. Mr. Selvaggi made it very clear that it would be the applicant's obligation to make sure that the soil is stable, stabilized. And the other condition that I showed was a written agreement between the developer and the Township alluding to what you mentioned. So, I don't...I

don't show any other conditions that we've spoken about in either of those previous two meetings. And I don't believe we came up with any tonight.

Mr. McGroarty: Yes, as of...as I said, as of my first report, I know that they were still waiting from JCP&L for a will serve letter. They may have gotten that since then. American Water, as I understand it, Mr. Selvaggi had provided us the information they had given us then. They didn't give them a will serve letter. But I guess there were...there were discussions back and forth. The indication was there was capacity available. Again, I guess that'll be determined in more detail as we move along. Sanitary sewer service that would be through the township. There was the anticipation of 190,350 gallons a day, back in January. That was under review by Tim Quinn, director of Public Works. I don't know if Mr. Selvaggi, you've heard back from the town at all?

Mr. Selvaggi: Yes, we've not heard from Tim. I'm looking now. I mean, unless he sent it to Ken's group, directly.

Mr. Grisewood: No, the answer is we have not heard back from the town on sewer. We have we have heard from the treatment plant though. And the treatment plant, there is enough capacity.

Mr. McGroarty: MSA has...they tell you that there is capacity?

Mr. Grisewood: Correct, and we have a letter stating that. I can send that to you if you don't have it. I thought we submitted it, but I can re-send it.

Mr. McGroarty: You might have. You may very might have. I don't have the full file in front of me. So, if you don't mind just resending it, that'll be great.

Mr. Weiss: All right, so maybe what we'll do is we'll look...let me...unless you think otherwise, let me open it to the public. See if anybody from the public has any questions. Based on the testimony. I see a hand raised by Ms. Susan Mulholland.

Mr. McGroarty: I'm promoting her now.

Mr. Weiss: Thank you. And, Susan, what's going to happen when you pop up...you'll eventually get here.

Ms. Mulholland: Okay, I'm on.

Mr. Weiss: Okay, we're just waiting for the video to catch up, Susan. And then what we'll do is we'll see if you have any questions or comments and if they're comments, we'll swear you in. So, Susan, I guess the question I have for you, is do you have a question based on the testimony or would you like to make a comment?

Ms. Mulholland: I guess both.

Mr. Weiss: So let's do this. Mr. Buzak, would you like to swear, Ms. Mulholland in, then?

Susan Mulholland was sworn in for the record.

Ms. Mulholland: Susan Mulholland M U L H O L L A N D, 134 Stedwick Drive, Budd Lake, New Jersey, 07828.

Mr. Weiss: Okay, thank you for that, Susan. So, we brought you up. You want me to give you the floor? You ask a question, you have a comment. We're listening.

Ms. Mulholland: Okay. I am a trustee with the Stanhope Union Cemetery, here tonight with three other Board members. We just become involved in September. We actually turned over the whole Board except for one member. So we're late to the party. We found out about the development by accident. I did speak with Mr. McGroarty, two weeks ago about this, and he told me about the meeting. You know, I know we missed two meetings already and we're not sure what we can do, but we do have concerns, because it looks like the development is circling three sides of the cemetery and we have concerns about the impact that it's going to have on this cemetery. We were in the process of updating, revitalizing the whole cemetery. And we have concerns with the building that...what impact it will have. And we'd like to have a voice in the development, maybe the site plan so that we don't detract from our property. It helps you because being in real estate, I know the buyers don't necessarily like to be looking at cemeteries, so there might have to make some arrangements for that. So, whether it means barrier walls or fencing or tree fencing or whatever it is to keep from detracting on our property.

Mr. Selvaggi: If you can address those...those concerns, I mean, I think you're in a position to do so, correct?

Ms. Mulholland: Yes, I'm Vice President of the Board.

Mr. Selvaggi: No, no, no. I was just going to...ma'am. I was talking to our consultant. Ken, did you hear the question?

Mr. Grisewood: Well, I'm not sure I heard a question. I heard a lot of statements.

Mr. Selvaggi: Well, I think the overriding concern is what impact would this have on the cemetery?

Mr. Grisewood: It's that there's limited impact because this is a housing development that would be behind the cemetery. There's no traffic flow through the cemetery. With regard to buffering and screening, that's part of the site plan portion of this project that would be reviewed during your site, the site plan application. Right now, this is this is a General Development Plan. This is just getting a grasp of the densities and the general configurations and locations of structures, but not down to the specifics of actual buffer techniques along that. I also know that there's a substantial grade along at least a portion of the western line of the Stanhope Cemetery. That elevational change acts as a buffer between this proposed development and the cemetery.

Ms. Mulholland: I guess we wanted to make all of you aware that we are looking to be involved, to any extent that we can be, that we're concerned for our property and, you know, we're new members of the Board. We had no idea about this. And we're just making you aware that we'd like to have a say.

Inaudible

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: I was going to say to Susan, you've talked to me on the phone already. I think I've given you some information. I think I gave you the reports that we did already to give you some background. You're probably coming in at a good time, actually, because you just heard is not we're not on the side plan stage yet, so... You know, in the next couple of days, we can be in touch, you can come in to the extent we can let the public in anymore, but you can come in, we can share the plans with you. And again, we don't have plans yet. So, you're probably coming in at a good time, actually.

Ms. Mulholland: Glad to hear that.

Mr. Weiss: Susan, and you're raising a good point, because I don't really think anybody on the Planning Board, not that the developer wouldn't think about it, but I can't really honestly say that we've been thinking about buffering of the cemetery. We usually don't deal with that. But you raise an interesting point. Our notes are made. Your comments are part of the record. And it sounds like the developer was fully ready, the applicant is fully ready, to make...address those concerns of yours. So thank you for that input.

Ms. Mulholland: Okay. Thank you for listening. Appreciate it.

Mr. Weiss: Our pleasure. Susan, did you have anything else this evening?

Ms. Mulholland: Anything else? No, not at this time. I guess, as you say, when the site plan is developed and we can take a look at it, then we may have some...some other things.

Inaudible

Mr. McGroarty: I was going to say well before that, why don't you call me in the next...next week or so, next couple of days or so, and we'll...I'll give you some of the information then you see, you'll be prepared in advance.

Ms. Mulholland: Okay. Thank you.

Mr. Weiss: And Mr. Selvaggi, the cemetery, will certainly be noticed when it comes time for site plan, correct?

Mr. Selvaggi: Yes. They're going to be there, I mean, there are adjacent neighbor and we'll buffer. And I mean look the truth is there's not too many people want to live that close to a cemetery. So it's certainly in our interest to, you know, be respectful of that boundary and buffer it.

Mr. Selvaggi: Perfect. All right, thank you all. Thank you. Let me see if there's anybody else from the public that has a question or comment to be made. I'm looking to see if anybody has their hand up. And I don't see anybody else from the public. So, let me close it to the public, and again, maybe before I turn it over to Michael, Chuck and Ed do we have anything else that we want to address?

Mr. Buzak: I don't, Mr. Chairman, have anything at all at this time, but at the appropriate time, I may be saying something, but ask Chuck and Mike, as well. Pass it to them.

Mr. Weiss: Okay, Chuck, is there anything that we've missed that I should be bringing up.

Mr. McGroarty: I don't think we've missed anything. No, I don't. I would have to check the question on housing that Mr. Buzak had ask me earlier. I won't be able to do that until tomorrow.

Mr. Weiss: Okay. I think that at this point then we have addressed the issues Mr. Selvaggi and his team have answered the questions. I think it's kind of clear and obvious, certainly from a few of us from the Planning Board, Mr. Selvaggi, that have really stated their concerns about the density of the Crossroads. So I know that Ken is giving us the answer from a perspective that it meets the criteria. But, I think we need a little work over there, whatever that means. I think we've been on board with each other. We're listening, but it seems like there's a disconnect with the density of the Crossroads. And so as you go to site plan, let's keep in mind, if you would please, the concerns of the Planning Board as it relates to this zone and if anybody else of the Planning Board has anything to add, I encourage you to bring up those comments now. And then if not, let me just turn over to you, Michael, if you have any closing comments.

Mr. Selvaggi: Your points are well taken. I mean, at this point under your ordinance, the general development plan has to include, and I'm not going to go through all of them, Circulation Plan, Open Space, Fiscal, Local Service, which we've done. The one that we talked about, waiver, was a written agreement relating between the township and that we've asked for a waiver on. But we've...we've given and addressed all of those aspects. Now, the density, the location of the detention basin and those are all things that will get flushed out in a site plan. So, I mean, I think we've kind of exhausted what the GDP review is at this point. The minutiae will then come when we file for site plan and we do the hard engineering. I mean, it's entirely possible that what we propose may not work from an engineering standpoint, which will reduce density. There may be other market considerations. We get that you don't like the Crossroads Development. You know, the...the interesting part is I heard similar arguments on the Land Use Board Attorney, Matt Arlington, when Woodmont put that thing up and everybody said, oh, nobody's going to move and live along Route 80. You know there's a waiting list for that place. But again, we will take all of your comments under advisement, and when we do come back with the site plans, we can beat these issues up even more. But I think at this point, we've satisfied the criteria and the standards to get a GDP approval and then we move forward from there.

Mr. Nelsen: Mr. Chairman?

Mr. Weiss: Go ahead, Dan.

Mr. Nelsen: I'd like to add.... I would hope that you might give a little more consideration to including elevators in the three story buildings. If you...if not, you're kind of limiting the upper floors to older people. I guess the more years you have, the less stairs you want. And I'm kind of surprised that that would be not be a consideration. I mean, I don't think in a building that size with that many families, I don't think a single elevator, only three stories would be

that much of an expense. Of course, it's not my expense. It's not for me to say unless I'd like it to be there.

Mr. Weiss: And I would even venture to tell you that it's going to probably be the developer who's going to come and testify to you to tell you how it's not necessary. But I guess it's a story for another day and just speculating with an idea based on testimony that we've heard many times in the past.

Mr. Selvaggi: Yes.

Inaudible

Mr. Selvaggi: I recall, as you know, give us a five story building and then maybe an elevator starts to, you know, makes sense. But you don't have to inaudible...the building code, go to three stories, you don't need those elevators.

Mr. Nelsen: I'm not saying I'm not saying you have to. I'm just saying I think...inaudible consider it a mission. And if I flooded one of these meetings with a bunch of 60, 70 year old people, they might agree with me.

Mr. Weiss: Yes. Anybody else? Okay, so I don't see anybody else, so maybe what we can do... Let me just switch gears a little bit. Let me make a motion. Let's put out there...let's see if someone would make a motion to approve the General Development Plan. I'm just stalling because I need my notes. One second.

Mr. Buzak: Mr. Chairman, while you're looking for your notes, I'm going to have said that I will jump in after Chuck and Mike gave whatever comments they had. So let me do that. I think this is the kind of application, given the complexity of it and the uniqueness of the General Development Plan versus, you know, a detailed site plan that will be sometime in future for us to seek a motion to direct the attorney, to draft a Resolution either granting or denying a general development plan for the site based upon the evidence that's been presented. And rather than do this by memorialization, which is the way we typically do this, rather do it by our being able to draft a Resolution and present it to the Board...have the Board then so to speak mark it up when they see something in front of them. So I'd wanted to stop you or at least make that suggestion before you went into the typical mode that we look for a motion to approve and then we approve and then we memorialize that somewhere else. I think we ought to do this a little differently.

Inaudible

Mr. Weiss: And we thought was very good advice. I mean, obviously, we haven't done one of these. If we did, it's a very long time ago. If that's...if that's standard and proper procedure, it certainly makes it a lot easier on the Planning Board, I would think.

Mr. Buzak: I think that that would be appropriate. I think we have we have time to the end of the year. Chuck and Mary.

Mr. McGroarty: Yes.

Mr. Buzak: So we have a few more meetings between now and the end of the year. So, you know, we try to get that on an agenda for a December meeting.

Mr. McGroarty: We have two in December. There are two meetings in December and hopefully we can wrap it up. If not, we'll ask for an extension. But we're... We can be cautiously optimistic. We can try to get it done by the end of the year.

Mr. Weiss: So, it's technically then... Does this obligation get carried one more time to read the Resolution?

Mr. Buzak: Yes. Yes, it would be carried. It would be carried to our December meeting. I would suggest the second meeting as opposed to the first, to give us a little bit more time and we can put something together and get it out. Then we can we can debate it and discuss it at that meeting.

Mr. Weiss: Okay, so then the recommendation then is to move it to December 17th. Is that the correct date Mary? Do you show, next, the second meeting in December the 17th?

Mr. McGroarty: That's correct, Mr. Chairman.

Mr. Weiss: All right. Mr. Selvaggi, you don't have a problem with that, do you?

Mr. Selvaggi: No. I mean, we would have preferred the 10th, but, an extra week, that's fine.

Mr. McGroarty: Mike we'll need an extension. Your application...the time runs out at the end of this month.

Mr. Selvaggi: All right. Mary, am I right on that?

Ms. Strain: I'll email that over, tomorrow morning.

Mr. McGroarty: Am I correct that is expires at the end of this month?

Ms. Strain: Yes.

Mr. Selvaggi: I think we extended it to the 30th.

Mr. Weiss: It seems like we agree to extend it to the 30th of November. Mary did say she's going to send out the extension to you tomorrow, Michael.

Mr. McGroarty: December. December, 30, Mr. Chairman.

Inaudible

Mr. Buzak: December 31st. Go to the end of the year.

Mr. McGroarty: December 31st.

Mr. Weiss: Okay, maybe we don't need to we don't need an extension then, obviously.

Mr. Selvaggi: No. November 30th, was when it ran out. So we need an extension to the 31st of December.

Mr. Weiss: Right. That's what I thought you said. Okay, so we're on the same page. Mary will send out an extension, to extend the application to December 31st, 2020. Perfect. And with that being said, let's carry this meeting to December 17th. Same form, unless otherwise noted, will have a by Zoom. Okay, go ahead Mike.

Mr. Selvaggi: Just curious, was there going to be a vote to authorize Mr. Buzak to do the Resolution?

Mr. Buzak: Yes, we should be we should be doing that, Mr. Chairman.

Mr. Weiss: Okay, so before we carry that... Let's do that.

Mr. Schaechter: So, I'll make that motion, Mr. Chairman.

Mr. Weiss: Thank you, Brian.

Mr. Buzak: That would be a motion to approve the General Development Plan for us to prepare a Resolution.

Mr. Weiss: Correct.

Mr. Buzak: For its consideration to approve the General Development Plan based upon the testimony, the questions and the answers that we've gotten. And then the Board will be able to take a look at that Resolution and tweak it. Probably tweak it a little bit more than you tweak the ones we do by memorialization.

Mr. Weiss: I thought that's what Brian said.

Mr. Schaechter: Took the words right out of my mouth.

Mr. Weiss: And then Dan, I think you seconded that as well?

Mr. Nelsen: Yes.

Mr. Weiss: All right, perfect. So, that being said, if we have any comments or questions, I don't see any. Mary, would you roll call, please?

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

John Batsch	Yes
Joseph Ouimet	Yes
Howie Weiss	Yes

Mr. Weiss: Okay. Thank you everybody. We are going to carry this meeting to December 17th. It will be via the same method, Zoom meeting, 7:00 pm, no further notification. Ed, anything else I need to add to that comment?

Mr. Buzak: I have none, Mr. Chairman.

Mr. Selvaggi: Mary, we'll sign the extension.

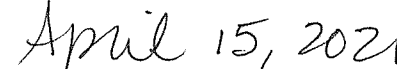
Ms. Strain: Thank you.

Mr. Weiss: All right. Planning Board members and everybody else, thanks for staying. We'll see the Planning Board again next Thursday. See you then.

All: Good Night.

Meeting Adjourned at 10:32 pm
Transcribed by: Karen Grill


Signature


Planning Board Meeting date approved