

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, February 20, 2020 at 7:00 pm
Municipal Building
204 Flanders-Drakestown Road

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 of the Mount Olive Planning Board of February 20, 2020 commenced at 7 pm in the Township Council Chambers located at 204 Flanders-Drakestown Road.

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. Forlenza, Ms. Mott, Ms. Natafalusy, Mr. Nelsen, Mr. Ottavinia,
Mr. Weiss

Excused: Mr. Schaechter, Mr. Mania, Mr. Batsch, Mr. Ouimet

Board Professionals in attendance were:

Edward Buzak, Esq., Board Attorney

Chuck McGroarty, PP/AICP, Board Planner

Michael Vreeland, PE, Board Engineer

Mary Strain, Board Secretary

Resolution

PB 19-24 Amazon, 81 International Drive South, Block 4105, Lot 1.03

Mr. Weiss: Thank you, Mary. First item on the agenda tonight is Resolutions. The one Resolution we have tonight is on PB 19-24 Amazon, which was for the combined preliminary and final site plan at 81 International Drive South, Block 4105, Lot 1.03. If you recall, we discussed this last week and made a couple of minor changes. Mr. Buzak, any other changes that came up since that conversation?

Mr. Buzak: Yes, on Page 9 of the Resolution, we have neglected to put it in the one year life of the variance. That wasn't, that was my omission. So I inserted that and we made another change to just correct the citation. The one thing that is...secondly, which we changed the condition to allow for either the dimming or extinguishing of the lights in the van parking area. As Board had discussed in consultation with the Board's Planner and Engineer. The one that was open involved the repairs and service of the vans on site and what was sent to me this morning by the applicant after I inquired as to exactly what they wanted to do. We should remember the board said, let's specify what they were going to do and we'll put that in the Resolution if it's acceptable to us. So the four things that they want to do onsite through to a third party mobile vendor has been inserted in 10. I put all four in, but it's obviously the Board's determination. The first one is tire rotation and replacement. Second one is filter and oil change. Third one is brakes. Fourth one is wiper blades

and the line replacements. So those four items that they would like to be able to do on site. And I put them all in only because it's easier for me to cross them out if the Board doesn't want to allow some of those. And therein I think there is an e-mail that you may have in your folders that right, Mary?

Ms. Strain: Yes.

Mr. Buzak: Those are the four items that I just included, those verbatim and also made reference to the third party. Inaudible...I put that in specifically because this way they don't have an auto shop there somewhere inside where they can bring these things in. This would be somebody who would come on to the site and do these kinds of repairs and service.

Mr. McGroarty: May I make a suggestion?

Mr. Weiss: Go ahead.

Mr. McGroarty: I would say two things on this. I would suggest not allowing the oil changes or the breaks. And I would suggest that it be, that the other two was otherwise okay with those things that they restricted to take place inside the building, not on site. I don't want them doing that outside in the parking lot. I mean, if they change a wiper in the parking lot like anyone might do in a pinch or a need, no one's going to be running around ready to give them a violation. But generally speaking, those kind of things, they just as a rule should take place within the building. Except for emergency situations. I'm not sure it's a good idea. Have the oil change and certainly I'm not sure it's a good idea to make break changes. Go take it to shop and do it.

Mr. Weiss: Chuck, I agree with you 100 percent. I looked at that and I thought that's awfully nervy to ask for such. You know, since we had concerns. Anybody on the Planning Board would want to weigh in on their opinion on these four items that Mr. Buzak read?

Ms. Natafalusy: No, I agree on the brakes definitely.

Mr. Weiss: And the oil change. Mr. Buzak, it seems like there's a consensus of the Planning Board that we do not allow oil and filter changes nor brakes, but that the other items when available to be done indoors.

Mr. Buzak: Okay.

Mr. Weiss: I think that word, when available, when applicable for the tire rotation replacement and wiper blades to be done indoors kind of covers them when available for something.

Mr. McGroarty: You can say unless and except in the case of emergency or something. I don't know if you saw because it just all happened today, the e-mail back and forth. But I was going to suggest too that if we're done with this one.

Mr. Buzak: Oh, you mean done with this section.

Mr. McGroarty: This section.

Mr. Buzak: I'm sorry. I thought you meant with the Resolution.

Mr. McGroarty: Paragraph was T it's now U. Now you so the whole issue there...this was the mayor's suggestion about...the Board's suggesting about doing a parking area for the holidays.

Mr. Weiss: For the holidays.

Mr. McGroarty: I suggested that they provided to us no later than September 30th this year that we add that. I sent it to you, Ed and to their attorney.

Mr. Buzak: I missed it. Yes.

Mr. McGroarty: You didn't respond to this or perhaps you just saw this. And the reason why is because...you know...I don't know when their holiday season start. Maybe, early October at that point. But I want to avoid a situation where in mid-November they're coming in saying...you know...here's the plan and we have questions about it. We're not going to have any time to respond to it. In fact, September is cutting it close too.

Mr. Weiss: I agree. I think September is very close, but that's really on them. September is generous on our part because it is very close to the start of the fourth quarter.

Mr. Buzak: So you say September 1, Chuck?

Mr. McGroarty: I said 30, but I like 1 better.

Mr. Buzak: I aim to please. Okay, I inserted that.

Mr. McGroarty: Thank you.

Mr. Weiss: How do you suggest we proceed? Delay it another month?

Mr. Buzak: No, I would put it in. I made it clear to the applicant that...you know...give me your list of things that you wanted to perform and the Board will decide which ones they want to allow. So I think he was anticipating that it was possible. I surmise maybe...

Inaudible

Mr. Buzak: And I think Mr. McGroarty's comment with regard to the timing of the plan is appropriate. You know, we need to be able to look at it and be able to react. So I don't think you'll have a problem.

Mr. Weiss: Okay.

Mr. Buzak: I would ask that the Board consider the resolution as amended...

Mr. Weiss: So the resolution as amended as we discussed is the resolution that we're proposing that we approve tonight. Does anybody have any comments, questions? And I don't see any. So let me ask for a motion to accept them and move this motion, this Resolution.

Mr. Scapicchio: I'll make a motion that we approve PB 19-24 Amazon with the amended Resolution that includes no oil or brake repairs to be done outside and the parking plan for the holiday season, be submitted to Chuck by September 1st.

Mr. Weiss: Correct. And again, more specifically was a plan for overflow parking plan for the fourth quarter. Because they do have a parking plan. I just wanted to make sure that we have a plan for the fourth quarter. All right. As David mentioned, Catherine?

Ms. Natafalusy: Second.

Mr. Weiss: Any questions, comments. Seeing none. Mary, roll call.

Roll Call:	David Scapicchio	Yes
	Catherine Natafalusy	Yes
	Howie Weiss	Yes

Development Matters

PB 19-27 Kausar, Shahnaz, 1 Elm Street, Block 3509, Lot 5

Mr. Weiss: Development matters for this evening Shahnaz Kausar is not going to be heard tonight. The application that will be carried to March 12th and there will be a re-notice if anybody's here for PB 19-27 which is the property located on Elm Street. We're not hearing that application tonight. It will be heard on March 12th. It will be re-noticed. And that notice will most likely call for a hearing in this room on March 12th at 7 pm. So that will be carried and re-noticed.

PB 19-10 Waterloo Road Development, LLC, 20 Continental Drive, Block 106, Lots 1, 1.01

Mr. Weiss: Let's move on to the next application, which is PB 19-10 Waterloo Road Development, LLC here for an amended preliminary and final site plan for variance of 20 Continental Drive, Block 106, Lots 1, 1.0. Mr. Dunne?

Mr. Dunne: Good evening.

Mr. Weiss: Welcome back.

Mr. Dunne: Thank you very much. Been a while since I've been here on this matter.

Mr. Weiss: Well, Happy New Year. It's a little late.

Mr. Dunne: Happy New Year as well. Edward Dunne appearing on behalf of the applicant Waterloo Road Development, LLC. I see that we have a couple of waivers that need to be addressed. I think initially, based upon information I have, there was a waiver requested for environmental impact statement and a waiver requested for traffic report. We're seeking waivers for both of those items in connection with the environmental impact statement. I noticed that Mr. Vreeland indicated that his only concern really had to do with the tier 1 wellhead protection

restrictions. I know that Chuck was also concerned about that. I'd like to defer that pending testimony. We're going to address those issues during the oral testimony tonight. So basically, the tier one issues are going to be reviewed and testified to by our client. We'll talk about restrictions on site that do not impact the wellhead protection. Okay. So the second one has to do with the requested traffic report. Again, looking at Mr. Vreeland's report, he seemed to be mostly concerned with access to the site. I believe that's been addressed by updated plans. But we're going to present testimony with regard to that also during the hearing. So, again, I'd ask that both of those be deferred pending actual testimonial.

Mr. Weiss: That's certainly fair enough. Of course. Right. We're not waiving it...

Mr. Dunne: Right. You're not waiving it. We're just going to try to address it in the testimony. If we don't satisfy you, then you can come back to that issue later on. Is that acceptable?

Mr. Weiss: That is absolutely acceptable. We'll take your lead on that, but it will certainly be addressed.

Mr. Dunne: Okay, very good. I'm going to my first witness, is going to be Mr. Kaplan. Ken you want to be sworn, please?

Ken Kaplan was sworn in for the record

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

Mr. Kaplan: Ken Kaplan. And it's KAPLAN. And the business addresses 20 Continental Drive in Mount Olive.

Mr. Buzak: Thank you, sir.

Mr. Weiss: Welcome, Mr. Kaplan.

Mr. Dunne: By way of opening remarks, this application has been before the Board several times. We have an existing approval of a preliminary final approval for the site of that Block 1069, Lots 1 and 1.02. It's an industrial site in the GI industrial zone. Everything on the site and what's being proposed are permitted uses. There's no use variance involved with this application. And what's being sought is an expansion of the outdoor storage area, which will comprise of parking of trucks and some equipment. It is within the impervious coverage guidelines by far and is within all restrictions proposed by the ordinance; except for we're trying to seek a front yard setback variance and a side yard setback variance with respect to the proximity of the storage area to the existing building on Lot 1. So those are the two variances we're seeking in connection with this matter. We're also seeking an exception with regard to the site of our light stanchions, which are I think 29 ½ feet high as opposed to 18 feet high, which is required by your ordinance. The rationale for that will be presented. But it's because with the trucks parking side by side, the 18 feet of lights do not spread out enough to spread the light out enough because they hit the top of the trucks and don't get out far enough, so that's the rationale for that. Again, we'll be guided by your experts and the Board as to how you want to deal with that particular exception. So without further ado, I'm going to proceed to my testimony.

Mr. Weiss: Thank you.

Mr. Dunne: Mr. Kaplan.

Mr. Kaplan: Sorry.

Mr. Dunne: Okay. You are a principal of Waterloo Road Development Company, is that correct?

Mr. Kaplan: Yes.

Mr. Dunne: You're also one of the owners of the New York Folding Box, which is the occupant of the main building?

Mr. Kaplan: Yes, that's true.

Mr. Dunne: All right. And could you just give a brief overview for the Board as to what actually takes place on the existing approved site? So they're familiar with what is going on now on that site. Sure, you can go over there. Just keep your voice up.

Mr. Weiss: There's a mic up there.

Mr. Buzak: Why don't we mark the exhibit that Mr. Kaplan is going to utilize here as A-1.

Mr. Dunne: It can also identify it must be used by the sheet number. It's part of the plans which were submitted. It's sheet 4 of 5. On submissions, we're going to mark it also as an exhibit, Mr. Buzak.

Mr. Buzak: Yes. Mark it A-1 with today's date.

Mr. Dunne: A-1 with today's date.

Mr. Buzak: Do we have our latest revision date or on the same page, so to speak?

Inaudible

Mr. Dunne: My bad. March 19, 2018. Did you get that, Ed? March 19, 2018 is that sheet.

Mr. McGroarty: May I? There are two different sets of plans tonight. This is Mr. Ploussas' plan?

Mr. Dunne: That's correct. This is the site plan. This is the site plan that is currently approved. So once you talk to the Board about what actually happens on your site now, so they get a better understanding of this.

Mr. Kaplan: This is New York Folding Box. This is a paper box manufacturer. Boxes for the bakeries in the area.

Mr. Dunne: Is there a building number associated with it?

Mr. Kaplan: Yes.

Mr. Buzak: Mary, are you picking them up?

Ms. Strain: Very lightly.

Mr. Weiss: Mr. Kaplan, this is what I suggest there's a microphone on the stand. Turn it around. Bring it up. That'll help tremendously.

Mr. Kaplan: Is that better?

Ms. Strain: Yes. Thank you.

Mr. Kaplan: Okay, that's Building 3 is where New York Folding Box has it's...you know...it's a manufacturing facility. And then over here, the front, we have a gym called Forever Strong or something like that. And then there are some offices in here for New York Folding and there's a lawyer. And Kirk Allen has his office in there. Kirk Allen Trucking is a company that utilizes this section on the site. He has a...inaudible...and various products that he sells around through the neighborhoods. And then we have SMA Trucking who takes up this area over here and most of this building...

Mr. Dunne: What building is this building that you're talking about?

Mr. Kaplan: This is Building 2. And then we have Kirk Allen who's in the center of Building 2. And we have **Jen Car**, who's in the end of Building 2.

Mr. Dunne: What else goes on site Building 2? Anything?

Mr. Kaplan: Yes. They maintain their vehicles. You know, the **Jen Car**, they truck dirt back and forth. They just maintain their tires and their brakes and whatnot. Kirk Allen basically does the same thing. And SMA does the same type of thing as well. They all maintain equipment there.

Mr. Dunne: There were some minor maintenance and repairs being done there, which is approved. And but it's only open to tenants. Correct?

Mr. Kaplan: Correct.

Mr. Dunne: Okay. So what else?

Mr. Kaplan: And then the rest of this site consists of there's a lot of individuals that own trucks that...you know...can't park them at their house or they don't want to park them at their house. So they park them here and they come and they go...you know...they need to. I think...these guys are repo guys or something like that.

Mr. Dunne: There stored vehicles there for a while?

Mr. Kaplan: ...the fenced in area, and that's about it.

Mr. Dunne: Now you have a permitted zero lot line between Lot 1 and Lot 1.02, right?

Mr. Kaplan: Correct.

Mr. Dunne: You received a variance for that in 2015. If I remember. Right? So what was the purpose for that? Do you recall?

Mr. Kaplan: It was for the permit to subdivide the property. So we were able to utilize the whole property because there was a...in New Jersey with DEP, you're only allowed 2,000 gallons of septic on a site if it's one acre or if it's 10,000 acres. So in order to be able to utilize the whole site, this building itself took up close to 2,000. So by subdividing it, it allowed us to try to help the rest of the site.

Mr. Dunne: Complying with that is required.

Mr. Kaplan: Correct.

Mr. Dunne: Which was expensive.

Mr. Kaplan: Right. Very.

Mr. Dunne: Also, you have some plan at one point in time to expand your building.

Mr. Kaplan: Right, which still...you know...is in the process.

Mr. Dunne: But notwithstanding that lot line or...zero lot line...and the fact that this is one operation under one management. There's multiple uses of multiple tenants permitted by ordinance.

Mr. Kaplan: Correct.

Mr. Dunne: All right. Does the Board have any questions about this particular what's being done now on this site?

Mr. Scapicchio: I do. Are these repairs to these vehicles done indoors or...indoors or outdoors?

Mr. Kaplan: Indoors. Yes, we don't allow them to. Occasionally you see somebody out there and we tell them they need to go inside. We don't want to have that.

Mr. Scapicchio: So you don't allow outdoor repairs of vehicles.

Mr. Kaplan: There's no outdoor repairs to any of the vehicles and any of the guys back here. They have to go seek their own...you know...like that are just individuals. They have to go seek their own...you know...service centers elsewhere.

Mr. Scapicchio: How about vehicles that are out there presently that look like they're under repair or have been out there for an extended period of time now without being moved?

Mr. Dunne: I'm not sure what if your question is, does he permit a new type of vehicles to be left like junk on the site? Is that the question?

Mr. Scapicchio: Yes, that is the question.

Mr. Kaplan: I know we've had a number of people that have left and we told them you have to move them. It's not a storage yard for that kind of stuff.

Mr. Scapicchio: That's interesting because I drove through the site this weekend in anticipation of this meeting tonight. And I saw multiple vehicles that looked like they were under repair.

Mr. Kaplan: Which ones?

Mr. Scapicchio: That were stored outside.

Mr. Kaplan: Are you talking about the ones that were up on blocks? Like when you come in around is that what you're talking about?

Mr. Scapicchio: I drove through the facility and I saw multiple vehicles all over the property that looked like they were under repair or covered with tarps to protect them from the weather.

Mr. Kaplan: They might have been a recent wreck or something like a car.

Mr. Scapicchio: They certainly looked like they more than recent

Mr. Kaplan: The guy from **Jen Car**. He had a wreck Route 80. So he put it in the back with his other vehicles. You've got to take it apart your shop. And if you utilize the parts in the future, that's fine. But you can't do stuff out here. This guy over here, we had...I guess...the zoning officials come over for SMA and they said...I think it was Chuck at the time... he said you have to have these things up on blocks if you're going to leave them out because what happens if...

Mr. McGroarty: It wasn't me.

Mr. Kaplan: And this was in the very beginning when we first got...

Ms. Natafalusy: Scott?

Mr. Kaplan: Maybe was, John. And they said the problem is...you know...these are very, very valuable. And at times...you know...they could take them and send them out to have...you know...if a frame gets bent because trucks have accidents. So I said, actually I didn't say it. You

guys had said to me to tell them that if they're going to have parts, they must be up on blocks. They could not be on the ground. So we did. They brought in those big cement blocks to put them up on that. So it was not...

Mr. Scapicchio: So are you suggesting that these...I'll call them abandoned vehicles...

Mr. Kaplan: They're not abandoned vehicles.

Mr. Scapicchio: ...if they're on blocks...

Mr. Kaplan: They're not abandoned vehicles. Abandoned vehicles imply that they're not owned by anybody, but just left to be...

Mr. Scapicchio: An abandoned vehicle may be a vehicle that doesn't have a license plate or is not registered. And that's sort of what I saw when I was there.

Mr. Kaplan: Is it your intention to prevent any of the tenants to leave abandoned vehicles on the property?

Mr. Scapicchio: No, not at all. As long as I know that the ones you're talking about are the ones from...inaudible...that are up on those blocks.

Mr. Kaplan: I mean, this guy, I am positive brought in that other one...I'm having...

Ms. Natafalusy: There are two vehicles right in front of that Building Number 2. One has a blue tarp.

Mr. Kaplan: Right. Those are the ones he's talking about. The ones up on block and the other one is on its wheels and it is up on a concrete pedestal to hold it up from falling down. But those are recent wrecks that happened over the winter. So...you know...it's in the process of taking this stuff apart and salvaging what they can and then they throw away the frames that's happened before where...you know...they'll have the same type of thing. And then once they've taken everything off, then they throw all the rest of the metal dumpster and out the door it goes.

Mr. Dunne: So these are temporary glitches. They don't stay there for a length of time.

Mr. Kaplan: No.

Mr. Dunne: And they're owned by the tenants who are on the site?

Mr. Kaplan: Correct. Those are owned by SMA, the ones that you're referring to. And the one that was in the back I told him I didn't want anything in the back parking. It had to go inside or right next to his building to show me he was working on it because he wasn't working on it in the back...of the back over here, because originally that's where he put it. And I said, you've got to move it. And it was covered with a tarp. That one. But it was basically almost the whole truck that'd be totally smashed. But he moved it. He's doing what he's doing to it. And he had I know that Chuck had seen he had left the front hood out there for a couple of weeks that Chuck had seen.

And he goes, look Ken...you know...these are things the Board is going to give you a hard time. And so I talked to Carlos. He did everything I asked them to do over here. Then he started...you know...putting stuff over here. He goes to get a dumpster. But it wasn't Carlos. It was the stuff he did move. You're talking about the blue hood over here, right?

Mr. Scapicchio: I'm talking about what all call junk vehicles around the site.

Mr. Kaplan: You're talking about the one over here and the one...

Mr. Scapicchio: I saw them all over the place.

Mr. Dunne: Well, I don't know that there's a violation of anything on the side. I don't know. I don't understand that. But unless we know specifically what it is you're talking about, it's kind of hard to address. The point is that there's no intention that they leave unattended vehicles or junk vehicles on this property. And he's the tenant. The landlord has to go around and check on these people. And maybe you've got to do it more often, apparently, because there's some stuff out there that they're objecting to. But it's not permanent. It's temporary. So if a tenant brings in a damaged truck and wants to take the parts out, I guess that's a temporary use...

Mr. Scapicchio: How long is temporary in your mind?

Mr. Dunne: In my mind, I don't know how long of being less than six months. How long it takes to do that. But that would be my guess. I mean, typically...inaudible...vehicle for more than a year would probably be considered to be a junk vehicle. I would think. And well...to be bound by that. So is he. But they're not there. Be sure your tenants don't keep them there.

Mr. Weiss: Let's...we're not going to come off this so quickly. But let's continue. I know we stopped you somewhere right after. I think it was Building 2. You were explaining to the Planning Board...because there are some new members here that don't know the site. Let's continue to the west. What else is going on the site? I think we left up. You had a repo business in the back corner.

Ms. Mott: Quick question. Just to refresh my memory. Remember this is a long time ago, but I thought they testified it wasn't a repo business in the first hearing.

Mr. Dunne: Well, I'm referring to it as a repo business because I believe that's what the permit calls for.

Ms. Mott: Okay, it is. And that's permitted use there? Just to refresh my memory.

Mr. Weiss: I believe it is. And Mr. Kaplan has a permit. Correct?

Mr. McGroarty: Correct. What kind of business is really? I don't know if we acknowledged that it's repossession business or not, but it's the storage vehicles, which was what was permitted.

Ms. Mott: Okay.

Mr. Dunne: It's a GI a General Industrial Zone.

Ms. Mott: Yes, I know. I'm just trying to remember the testimony. There was back and forth and it wasn't repo, it was a repo. I just wanted to refresh my memory.

Mr. Weiss: I think we have to understand that the GI Zone is kind of unique, a unique zone. And I think this property is perfectly suited for the uses that...in my opinion. And I think it will help the Board if Mr. Kaplan walks through and just kind of paints a picture of what's going on back here. I know he did talk about the back lot which was for truck storage. You called it a repo, but the car storage within the delineating area and then that's where we find the stuff. Let's continue. What else happens on the property as we make our way to the property in question?

Mr. Kaplan: Well, I mean, that's about it. This lot over here is really used for just...you know...dump trucks, type of trucks and tractor-trailers. And...you know,...he has the same type of tractor trailer type of trucks as well. Kirk Allen parks his dump trucks over there for all of his mulches and whatnot.

Mr. Dunne: I think Mr. Weiss actually means to the north...

Mr. Kaplan: Way over here?

Mr. Weiss: Your right. I'm sorry. It is to the north.

Mr. Kaplan: I thought you said west.

Mr. Weiss: I did say west.

Mr. Dunne: We haven't gotten to the point where the proposal is yet. If you'd like us to know...

Mr. Weiss: Up until the point of proposal...is that where your activities are ceased to again...I want to make sure one understands what's going on back here.

Mr. Dunne: There is...inaudible...there that I noticed was used today. Why don't you explain that?

Mr. Kaplan: Okay. Well, there is a gentleman who was doing...he's been actively working on our culverts. It was a number of culverts that were falling apart. So he came in. They rebuilt culverts. They repaved around them. Then it got too cold. So he said as soon as...you know...because the companies only open at certain times. So there's still more patching to do in some of the bad areas. But he's just storing that thing over here. And then there's another truck that's really not supposed to be here. He's brand new. My brother had spoken to him over the weekend and he told him the parking lot to the right, meaning this lot that we're permitted for. But he wound up putting it in this lot not knowing. So I talked to Gregg about that today. This is all stuff...inaudible. He's got a spot over here. He just brand new...

Mr. Dunne: There is also an approved use for this building, right?

Mr. Kaplan: Correct.

Mr. Dunne: What is that?

Mr. Kaplan: This is approved for a warehouse. And there's an ad for office. We had a tenant in there for a little while. That was permanent. But now he's not.

Mr. Dunne: And that is a pre-existing building from the **Dyna Package**. Right?

Mr. Kaplan: Correct.

Mr. Weiss: That's that aluminum burgundy looking shed. Right? The one that's out there.

Mr. Dunne: Other than that is there anything...I'm sorry.

Mr. Weiss: And that's the end of your property. There's a fence that Stanhope pump house is right there next to it.

Mr. Kaplan: Right. Right.

Mr. Weiss: Has everyone from the Planning Board been out there? I just want to make sure we are all clear. Okay. Mr. Buzak, do you have a question?

Mr. Buzak: No.

Mr. Dunne: Let's go to the next page.

Mr. Weiss: Okay. Chuck, do you have a question?

Mr. McGroarty: Yes, I do. Mr. Dunne, today or yesterday you sent me referring one of the Resolutions regarding Building Number 4. Can you just...I wasn't sure. I didn't have a chance to go back and check. Inaudible...approved for a warehouse and office.

Mr. Dunne: Yes.

Mr. McGroarty: That was done...

Mr. Dunne: That was done in 2015.

Mr. Kaplan: When I brought it into you...

Inaudible

Mr. McGroarty: But there was a discrepancy about what was Building Number 4.

Inaudible

Mr. Dunne: It was on the map. You probably will remember that there was an omission because in the application 2015, it actually asked for a truck repair and inside that building. But it was omitted in the Resolution with a big go around with Tienna Cofini about that issue. But we never got it changed. Nobody would agree to change it back to what it was because the testimony was confusing between this small building over here and that small building over there.

Mr. McGroarty: Yes. Which is the confusion I had when I issued the Zoning Permit for the landscaper to store something in those buildings. I'm not saying he did anything improper. I just wanted to clear up something. I remember lots of discussion about that building. And because it's a non-conforming building with respect to position on the property, it doesn't match the size of your setbacks. I didn't...I don't know. Testimony was given at the time. It was going back and forth whether it would be considered principal building or accessory building. I honestly don't remember. The Planning Board saying, okay...inaudible...office. If the Board did and it's in the Resolution or minutes, then...

Mr. Dunne: I don't have the minutes with me. But there was actually testimony from the minutes about the breakout between the office space and the warehouse space by Mr. Ploussas testimony during that hearing.

Mr. McGroarty: Are you to address that building tonight?

Mr. Dunne: Yes, we are. I can send you the minutes of the meeting, which shows you the testimony.

Mr. McGroarty: I think if you're going to address it. I know Mr. Ploussas' plan now has a list of possible...

Mr. Dunne: Right.

Mr. McGroarty: So why don't we just leave it to...

Mr. Dunne: Okay, that's great.

Mr. McGroarty: ...them.

Mr. Dunne: So let's take a look at...now, referring to A-2 Sheet 5 of 8. Revision date, Mr. Buzak, is January 8, 2020. Now, in a general way... explain to the Board what you want to do.

Mr. Kaplan: I'm sorry.

Mr. Dunne: I said in a general way explain what you want to do.

Mr. Kaplan: Okay, so over here...the last time we were here...these were...

Mr. Buzak: Excuse me, Mr. Kaplan. I'm going to stop you. And I know this is difficult to do.

Mr. Kaplan: Yes.

Mr. Buzak: Well, this is being recorded.

Mr. Kaplan: Okay.

Mr. Buzak: And if someone wants to appeal from a determination that the Board makes. They have to prepare a transcript of these proceedings and a transcript is completely unintelligible when a witness is looking at an exhibit and says here and here and here and here. So you need to be...and I'm going to stop you every time you deviate. Either do it by north, south, east and west. Do it right, top, bottom, right, left. But you can't just point to it say here...you know...and here.

Mr. Kaplan: Let me clarify. The area you're referring to is directly east of the main existing...inaudible...Building Number Three.

Mr. Dunne: Number three. And is the access road going back to the driveway, which separates the property? Is that right?

Mr. Kaplan: Correct.

Mr. Dunne: All right. And this is a change that's being asked for from previously approved access. Is that right?

Mr. Kaplan: Correct.

Mr. Dunne: What is the change that you're asking for there?

Mr. Kaplan: Well, originally it was what it was drawn up. There was a mistake on the drawing. So it did not show up in between the driveway east of the building that the pavement connected to the lot itself? So obviously, we didn't want to drive through to the dirt. Sorry. We didn't want to drive through the dirt...let me turn that off...so we wanted to connect it to the driveway that runs in between the two lots, area 4 and area 5. I'm sorry. Area 3 and area 4, they were not connecting to the roadway. So we're just trying to finalize it right now that they will connect that roadway. So that way the truck can drive off the road onto the lot rather than drive through the dirt onto the lot. It was just basically kind of a typo error.

Mr. Dunne: So you're basically correcting a wrong idea before...

Mr. Kaplan: Correct.

Mr. Dunne: What's this big area over here to the north of the lot line...

Mr. Kaplan: North which is the general storage equipment lot for...I mean...and truck lot, which is what is going to be used, it is just the extension of the lot built for more lot for the property because we're right now at capacity on this site. So we are trying to accommodate more truckers to come in and utilize the site. And that connects all the way through and up into this Building Number 4. So the rest of the site will be utilized.

Mr. Dunne: Do you explain this new access you're proposing?

Mr. Kaplan: Getting access to the furthest north on the part of the property makes it easier to access this lot rather than to come in through the center of the property and come all the way around through all the buildings, come through this area where between the two lots and then drive up the hill and into the lot. So it just brings the traffic down around the building where...you know... people do have cars and they walk. So it just makes it better traffic flow. People would come in through the north end of the driveway, circle in and park their truck straight into here and then drives out when they're leaving.

Mr. Dunne: There's no plan for an egress and ingress off of the new area, from the center of access we have now?

Mr. Kaplan: No.

Mr. Dunne: Inaudible. Now they may be able to come in to the right. You know...that would be SMA and Kirk Allen. And, you know, probably Jen Car would simply use that side and then the 18 wheelers would use this side.

Mr. Dunne: So the previously approved access, which is this access around Building Number 3...is it? All the way around to the area in the back, which is area number 2, that's going to continue?

Mr. Kaplan: Correct.

Mr. Dunne: And that's where there's no traffic that's coming in will come in from this north most entrance area come around and park face outside so just drive back out. Is that right?

Mr. Kaplan: That's right.

Mr. Dunne: Okay. All right. And there's a...you're proposing also...I think...a clearance of an area. I mean...raveling of an area, which is to the south of Building Number 4. Is that correct?

Mr. Kaplan: Yes.

Mr. Dunne: And Building Number 4, you're proposing some new uses. Is that right?

Mr. Kaplan: Yes.

Mr. Dunne: So what kind of, to make...you know...

Mr. Kaplan: Make this building exactly like...inaudible...what goes on in these both... in that building...

Mr. Weiss: Which is what?

Mr. Kaplan: Which is Building Number 2, which is maintenance of their truck. You know, the way we have it set up is that you really can't have a space unless you have a certain

amount of trucks, because that's what we're trying to cater to is that...you know...larger truckers that say... hey, you know, I do need to change my tires. So there's a lot of time taken up. Whereas if you have just one or two, because a lot of guys say to me, they have one truck or two trucks. Hey, I just want a garage. So I'm like, no, you know, we just don't do that. We want to cater to the guys who have more trucks so they can deal with...you know...there it's usually about 8 to 10 trucks or more. So in order to get a garage, and that's what will happen back here, too.

Mr. Dunne: So your proposal here is identified as storage and maybe some equipment for trucks and that's for tenants. Correct?

Mr. Kaplan: Correct.

Mr. Dunne: Only for tenants. It is not open to the public?

Mr. Kaplan: Right.

Mr. Dunne: There'll be no signs advertising that for the public?

Mr. Kaplan: No.

Mr. Dunne: In fact, this building back here, Number 2 has operated like that for many, many years, doesn't have anybody from the public come in. Is that right? And never hasn't had people even inquiring about it.

Mr. Kaplan: No, no. Never seen it.

Mr. Buzak: But is it true that the outdoor storage area above that where it's marked Lot 1.01, Block 106 on the northern side of the property is used by people who do not have tenancy in any of the buildings?

Mr. Weiss: So I think Mr. Buzak is referring to Lot 1.02, Block 106.

Mr. Buzak: Yes.

Inaudible

Mr. Buzak: That's the whole lot, as I understand what was Lot 1.02. The one of the right is 1.01...did I say 1.01? I'm sorry.

Mr. Kaplan: That's Okay. So this area that you're referring to is all 1.02.

Mr. Weiss: That is correct. So it's currently in 1.02 there is no maintenance or repair. That's storage. That's trucks.

Mr. Kaplan: No.

Mr. Weiss: Inaudible. In the new lot, which is in that north...northwest. What they're pointing to will be used for some outdoor maintenance?

Mr. Kaplan: No, outdoor maintenance is allowed on the site.

Mr. Weiss: Okay, I misunderstood what you said. So it's the same you say what we have currently in the back.

Mr. Kaplan: Correct. Right. Exactly.

Mr. Buzak: Okay, my question that I didn't hear the answer to where we're talking, where it is actually designated the words Lot 1.02, Block 106 on that area. If I understood the testimony is utilized by people who do not have tenancy in any of the buildings there.

Mr. Kaplan: Yes...

Inaudible

Mr. Buzak: Let me just finish. These are people who may have a truck or a RV or something, and they want to store it. They don't want to store at their house. So they drive and they store it here, come back, pick it up and leave. Is that correct?

Mr. Kaplan: Yes.

Mr. Buzak: They're not associated with any tenancy in any of the buildings?

Mr. Kaplan: No. Now, this area here...

Mr. Buzak: How did they get there...

Mr. Kaplan: They drive their car and then they leave their car and they take their truck and then they do their thing and then they come back. A lot of these guys are gone almost the whole month and then they put some guys from day to day. There's a good amount of them that go on for...you know...two weeks at a time or a week at a time at least. And they leave their car there all week, and then they all come back. And then they live in the surrounding area. They have a number of people live in Budd Lake. A number of people live in Hackettstown. You know that's why it's so convenient for them.

Mr. Buzak: They park their vehicles there in place of the vehicle.

Mr. Kaplan: Correct. They have to pull the truck out, put their car in their spot. They can't just park willy nilly because all the spots are taken by...you know...each truck or each person has that spot, in other words their spot.

Mr. Buzak: I have not been at the site and are those spaces delineated, are they marked or...

Mr. Kaplan: They have been marked. But you know the trucks; I got to tell you...they're abusive as far as, you know, wearing out your lines. But there they're really good about, you know, keeping it all...you know...they know where their spot is and they keep it all organized.

Mr. Buzak: Thank you.

Mr. Vreeland: If I could just back up for one minute. When you were talking about making the change in an Outdoor Area 3 and you said that was a mistake and you want to provide access. Is that right? Does that mean you're not going to. Are you going to take down the chain-link fence that was supposed to go up as the approval? Is that fence up?

Mr. Kaplan: There's a chain link fence over here...

Mr. Vreeland: On the approved plan, it was supposed to be a chain link fence on that...along the limits of that outdoor storage area.

Mr. Kaplan: Are you talking about over here? I don't know if there's a chain link fence...

Mr. Vreeland: On the previous exhibit that showed the previous...it looks to me that the limits of the outdoor area, three were demarcated between the fence.

Inaudible

Mr. Weiss: I think you're referring to A-1, correct?

Mr. Vreeland: Yes.

Mr. Weiss: Mr. Kaplan, you are on A-2.

Inaudible

Mr. Kaplan: I mean, what we've done is we originally, when we first started with a lot of the site, the Board wanted us to delineate the lots. So people were parking on dirt because we were kind of new with this. You know...we're box people and we're making use of a lot. So we had decided that we were going to put posts. So we did put post. But posts don't last where trucks or with the snowplows. So we put boulders, so we delineated it with boulders instead. So people I mean, people aren't parking on the dirt anyway.

Mr. McGroarty: Here is your fence.

Mr. Kaplan: I don't understand where you are...

Mr. Dunne: Right there. Isn't that the fence?

Mr. Kaplan: No, that's not a fence.

Inaudible

Mr. Vreeland: So that's a deviation from the...

Mr. Kaplan: Yes. This was a mistake because this is where the driveway actually comes...

Mr. Vreeland: Right. So what you're saying is that the fence on the approved plan wasn't put in.

Mr. Kaplan: Correct. Because why? I mean you...

Inaudible

Mr. Vreeland: I'm just trying to clarify what was actually constructed based...

Mr. McGroarty: Mike is referring to...

Mr. Vreeland: A-1.

Mr. Dunne: Thank you.

Mr. Kaplan: We did the same thing over. Where they were supposed to be, the posts. But they kept on breaking the post. So we put boulders all along here as well.

Mr. Vreeland: When I went out and took a look at the site, there appeared to be some other deviations from what was on the approved plan. I don't know if we wanted to go through that.

Mr. Dunne: Did you mention them in your report? I don't think I saw that.

Mr. Vreeland: So that I didn't mention in my report. I wasn't 100 percent sure on what the approved plan was comparing the two sets of plans together and I wanted to hear the testimony. Do you want to wait until when Greg testifies?

Mr. Dunne: When Greg testifies, he's going to identify the changes from the approved plan to the current plan so that if...

Mr. Vreeland: Is anyone going to identify the existing conditions versus the approved plan, are we going to hear anything about that?

Mr. Dunne: Well, the existing conditions are the approved plan, less the things that Greg is going to say we're asking to change.

Mr. Vreeland: So things that weren't constructed.

Mr. Dunne: Yes.

Mr. Vreeland: And are going to deviate from the plan that was approved?

Mr. Dunne: Slightly.

Mr. Vreeland: And my other question, I've heard everything about truck work and what is going to be parked in this area. I haven't seen anything else.

Mr. Kaplan: I mean, the only thing that would be is if there were...you know...like tri axles...you know...a lot of times with a lot of...inaudible...in the area. They are also commissioned to do their plowing. So they'll put their snowplow in front of their vehicle. And during that, of course, when there's no snow, they just leave it in their spot and then they drive off and then they come back and they park up to it.

Mr. Vreeland: Typically going to be tractor-trailers or trucks with snowplows.

Mr. Dunne: Well, there's also you said there are some landscape trailers out there that are parked out there sometimes.

Mr. Kaplan: We used to have a couple of those. But sure, that would be...you know...landscape trailers. But we've had one or two in the past...

Mr. Vreeland: I'm just trying to get an idea because I haven't heard anything.

Mr. Kaplan: There might still be a small one on site.

Mr. Dunne: Yes, but you're also, I don't see much out there looking to put non heavy construction equipment out there when your tenants aren't using that equipment. They would leave it there. Is that right?

Mr. Kaplan: Correct.

Mr. Dunne: I know it doesn't have much, but you're not trying to limit it to no equipment. Sometimes equipment's going to be onsite. This is an industrial site and it's not polluting type equipment, but it's going to have to be there.

Mr. Vreeland: That's why I'm asking. I can't...because we've only heard about trucks that there could be other things that you're proposing.

Mr. Dunne: And you're right. The application says equipment as well. So we don't mean heavy construction equipment. We just mean some typical equipment like snowplows or things like this that are innocuous type equipment for vehicles that might have to be there.

Mr. Weiss: Do you recall, Mr. Kaplan, you did identify some of that in the last time. You did tell us that there would be snowplow equipment that would have not been used and would be stored out there.

Mr. Kaplan: That's true.

Mr. Weiss: So I think he did discuss not only the trucks, but also the equipment that goes with the trucks.

Mr. Dunne: Yes.

Mr. Weiss: I wouldn't be surprised. I think the issue that we're dealing with is the delineation with or without the fence. Many some other issues...

Mr. Dunne: Yes, the fence, I think was a problem because of the way the trucks had to go through there. We would be going over the fence. So it wasn't a good design at the time and he couldn't operate that way. So he did self-help. The post didn't work to identify it. They just went ahead and did it so they could get trucks to go through. I think that was an oversight of the plan, actually, because it had to be designed to allow the trucks to go through and it wasn't designed that way.

Mr. Kaplan: Correct.

Mr. Vreeland: Well the trucks come off the back access road.

Mr. Kaplan: And the way we try to work with it was by putting boulders. Because I think that some of the apprehension was...we don't want you guys...we didn't want it either...people parking on the lawn or any of the dirt areas. So we put the boulders there. So obviously, they're not able to because they kept them. I can't tell you how many posts I would have to place.

Mr. Dunne: Now, also, part of your plan includes a little bit of widening in this area. Is that correct?

Mr. Kaplan: Yes.

Mr. Dunne: What is this area? Is this existing gravel area?

Mr. Kaplan: It's the existing gravel area really round the south of...inaudible.

Mr. Weiss: A-2.

Mr. Kaplan: I'm just referring to an area that's also been slightly changed from the original plans. There it is...

Mr. Buzak: And that's really south of Building Number 4

Mr. Kaplan: It's called Area 6. The identification is above it.

Mr. Dunne: Now, more questions. Going along the access road between the proposed Area 5 and what shows as Area 2, can you describe the condition of properties not developed to the to the east of that area?

Mr. Kaplan: Yes, you can see east of the lot or Area 5...inaudible...very quickly that it's quite stable over here and drops down to the old septic field that used to be there was removed. But then over here, it's the same thing as it drops off so quickly in the center of Area 5 and then also right off the edge of Area 6, like it drops off very quickly as well.

Mr. Dunne: You're talking now to the east.

Mr. Kaplan: That's correct.

Mr. Dunne: All right. It's basically not usable here. That's a considerable portion of that lot isn't it?

Mr. Kaplan: Yes, I mean, it's this whole area that states Lot 1.02, Block 106. It's that whole entire area drops off and then it drops off even further, even more. The distance from that... you know...this is basin over here to up here is quite high.

Mr. Dunne: Now, why are there...can you describe to the Board what the neighboring properties are around here and around your industrial site?

Mr. Kaplan: Well, to the south of us is Timmy Prudence's place. He has a couple of warehouses over there. He has a lot of trucks over there. He has a lot of his trucks right out the roadway. And then to the back of him is the recycling plant. To the east of myself is just woods, basically just the Morris Canal and then there's woods, to the south east of my site is a Mile Square Roofing Facility. To the north of us is the Stanhope Water Wells and across the street from us to the west, the southwest is the cemetery which takes up this part of our property...inaudible. And then there's woods across the street from us in front of the lot. Inaudible...Area 5, so it would be to be west of...would be woods.

Mr. Dunne: You said that the parking areas that you have service tractor trailers and the tractor and other dump trucks, snowplow vehicles, things like that. Do you have experience with residents of Mount Olive Township who have such vehicles actually renting space from you with their tractors and bringing them to your site so they don't have to have them in the neighborhoods?

Mr. Kaplan: Correct. Yes, I have. You know...at times guys would say, oh, this is great. You know I don't have to keep my tractor at my house...you know, so few of them actually even.

Mr. Dunne: And also surrounding communities as well.

Mr. Kaplan: Yes.

Mr. Dunne: All right. Now, one of the things you're asking for is to have an exception from the area here, that's the area of the new area, Area 5, being graveled and not macadam, as is standard in the township for improvements of parking areas. Is that correct?

Mr. Kaplan: Correct.

Mr. Dunne: Can you explain why, in your opinion, where you...inaudible...it's better to have that be a gravel base rather than macadam.

Mr. Kaplan: I have some pictures of the gravel rock that we have and also the paved lot we have. What's left, wait a minute?

Mr. Dunne: Mark those A-3.

Mr. Buzak: While Mr. Dunne is marking them, Mr. Kaplan did you take those photographs?

Mr. Kaplan: I did.

Mr. Buzak: Do you recall a date you took them?

Mr. Kaplan: Let's see...that would have been probably in November. I can see there's no leaves on the trees. Those were pretty recent, late November. I might have a date...

Mr. Buzak: That's fine. I just want to get a rough idea. And there are 4 photographs there?

Mr. Dunne: Yes. I'm going to mark them one, two, three and four. So it will be A-3... well maybe we should do it A-3a, b, c, and d. Okay?

Mr. Buzak: Yes, that's fine.

Mr. Dunne: a, b, c, and d.

Mr. Buzak: And Mr. Kaplan, is it fair to say that those photographs actually depict what you saw when you took those photographs?

Mr. Kaplan: Oh, yes.

Mr. Buzak: Fine. Thank you.

Mr. Dunne: So we can talk to the board about what these pictures show and use the letters when you refer to them, please.

Mr. Kaplan: Okay. The big lot, which is A and C...inaudible...the storage area 2. And going into storage area 2. And if you see all this...all the way around, this is another area that we're turning to now...

Mr. Dunne: Which area are you referring to?

Mr. Kaplan: Oh, now on C, there's another area where it's doing it again. And I didn't. I mean, there are other places. But in the back of where you have A to the left over here. What happens with the trucks that I found out since we paved is that when they pull in and then they set their brakes first, I guess when especially with an inexperienced trucker, a lot of times they set their brakes with their wheels not fully extended because those back wheels move forward and back. So what happens is, especially in the summer when they leave their trucks and the pavement is warm, the trap truck relaxes because it's not on anymore. So the air brakes kind of lose a little pressure and the wheels spread back a little bit. And it just pushes the pavement back. It just breaks it right up. And then they leave. And now you've got the start of a pothole coming.

Mr. Dunne: So that's a maintenance problem for you, right?

Mr. Kaplan: Yeah, that's right. We had to fix it so many times, though, in an area where you gravel...

Mr. Dunne: Well, can you compare how that works?

Mr. Kaplan: Well, here's your gravel lot. And we're really...

Mr. Dunne: Where are you referring?

Mr. Kaplan: Sorry, B and D are two different areas of the gravel lot. And we haven't had any problem with the gravel lot. It's actually pretty nice looking as far as look goes. And it's hard...you know...on B and D, we just made the gravel much, much thicker. And we used the **qp** which really packs down. And we did it properly. We brought in the vibratory rollers...you know...the giant vibratory rollers, not the little ones.

Mr. Dunne: But the point is that it doesn't break up.

Mr. Kaplan: It does not.

Mr. Dunne: So you're asking the Board to consider permitting you to do that in the new area that you're trying to develop.

Mr. Kaplan: Right. Inside the lot where the guys park and that's not where they drive. We have paved...where they drive, that's not a problem, it's where they stop and then they set their brakes. That's the problem.

Ms. Natafalusy: Could you identify on the plans where the gravel lot is?

Mr. Kaplan: Oh, sure. That is Area 3. This is Area 3.

Mr. Vreeland: You know when the parking lot was paved?

Mr. Kaplan: Was it three years ago?

Mr. Vreeland: So it's in that condition after three years?

Mr. Kaplan: It actually was like that for a while.

Ms. Natafalusy: So are you looking gravel areas 2, 3, 4, 5?

Mr. Kaplan: Well, this is gravel right now.

Inaudible

Mr. Kaplan: So you have the gravel over here in Area 5. Then you have the macadam that goes around it. And also the macadam goes...

Mr. Dunne: Let's make it clear, Ken.

Mr. Kaplan: Okay. The area around it is the driveway to the east of Area 5 and also west the area by north of area 5 as well. And the driveway that runs right through the whole lot. And the driveway that runs through all the buildings that would all be paved.

Ms. Natafalusy: What about Area 2? Are you going to keep that paved?

Mr. Kaplan: Oh, yes. We'll keep that all paved. That's actually for the guys...inaudible...as long as it's done, we just didn't realize how big of a problem it was going to be.

Ms. Natafalusy: So you have a problem in Area 2 that you think you have in Area 3?

Mr. Kaplan: Area 2 being this area...

Ms. Natafalusy: The large area. You're going to keep that paved but you don't have the problem with the trucks and the potholes.

Mr. Kaplan: Well I do. We have to keep on fixing them. Otherwise, I don't want to tear the whole lot to put it gravel...you know...at this point anyway. I didn't have plans to do that. I was just going to keep this paved because it is all paved. I have talked to some of the drivers and some of them you know...I still have a problem. It's really bad. The summer is...

Mr. Dunne: But what would be the cost of tearing that whole lot of the pavement?

Mr. Kaplan: It's a lot, you have to pay for the asphalt...

Ms. Natafalusy: I only ask because he's saying he's having problems with potholes on these.

Mr. Dunne: Well, sure. But now that it's there, he's not going to tear it all out. I mean, that he is stuck with it.

Mr. Kaplan: We don't have any plans to do that. We just want to keep the roadways, macadam and where they park. It's just the gravel moves a tiny bit. It's got to be re-graded. They hit it with a rake. We really don't have any...inaudible...to that. I mean, it's just been here for a year. And you can see it really looks pretty good.

Mr. Buzak: Can you just summarize which areas you want to gravel so that it's clear the areas we're talking about?

Mr. Kaplan: Graveling...This is area 5. This is already graveled. So we're going to put rewrap. That's a different cut.

Mr. Buzak: That's the area you're referring to, Mr. Kaplan, when you are referring to this, again...I understand it's difficult, but what I need for the Resolution at the end of the day, the Resolution is going to say the applicant requests that they be permitted to place gravel as opposed to macadam in the following areas.

Inaudible

Mr. Kaplan: Area 6, Area 5, Area 3 and 4 are already graveled. And so is Area...let's see...I have it here. It's the portion...Oh, yes, it does, I'm sorry. Area 4. Oh, that's right. It's connected. It wraps around. So all Area 4 and Area 3 is presently graveled. This will be gravel, Area 5 and this small lot in front of the Building 4.

Mr. Dunne: Area 6. That's Area 6. Mr. Ploussas is going to provide more detail on this, Mr. Buzak. You can get it from him exactly.

Mr. Buzak: Well, Mr. Ploussas is getting a little trimmer on how to testify.

Mr. Dunne: Yes. Yes, he is. All right, Mr. Kaplan, why don't you come back now.

Mr. Weiss: Chuck, go ahead.

Mr. McGroarty: I'm sorry. Are you done?

Mr. Dunne: No.

Mr. McGroarty: Can I ask a question? Mr. Kaplan, just so I'm clear about. The area between Areas 3 and 4, where I think if I'm paraphrasing it correctly, you want it to be all solid surface so the trucks can move in and now without dragging over grass or dirt or what have you. Isn't that what you said earlier?

Mr. Kaplan: No, I said earlier the area that we had to...or come back to the Board with that's cross-hatched here between that Area 4 and 3 that eliminated the dirt of course. So we're going to macadam that part that comes in between them. We can just pull off of that and come into the graveled lot.

Mr. McGroarty: So on Sheet 5, which I think is exhibit A-2.

Mr. Buzak: Correct.

Mr. McGroarty: Says it's previously areas approved for pavement to be converted to gravel. So I don't know what you said earlier about a mistake. I mean, it was...the plan saying it was approved for paving. Is that your intention to take the pavement out and put in gravel?

Mr. Kaplan: No, that was never paved. What happened...you know...when we had a wait if we got approval. I think we had to wait for the spring. And then we started on what we were doing and then we realized...you know...maybe we should instead of paving because we're now we're kind of experience with this back...we had it for a little while and it's nothing but breaking up all of the time under the weight of these trucks. So we knew we wanted to come back to the Board with this building. So I said, let's just...you know...go back in with everything that needs to be done, this being gravel and this...inaudible...from paving, which was approved for paving and asked for this to be graveled as well in order that we don't have this kind of problem.

Mr. Buzak: And they're currently graveled for now. Is that correct?

Mr. Kaplan: Yes.

Mr. Weiss: But according to the plan that was approved to be paved.

Mr. Kaplan: Correct. That was the original approval.

Mr. Vreeland: That's on the plan?

Mr. Kaplan: That's the original plan.

Mr. Buzak: Sheet 5.

Inaudible

Mr. Vreeland: I mean, isn't that the proposed condition?

Mr. McGroarty: Now he's saying instead...

Mr. Vreeland: On the approved condition...

Mr. Dunne: That was never paved.

Mr. Vreeland: It doesn't say it was approved for pavement.

Mr. Dunne: It was whatever was on the site plan. But it was deferred because Gene had indicated that rather than bonding for that, we could defer that till later. So that's what happened. It was deferred till later. So that was omitted from the Developers Agreement, omitted from the bonding so that they didn't have to spend money for the improvements they weren't using at the time.

Mr. Vreeland: I don't have a particular issue with it. If you're asking to make it gravel, I just don't see anywhere where was approved to be paved prior.

Mr. Dunne: The wider part where it gets wider. There was the map showed it so narrow that a truck could not get through to the driveway, so they took it on themselves to expand that.

Mr. Vreeland: Okay. So it wasn't necessarily approved to be paved.

Mr. Dunne: Not that wider area was not. No. The area you're talking about now? The wider area, that's so the trucks can get out because the trucks couldn't get out of that area.

Mr. Vreeland: I understand. But I mean, for the record, I don't...I mean, on the approved plan doesn't indicate that it was going to be paved.

Mr. Dunne: I think...I know it was intended to be paved.

Mr. Kaplan: The area was always approved to be paved, which is the area that's right now that has no cross action for Area 3 and Area 4. And this was omitted it wasn't even approved to be paved for anything or graveled for that matter. He did realize that graveling or for getting ready and

Chuck talked to them over said, hey, you're not supposed to be on the property with your gravel. And that's where...you know...that it was realized by me that I might...we can't get to our lot if we have that authority is just no access to the lot at all. So Chuck said, okay, go ahead and throw the gravel down there now...

Mr. McGroarty: Hold on. I don't remember...I have to just take issue with you saying Chuck said...that's not my style.

Mr. Kaplan: Well, Gene was there with you. And Gene said, it's just a field change...

Mr. McGroarty: Chuck didn't say anything in the field to you about making changes on the site plan. I just want the record to reflect that.

Mr. Dunne: Why don't you come back...here. Right here, is good. There have been issues raised about the potential of impacting the wellhead protection restriction areas. And I reviewed with you those areas that Mr. McGroarty was concerned about, he bolds that in his report. Do you recall that?

Mr. Kaplan: Yes.

Mr. Dunne: And you have reviewed those with me, each one of them. So looking at this, again, items Number 3. Let's take them one at a time. There's no activity proposed for underground storage of hazardous substances.

Mr. Buzak: Let's wait a minute because we have plans now.

Inaudible

Mr. Dunne: Page 6.

Inaudible

Mr. Buzak: ...Mr. McGroarty's Report, we're on Page 5...

Mr. Dunne: Page 5, Number 7.2 deals with the concern or possible concern about the wellhead protection ordinance. And Mr. McGroarty has bolded from those areas that he thinks should be addressed. And that's what we're going to address. Number 3, talks about an activity requiring underground storage of hazardous substances or a waste regulated by NJDEP. Mr. Kaplan, there's no proposal for any such activity, is there?

Mr. Kaplan: No.

Mr. Dunne: And that's prohibited on the site.

Mr. Kaplan: Correct.

Mr. Dunne: Number 9, automotive service center, repair and maintenance, car truck washing facilities, truck, bus or locomotive maintenance yards terminal. That's not proposed on the site. Is it?

Mr. Kaplan: No.

Mr. Dunne: It's a private repair issue for tenants. Only on that site, is that right?

Mr. Kaplan: Correct.

Mr. Dunne: Set Number 12, site storage and maintenance of heavy construction equipment and materials. There's nothing proposed in your application for storage of heavy construction equipment and materials.

Mr. Kaplan: No.

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: You did say construction equipment.

Mr. Dunne: We didn't say construction equipment.

Mr. McGroarty: I thought I said earlier. I thought you said construction equipment.

Mr. Dunne: I did not.

Mr. Buzak: Somebody did...

Mr. Dunne: I said we're not having construction equipment. No heavy construction equipment on site.

Mr. Buzak: Well, what you said was there would be no heavy construction equipment. I'm not sure how...what the distinction is between the two.

Mr. Dunne: No, well it's your ordinance. I mean, my interpretation is that it means things like bulldozers, backhoes, loaders, that kind of stuff would be heavy equipment. And that's what I think it is. We're not storing allowing those by the tenants onsite.

Mr. McGroarty: I apologize. I thought you said, you said the opposite.

Mr. Dunne: If I did, I misspoke, but I didn't. I was...definitely not. We're not doing that. Number 31 it says this is like on Page 8. Did I miss a page or no? Number 31, repair shop with metal finishing. That's not proposed on site.

Mr. Kaplan: No.

Mr. Dunne: This one here is an interesting one, above ground storage of hazardous substances or waste in quantities of less than 2,000 gallons. I interpret that to mean outdoors

because in the facility, which is going to be, doing some maintenance of vehicles will probably be simple...such oil change equipment. Is that right.

Mr. Kaplan: Correct. And there's I mean, there's also...you know...there's oil heat in that building. So there's already an aboveground oil tank for...you know...to turn the heater on...you know...it's for heating fuel.

Mr. Dunne: For heating fuel?

Mr. Kaplan: Right.

Mr. Dunne: And where is that tank?

Mr. Kaplan: In the building 4, there are two of them. There are two different sites. So there's one that services one side and there's one that services the other.

Mr. Dunne: It's inside the building. And you expect, I suppose, that if somebody has permission to do some maintenance in the inside of the building for trucks, they're going to have waste oil.

Mr. Kaplan: Yes.

Mr. Dunne: And what do you do with your waste or your site?

Mr. Kaplan: Well, in our facility, we have our cutters, which cut cardboard.

Mr. Dunne: Just tell us what you do with the oil.

Mr. Kaplan: We take 55 gallons basically at a time. And that's how much oil is in each cutter. So we drain the 55-gallon or pump the 55 gallon into an empty can, we take the new oil and we put it back into the cutter. And then there are a few companies out there that come over and they take our waste oil from us. And that's basically what everybody has on site is their...you know...they have these waste oil companies come in and they take their 55 gallon drums away.

Mr. Dunne: And that's what happens with your tenant in the Building 2?

Mr. Kaplan: Yes.

Mr. Dunne: And that's what's happened before. That's what's proposed for Building 4. Is that right?

Mr. Kaplan: Right.

Mr. Dunne: All right. Now, Building 4 also has a solid floor. Concrete floor is enough.

Mr. Kaplan: It's solid concrete floor. Besides, it's also a proxy with a heavy coat of a proxy

Mr. Dunne: And there are no drains?

Mr. Kaplan: No.

Mr. Dunne: The last one I'm seeing, which I think I skipped over was Number 6. It shows like on Page 8, which says septic leaching fields. We're not proposing any new septic leaching fields.

Mr. Kaplan: That's right.

Mr. Buzak: Can I go back about the underground storage.

Mr. Dunne: Yes.

Mr. Buzak: Is the testimony that, yes, there is aboveground storage of hazardous substances, but it can't mean what they really say here.

Mr. Dunne: I'm saying is...

Mr. Buzak: I don't mean that to be sarcastic...

Mr. Dunne: Well, it's...inside...

Mr. Buzak: You're saying you have it inside...

Mr. Dunne: I think you can interpret that to mean indoors. I don't think that's what that means. I think it means aboveground, which to me means above the ground outside. It doesn't mean above a floor inside a building.

Mr. Buzak: Okay. So your interpretation, I'm not suggesting it's wrong, it is that that prohibition involves outdoor storage of containers of hazardous substances or waste.

Mr. Dunne: That's my interpretation, because otherwise I think it makes any sense, but...

Mr. Buzak: That's fine. And the testimony, if I understand it, is that there is no such outdoor storage. There is some indoor use of oil in your business. You just mentioned 55-gallon oil drums. If I understand...

Mr. Dunne: Correct.

Mr. Buzak: That's used to...inaudible...equipment...

Mr. Dunne: Correct.

Mr. Buzak: I just wanted to get it straight.

Mr. Dunne: Okay. I think that's all the questions I have for Mr. Kaplan.

Mr. Weiss: Chuck, go ahead.

Mr. McGroarty: Mr. Kaplan, just logistically, how do you envision this area in front of Building Number 4...inaudible...gravel...Sheet 5...and that indicates that the storage of trucks, motor vehicles, recreation vehicles, equipment and general storage. Is the idea that that would be similar to what you have or what you would have in Area 5, the larger area?

Mr. Kaplan: Correct.

Mr. McGroarty: So just from a logistical standpoint, though, if people, your tenants or tenants on site are moving back and forth into Building 4 for truck maintenance, how are they going to get in there? The area...block is all occupied by all the things that are listed here in terms of ...

Mr. Kaplan: Well, I mean, they if someone is renting that building, say, let's just cut it in half as two tenants. They would have the...you know...the whole area out in front of their building so they wouldn't be parking trucks there. If they're using that, maybe they'd have a truck outside that's going to be coming in and out. The main parking lot would be over here. And more than likely...

Mr. Buzak: Over where?

Mr. Kaplan: Oh, I'm sorry. They would be...I don't have the...I think that would be Lot 5 or Area 5? You know...that's the way I envision it, that if somebody, one or both tenants, you know, a number of trucks, their trucks would then be in Area five. And this would be just a transitionary space.

Mr. McGroarty: It's just and I don't mean this as a criticism. I'm just a little unclear why you want to pack the area in front of Building 4 with more storage activity, because I think you'd want clearance to get into the doors. I think it's two doors on the buildings, two or three, perhaps. And there's that loading area in front. I just don't see how does anyone get access to the building if stuff is parked around there and in front of there.

Mr. Kaplan: Well, they wouldn't allow...I mean...I wouldn't...first of all, rent the building if I have people parked right out in front because...and they wouldn't want to rent that either. I mean, it's just kind of...well, it stands to reason that if someone's renting it, then they're getting that whole area out in front of that building.

Mr. McGroarty: I didn't mean to interrupt. My apologies. It's your call. I guess as the manager or the owner of the property is why ask the Board for more storage area? It just seems like it's going to interfere with the purpose of the building.

Mr. Dunne: Could I just ask a question? Clarify that if you don't mind. Your intention is that the area which is called Area 6, which is just to the south of Building Number 4, is going to be rented as part of the tenancy of Building 4. Is that correct?

Mr. Kaplan: Right.

Mr. Dunne: So the purpose of that would be that if the person in Building Number 4 wants to take a vehicle inside Building Number 4 if there were any vehicles parked in Area Number

6, the vehicles could be moved because they own those vehicles in order to allow access into that area. Is that right?

Mr. Kaplan: Correct.

Mr. Dunne: And the vehicles on an Area 6 would be belonging to one of the tenants in Building 4.

Mr. Kaplan: Correct.

Mr. Dunne: So if you want to restrict us to say that the area at the building...at Area 6 is limited to the use of the tenants of Building 4, that's acceptable.

Mr. Vreeland: I mean are we just really talking about a parking lot?

Mr. Dunne: Yes. It's temporary parking.

Inaudible

Mr. McGroarty: I would suggest just ask that the Board not place that restriction because from an enforcement standpoint, we don't want to be going out there all the time. Mr. Kaplan doesn't want us going out and saying, you own this, you own that? I was just surprised. It makes a little more sense to me now that if you're saying that's really the intention, is that storage area is really just so that whoever is occupying Building 4 can put vehicles or what have you out there without having a problem with the town. Again, began back to the earlier comments, as long as it's not going to be inoperable vehicles out there with junk, etc.

Mr. Kaplan: Okay.

Mr. McGroarty: That to me would be the important condition.

Mr. Kaplan: Okay, sounds fine to me.

Mr. McGroarty: If you block the building, you block the building. It's your problem. As long as...you know...

Mr. Weiss: Chuck, you're suggesting the same conditions that everywhere else. Not for just putting junk into vehicles. It's the same conditions and I would tend to agree with you. I'd like to think the Board does as well. We don't need to micromanage Mr. Kaplan's business. For example, if you have no tenant in Building 4, then why would we want to stop you from renting out space for parking in storage?

Mr. Kaplan: That's good point.

Mr. Weiss: I don't think we need to get involved. I think you'll manage your property. We have the same conditions. Parking for the use that here I think is totally fine with us. Chuck, I think you've been through it, sounds like you agree and the question is raised, but you're managing

the business. We don't want to manage it. I also don't want to limit you. Like I said, if Building 4 is vacant, you shouldn't have to...inaudible...that property as well.

Mr. Kaplan: Thank you.

Mr. Weiss: I think that...you know...as you fill the building, that tenant has needs, you deal with it, not us. So I don't have a problem with this conversation.

Mr. Dunne: Referring...I do have another question referring to 7.7 of Mr. McGroarty's report on Page 9. He suggests there be fencing around Area 6, which is the area we're talking about adjacent to Building 4. What is your proposal with regard to fencing and why?

Mr. Kaplan: Oh, yes. You said Area 6, right? My problem with fencing with any large lot is that when the people who come to plow are pushing snow. When I've seen this before, especially when it's...you know...we know we're getting 12 inches. So now they're not pushing it, obviously, 12 inches. So they come a few times and it's snowing and that's what happened with us in the other areas. With the poles, they either don't see them or they don't care because they're going and they've got to get that snow across the lot. Because the lot is so big, it's building up in front of their truck. Even though they're large trucks, they'll still spin their tires and then they'll get stuck in the middle of the lot with this giant load in front of them. So my proposal is not to have a fence there because it's going to destroy the fence. I will certainly put boulders if you don't...if that's an issue. But even still...I mean...it's kind of in part, it's impossible to go off that property because otherwise you're going down a hill, a really steep hill.

Mr. Dunne: But Mr. McGroarty also suggested posts. So we're willing to do post if boulders are not acceptable. Is that right? Ken?

Mr. Kaplan: Oh, yeah. I mean...

Mr. Dunne: But you prefer to put boulders up because they're immovable and the snowplows will not knock them over.

Mr. Weiss: Is that an acceptable solution? Mike?

Mr. Vreeland: I think probably what Chuck is looking for is something that delineates the area.

Mr. Weiss: That makes sense. Fencing will just get knocked down.

Mr. Dunne: Yeah, we're limiting the area. We want to limit the area in an identifiable way. But I think boulders makes more sense under the circumstances. So that's our suggestion. We're willing to do post if the Board feels strongly about posts.

Mr. McGroarty: The plans say posts but...

Mr. Dunne: But yeah, because we're willing to do that. We're willing to do whatever the Board wants. We think the boulders will work better.

Mr. Weiss: Chuck, can you make a recommendation.

Mr. McGroarty: What I would say since in that comment, I talk about the larger area...5 as well. I think the boulders for Building 4, the boulders for Area 6 which is in front of Building 4, is a good suggestion. Boulders would be on the edge of the woods. And I do want to ask Mr. McDonough later when he testifies about some of the grading changes back there on his plan. I think boulders are appropriately spaced.

Mr. Dunne: That's for Area 6.

Mr. McGroarty: That's for Area 6. But for Area 5, which is almost three acres. I think something well, I don't know. That may not be as necessary, actually, depending on the Board. Let's wait, because there's going to be testimony about the variance request.

Mr. Dunne: All right. Mr. McGroarty suggested that we continue the process of having zoning permits for each tenant that comes into Building 4. Is that agreeable? Zoning permits for tenants to come...

Mr. Kaplan: Oh, I'm sorry. Say that one more time.

Mr. Dunne: Mr. McGroarty suggested that having zoning permits issued as a condition for each tenant, new tenant, that comes in Building 4. We've been doing that.

Mr. Kaplan: Yes, we've been doing that right along.

Mr. Dunne: We agree to continue to do that?

Mr. Kaplan: Yes, absolutely.

Mr. Dunne: And we've already agreed there are no services, no vehicles that are not associated with approved use on the Lot 1.02. We agree that vehicles will not be repaired outside. Is that correct?

Mr. Kaplan: Yes.

Mr. Dunne: We agree that there'll be no storage of garbage trucks or garbage containers on site. Is that right?

Mr. Kaplan: Correct.

Mr. Dunne: And we agree that all vehicles and equipment stored on site shall be operational unless only temporarily under repair.

Mr. Kaplan: Correct.

Mr. McGroarty: I actually have one other...inaudible. Now's the time to do it. Well, I suggest that only vehicles are allowed to go on Lot 1.02. Are there other vehicles on Lot 1 that might use this building, your main lot?

Inaudible

Mr. Kaplan: I wouldn't. Doesn't really make a lot of sense to go all the way down there. I mean, unless a guy has a hundred trucks and he's going to take up all of the Area 5 then and there's an overflow that would be about the only scenario I could think that would make sense to do that.

Mr. McGroarty: Again in the real world, are we going to know if his truck is coming from...unless it says Kirk Allen on it...that sort of big hint that it's coming from Lot 1. I just...maybe it doesn't have to be as restrictive. Maybe it just has to be vehicles coming from either Lot 1.02 or Lot 1...from your site?

Mr. Kaplan: Correct.

Mr. Dunne: That's fine. The next one is 7.9 storage of vehicles and equipment adjacent to building are enclosed with fencing. We just talked about that. So we're proposing boulders, boulders and not fencing.

Mr. McGroarty: No, this is...these are conditions. I'm talking about conditions from the prior approval. This is like the repo business, where fencing was required to close in...I just wanted to...

Mr. Dunne: The only one was the repo place, I think.

Mr. Kaplan: And that is still fenced.

Mr. McGroarty: And the cross easement. Mr. Dunne, you accept...

Mr. Dunne: I sent you that.

Mr. McGroarty: Everything is done.

Mr. Dunne: I sent you the deed, the recorded deed. I also sent one to Mr. Vreeland.

Mr. Vreeland: I did receive that.

Mr. Weiss: Can I...we are talking about the fencing and the repo business. There's been a change to that area since we were there last year. It's grown.

Mr. Kaplan: Yes. The fence came out about 30 feet from it came to the edge of the building. It used to stop a little short of the edge of the building. And the tenant put it, added another two posts. I don't know. That's 30 feet, but yet another two posts and just squared off the edge of the building. I think it made his life easier to get his trucks in and out of there, whatever he was putting in there...his cars.

Mr. Weiss: Did you have an approval for an area of X, because I was a little bit surprised when I saw how far the fence came out. So what did you need approval to expand that?

Mr. Kaplan: That I did not know.

Mr. Weiss: I don't remember what it was.

Mr. Kaplan: I think it's redrawn on the new plan...on the new plan for the site.

Mr. Weiss: Actually, I think it is. But that doesn't really answer. The question is how did it grow? Like, should there have been come back and revisit it? Do we have a copy...on the original one zoning permit? Doesn't say the area that was delineated.

Mr. McGroarty: We've got to look. I don't know. Did you get a zoning permit?

Mr. Kaplan: I did not. I really didn't. You know, be perfectly honest. I didn't know we had to.

Inaudible.

Mr. Weiss: Because this came up the last time in front of us. You did have a zoning permit for that business.

Mr. Kaplan: Right.

Mr. Weiss: My question is did that permit note...okay, Mary has the permit. You didn't notice certain dimensions of fencing because the fencing is now much bigger.

Mr. Kaplan: It's not. It's really not much bigger. Maybe like...

Mr. Weiss: Let's put it this way, it's just it's noticeably bigger. Someone made the effort to make the area bigger.

Mr. Kaplan: It's like 15 percent, 20 percent bigger.

Mr. Weiss: So I just want to see if it's correct.

Inaudible

Mr. Kaplan: Correct. And I did see where it pulled it out to...and it's like I said, it's probably from here to there...

Mr. Dunne: In here to there, meaning from here to the edge of the desk that you're looking at, about 15 feet maybe.

Mr. Kaplan: Yes. He's put two sections. So what's a section 8 feet?

Mr. Weiss: So I just think it comes from in the property owner, there's some control. You should have confronted your tenants for helping themselves to more of your property.

Mr. Kaplan: Honestly, he said can I move this out? And I just didn't think there was any problem with it. And I said, yes, you can.

Mr. Weiss: The only problem I would have is if you had a permit that says the area is X.

Mr. McGroarty: It's going to be way back...the repo has been there for a while, right? Couple of years?

Mr. Kaplan: Yes.

Inaudible

Mr. Dunne: I mean, it doesn't make a lot of difference when you think about it. I don't think. But I mean, you're right. Technically, if you go back for a permit or a field change...

Mr. Kaplan: I'll go back in and get...pull a permit.

Mr. Weiss: My problem is that we're trying to keep it clean, keep it together, make sure we're green and I'm already seeing that...well, this is what we approved to do this. The answers for why you did it be sensible on your side of the table from here, we want the plans to match the testimony. This is something else that's been diverted to change. Well, my question is, what? What are we. Whatever we agreed upon previously and where are we today on something else.

Mr. Dunne: The problem I see that's very difficult with a multi tenanted site that's constantly in flux is keeping it inconsistent with the site plan. This type of site, that is where people are coming and going and need more stuff. It requires constant returns to the Planning Board for minor things if that was to happen. How else can we check? Would you like to spend the money to come back before the Planning Board to add...

Mr. Weiss: I don't know if I agree with you and I don't want to interrupt, but if you have a home and say, well, not really big enough, I'm going to add a little bit. You don't do that.

Mr. Dunne: No.

Mr. Weiss: So if you have a tenant that says you cannot break into this area. That's how they operate. If there isn't change the tenant is saying, I'm going to pay you more, whatever it is, then yes, you come back to the Planning Board. That's the best way. I don't agree with your comment that as the owner would.

Mr. Dunne: I'm not saying...don't misunderstand me. I'm not saying we shouldn't come back. I'm saying that it becomes unworkable with a minor change like that.

Mr. McGroarty: It states...the zoning permit which was issued by the Zoning Officer at that time shows the fence coming all the way to the end of the building.

Mr. Weiss: Okay.

Mr. McGroarty: This is January of 2012.

Mr. Dunne: So apparently was permitted. I didn't know it was changed, frankly, personally.

Mr. Weiss: But that resolves right now...you are in compliance. The permit says in the building lined up to the building.

Mr. Dunne: And you're actually right. Mr. Weiss, about maintaining control over the fence. It isn't easy to do that. We don't have that many fence, but that is what has to happen. I agree.

Mr. Weiss: I tend to agree. Again, the only reason I noticed that, Number 1 the fence changed color; and Number 2, I remember you and I were walking the property together and I remember looking at it and we talked about a couple of things that I didn't like years ago that you corrected immediately. And so I remember this was an area that you would address as well. Now it's bigger, but that answer is satisfactory.

Mr. Kaplan: My memory just thinks I probably...we had to go in for a...you know...for a permit in 2012.

Mr. Weiss: Well, we asked the question, you answered, now let's move on. Because it sounds like it's legit.

Mr. Kaplan: Okay.

Mr. Dunne: Okay. We did talk about the light poles before. I think that...did you get testimonial notice for the 29 1/2 feet? Have you heard any testimony on that? I mentioned it.

Mr. McGroarty: There was no testimony. You mentioned it doesn't mean there is testimony.

Mr. Dunne: Okay. Mr. Kaplan, we did talk a little bit about the need for the higher poles that are showing on your plans 29 1/2 feet, I think. Can you explain to the board why that height is necessary?

Mr. Kaplan: Well, it's necessary because trucks are about 13 feet when they're...you know...and what you have in your ordinance 18 feet. So when you have a series of trucks parked next to each other and it's only a couple of feet above a truck, it doesn't really shine into for safety reasons in between the other trucks. But when you have a light that's way up in the air, then it has more of an angle coming down and it does shine in between the trucks. So they could see when they're pulling in at night and it's just...you know...it's just a little safer. So they don't hit things and... you know...it really lights the area up nicer.

Mr. Dunne: And you already have existing 29 1/2 foot tall lights?

Mr. Kaplan: Yes, in the back lot...

Mr. Dunne: Approved?

Mr. Kaplan: Yes, in the lot number...in the existing large paved lot.

Mr. Weiss: So, again, just so I can know where...these 29 ½ light poles are proposed for where? In the new lot?

Mr. Dunne: There are some on the new lot. They are on the plan. There was a comment about it being 18 foot. We're trying to explain why we need to be higher.

Mr. Weiss: Okay, right.

Mr. Dunne: Again, that's all the questions I have for Mr. Kaplan.

Mr. McGroarty: I have a question.

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: Mr. Kaplan, do you...the lot in the back...the lot in Area 2 in the back...inaudible. Are there lights back there throughout that parking lot? I don't recall lights being back there. On the road, yes, on the parking lot I don't remember seeing lights.

Mr. Kaplan: Oh, yes. There's a number...first of all, there's lights on the back perimeter which is the east perimeter of the lot.

Mr. McGroarty: On the plan, there are light poles shown...

Mr. Kaplan: In the center and then there's also I don't know why they're not shown or maybe I just had them put with what we have is...

Inaudible

Mr. Kaplan: No, no. This is how we have...on the trucks in the winter. They need blocks. They need to plug in for their block heater. So they're...you know...when they start their motors and then...you know...in the winter. So all the poles that are shown in the lot, there are outlets for them to hook up, and the electrician...who put in the small posts in the back where the post was supposed to be. He also pulled the permit, I guess, for the electrical on that, and he put them there only 6 feet high. So when you could see where the outlets are so they can plug in on the back of the lot.

Mr. Dunne: They're not illumination lights?

Mr. Kaplan: No, they're just on the posts.

Mr. McGroarty: What I'm getting at is a couple of things. The rear lot has the...and I don't know...but it looks like double fixtures.

Mr. Kaplan: Correct.

Mr. Buzak: Excuse me. I'm sorry...

Mr. McGroarty: I'm on Sheet 7 of 8.

Mr. Buzak: Okay, give me one minute.

Mr. McGroarty: Thank you. Okay. So what...I guess what I'm thinking about is...Number 1, the question is whether we front...what sheet would show that? Inaudible. On Sheet 8, that's the new lighting. Inaudible. I know it's a larger lot in the back, but that Area 5 lighting, it looks like there's a lot of lighting proposed there and I guess a couple of questions and I'll just put them out there.

Mr. Dunne: Well, can we ask them to Mr. Ploussas, whose plan it is. I think it might be better.

Mr. McGroarty: All right.

Mr. Dunne: He's talking about the height of the light. I mean, that's...

Mr. McGroarty: Well, Mr. Kaplan testified as to why. He just...

Mr. Dunne: Right.

Mr. McGroarty: So I'm saying why do you need...the parking area so illuminated.

Mr. Kaplan: You mean where the roadway is...on the west side of the lot or the...?

Mr. McGroarty: Well, it's got all of these, you know, is it going to be that active? I guess my question to you is the site manager; you anticipate this front lot being active 24 hours a day?

Mr. Kaplan: I mean...you know...I don't even have it rented out. So I don't know what...you know...the trucks who come in. You know...I don't tell them their schedule. I just...you know...

Mr. McGroarty: But if you are...I'll cut to the chase and tell the Board why I have concerns. Across the road, it's no secret, across the road is a new residential development proposed. If you're at a higher elevation and so at 29 feet, even with lights directed downward, especially that these lights, are running 24 hours...not 24 hours but overnight... It may or may not, but it may be...inappropriate. I'm searching for the right word. It maybe not a good fit out there. That's why I was at an 18 foot poles would make more sense. And if it's not that active throughout the whole night or overnight, you know I understand the need for lighting for safety, but does it have to be lit up like a parking lot as a shopping center would be?

Mr. Kaplan: It does not have to be lit up like a parking lot.

Mr. McGroarty: It looks that way here, though. Well, I think we might want to go...plan.

Inaudible

Mr. Nelsen: Chuck, you're saying like it might negatively affect the quality of life or by some kind of light pollution.

Mr. McGroarty: Yes. You know, that's a good way of expressing what I was trying to say. Yes. Thank you.

Mr. Dunne: Mr. Ploussas can address those questions when he testifies.

Mr. McGroarty: All right, that's fine. And maybe just to Mr. Kaplan, I think he's answered the question. He doesn't know if it would be active throughout the night.

Mr. Kaplan: Oh, I got it.

Mr. Buzak: All right, let's mark that A-4 and that's Sheet 8, Mr. Kaplan?

Mr. Kaplan: That is Sheet 8 which is the lighting plan in detail...

Mr. Dunne: Revised through what date...

Mr. Kaplan: Yes. January 8, 2020. Well, at the east side of the lot along the road, those are all existing right now. They light the road. That's been there for years and years and years and the lights that on the building are existing as well. And they were on the building. The lights by the roadway, I have no problem with if you want them 18 feet, that's fine by me because there's really no reason for those to be as high because the trucks aren't going to be at that point. They're going to be more in the center of the lot. The ones in the center of the lot, I would have liked them to be higher. I mean, 25 feet would work well. If that's a real big problem...you know...if you're really concerned about the development across the street that...you know...we can compromise. If you really want to keep it 18, I could just put more 18 foot poles in the center.

Mr. Dunne: Well, how does that work with your traffic coming out there?

Mr. Kaplan: Well they hit poles...laughter. But I would rather not in the center because that's where they travel but the ones in the front. That doesn't matter as far as you know. They're not parking that close. You know...I just don't see that there's going to be a problem here.

Mr. McGroarty: And the reason why I think and I understand you're in a General Industrial Zone, you're entitled. But again, you're asking for a deviation from the ordinance for the lighting. And the reason why I don't think you need as much lighting is you're telling us this is a storage yard. This is the one in the back. So as opposed to an active parking lot, which that's why I don't know. I'm usually on the other side of the argument saying you have to meet the ordinance standards for distribution. I'm sure you'll have people coming and going in evening and overnight hours. But I don't know how. I don't know how active it's going to be. And apparently you don't either yet because you don't have anybody lined up for it. I just don't think you need as much lighting as you have. And I would say in front of your property as opposed to the back 29 or the 25 foot poles are at some point they have the potential of being a light hazard...light pollution.

Mr. Kaplan: Yes. I mean, like I said. I have no problem bringing these down all the ones in the front and then all along the roadway. These, like I said, are already existing so I guess, just the

center lights in the center of a Lot 5 or Area 5 that's where you're having the problem. So I could still bring them down...you know...from 29 to...you know...give me a number.

Mr. McGroarty: I'll give you the ordinance, 18. But again, I'm saying. Do you...well, I asked the question. I don't want to beat a dead horse.

Inaudible

Mr. Dunne: The question is, Ken how frequently do you think access is needed in the back for vehicles in the middle of the night?

Mr. Kaplan: I don't know because I don't have it rented out...trucks come and go...

Mr. Dunne: I mean in the back. What's your experience in back if you have that rented out? Right. What's your experience of the trucks? The trucks come and go in the back.

Mr. Kaplan: I mean...you know...in the winter it's still fine. You know, at 5:30 at night, it's dark...you know...and they do come in at six, seven, whatever it is. But so you do need light. I mean, I will cover it with the...you know...the 18 footers here. Keep it down, because I understand they have some things going on across the street. And if you wanted to bring it down, I could just add another light pole in there to space it out a little better and get a little more light in between the trucks. And I think...

Mr. Weiss: That sounds like a plan. All of them 18 feet. Let's move here. So please revise the plan you show. Greg, we'll talk about it later. You determine how many poles you need. That makes everyone happy. Yes. Perfect. Chuck, anything else?

Mr. McGroarty: No, thank you.

Mr. Weiss: All right. Anybody have any questions for Mr. Kaplan? David?

Mr. Scapicchio: Yes. Kirk Allen brings in soil. There's a mountain of soil in there.

Mr. Kaplan: Correct.

Mr. Scapicchio: He processes that soil all the time and sells it and its top soil, rock, whatever. Do you need Morris County Soil Conversation's approval for that?

Mr. Kaplan: There already is. Yes, Shiela Hall comes over like every...Sheila Hall. She's the one who is the inspector. She's at the site from time to time...you know...and she checks everything out. Those are things we haven't had any, or he hasn't had any problem because it has nothing to do with me other than it's my property

Mr. Scapicchio: Does he accept soil that's not certified?

Mr. Kaplan: Everything is certified on the site. It is all certified 100 percent. He has her certificates. Cost him quite a bit of money for it. But he even said to me, if you need any fill over on your site, it's all certified. So we're good to go.

Mr. Scapicchio: All right. Good. Thank you.

Mr. Kaplan: You're welcome.

Mr. Weiss: Anybody else? Mike?

Mr. Vreeland: Not at this time.

Mr. Weiss: Okay. Let me open to the public. Anybody from the public has any questions for the testimony given this evening by Mr. Kaplan and I see none. So I will close it to the public.

Mr. Dunne: Thank you.

Debra Baranowski Kaplan was sworn in for the record.

Mr. Buzak: For the record, please state your name and business address, spelling your last name.

Ms. Kaplan: Debra Baranowski Kaplan and 144 Mountainside Drive, Randolph, New Jersey.

Mr. Dunne: Thank you. Now, Ms. Kaplan, you happen to be related to one of the principles of the applicant, is that correct?

Ms. Kaplan: Yes.

Mr. Dunne: But you're a licensed architect.

Ms. Kaplan: Correct.

Mr. Dunne: Licensed in the State of New Jersey?

Ms. Kaplan: And Florida.

Mr. Dunne: And Florida. And where'd you go to college?

Ms. Kaplan: I graduated with my Bachelor of Architecture from the New Jersey Institute of Technology.

Mr. Dunne: And then you've been tested in New Jersey and then Florida to get your licenses, is that right?

Ms. Kaplan: Correct.

Mr. Dunne: All right. And the fact that you're married to Mr. Kaplan, does that influence your ability to testify truthfully in connection with this matter?

Ms. Kaplan: No, it does not.

Mr. Buzak: Your licenses are still up to date and valid?

Ms. Kaplan: Correct.

Mr. Buzak: At least in New Jersey. Thank you.

Mr. Dunne: All right now, Ms. Kaplan, would you please step over...

Mr. Weiss: Hold on, before you do that. Does anybody have any questions for Ms. Kaplan. I don't see any. We will accept Ms. Kaplan as the architect.

Mr. Dunne: Thank you. Step up, Ms. Kaplan, and try to get close to that microphone on the left. I know there are very minor changes in with this existing building. Would you explain to the Board any changes that are being proposed for this application?

Ms. Kaplan: The only changes proposed is to add a new...

Mr. Buzak: Excuse me. Can we mark that A-5. I don't think we did. This is the plan that is dated February 4 in the legend box...title box?

Mr. Dunne: Yes. All right. Can you explain to the Board any changes being made to the existing structure of Building 4.

Ms. Kaplan: A proposal would be to have a new overhead and a screen door here at Number 2.

Mr. Dunne: So this building is divided into two rentable units. Is that correct?

Ms. Kaplan: Correct.

Mr. Dunne: And the only change is that door?

Ms. Kaplan: Correct.

Mr. Dunne: And the floor plan is existing...as it currently exists today.

Mr. Kaplan: Yes.

Mr. Dunne: These are the elevations that will show once the building is completed.

Ms. Kaplan: The building?

Mr. Dunne: The building is completed? Yes, elevations?

Ms. Kaplan: This will be the additional doors.

Mr. Dunne: Okay, and there are no changes to the color or materials of the building. It's going to stay the way it is.

Ms. Kaplan: Correct.

Mr. Dunne: That's all I have for this witness.

Mr. Weiss: Does anybody have a question?

Mr. Vreeland: I have a question. I guess the rear doors and that landing are existing.

Ms. Kaplan: Correct.

Mr. Vreeland: Were they added since the site plan was done. They're not shown on the site.

Mr. Dunne: I don't think that building elevation is shown at all on the site plan.

Mr. Vreeland: The footprint of the building was...

Mr. Dunne: Just the footprint.

Mr. Vreeland: And they showed a pad and I think in front of one of the doors. But there was nothing showing in the back. I just didn't get it.

Ms. Kaplan: At one point, they were demolished.

Mr. Kaplan: They were rusted to ruin and it was just put up because of safety. You know, it's a high...inaudible...that backwards.

Mr. Vreeland: The reason I was asking you is that building is close to the property line and I just wanted to make sure everyone was on the same page, if those are actually existing or not.

Mr. Kaplan: It would be dangerous to walk out the door if that was existing. You know, it's like a seven foot drop.

Mr. Vreeland: I didn't look specifically. I just notice it wasn't on the plan.

Mr. Weiss: Chuck?

Mr. McGroarty: On Mr. Ploussas' plans it is saying a chain link fence in back of the building. These steps are how wide?

Ms. Kaplan: Three feet...

Mr. McGroarty: So they come out towards the fence.

Mr. Kaplan: Well, that's from the back of the stairs, the fence is probably 10 feet?

Mr. Weiss: Not sure we can pick you up Mr. Kaplan...

Mr. McGroarty: It's not 10 feet. My question is did you say you added these steps?

Mr. Kaplan: No. Those steps...

Ms. Kaplan: Were already replaced.

Mr. Kaplan: Those steps were replaced. They used to be metal steps when we moved there and they were so rusted, they looked dangerous.

Mr. McGroarty: No, I understand what you said. The reasons are not really important to me. Did you get a permit to put those? Inaudible...but a permit for the Construction Office?

Mr. Kaplan: We did get a building permit to do...you know...certain things in a building at the time.

Mr. McGroarty: The steps? If you didn't do it, you need to, because especially when leasing it for...

Mr. Kaplan: Even if it's replacing the existing landing?

Mr. McGroarty: Absolutely. That is an emergency access.

Mr. Kaplan: Okay. I can pull that.

Mr. McGroarty: And it's significant grade change there. You absolutely need to do it by code.

Mr. Kaplan: Can we just use their existing footings? That's fine?

Mr. McGroarty: Got to do it by code.

Mr. Kaplan: Okay, I'll pull the permit.

Mr. Weiss: Anybody else? Okay. Nothing else. Ken?

Mr. Forlenza: My question is, no need for office space?

Ms. Kaplan: It hasn't been established yet. So this is again, for the use of the trucks being serviced. If they wanted, we could provide that within there. But at this point...

Mr. Weiss: Thank you. Nobody else? Has anybody from the public have any questions for Ms. Kaplan and the testimonies given tonight? I see none. Thank you, Ms. Kaplan.

Mr. Dunne: Bryan Duddy, please.

Brian Duddy was sworn in for the record.

Mr. Buzak: State your name and business address for the record, spelling the last name.

Mr. Duddy: My name is Brian Duddy DUDDY. My address is 44 Hill Street, Morristown, New Jersey.

Mr. Buzak: Can you spell Brian?

Mr. Duddy: It's BRIAN.

Mr. Dunne: Thank you. You may be seated, Mr. Duddy. You're appearing before the board today as a professional engineer. Is that correct?

Mr. Duddy: Correct.

Mr. Dunne: Could you explain your qualifications to the Board?

Mr. Duddy: I received my Bachelors in Science and Civil Engineering from New Jersey Institute of Technology in 2011 worked at various firms since Bolar Engineering between 2011 and 2014, Dewberry Engineers between 2014 and 2018. I received my PE License in April of 2017. I then worked at Suburban Consulting Engineers as a Project Manager from 2018 to 2019 and I currently work as a Public Engineer up in Ridgewood in Bergen County.

Mr. Dunne: Have you ever been qualified before a Board before to testify as an expert?

Mr. Duddy: I have not.

Mr. Dunne: This is your first time?

Mr. Duddy: Correct.

Mr. Dunne: All right. And you're a licensed engineer in the state in New Jersey.

Mr. Duddy: Correct.

Mr. Dunne: All right. And I offer him as an expert, Professional Engineer.

Mr. Weiss: Mike, anything?

Mr. Vreeland: No.

Mr. Weiss: I usually ask have you been before us? We're happy to have...

Mr. Duddy: I appreciate that.

Mr. Weiss: Anybody have any questions for Mr. Duddy? I see none. So welcome. Congratulations.

Mr. Duddy: Great. Thank you.

Mr. Dunne: Mr. Duddy, you were brought into this application mainly to work on preparing a stormwater management plan, which is what you did and you ended up also having to do issues regarding landscaping, buffering and building out the stormwater management basin as well as truck turning radiuses. And I think that was about it. Is that correct?

Mr. Duddy: Correct.

Mr. Dunne: All right. So let's talk first about referring to Mr. Vreeland's report. It's dated February 19th, 2020. It's fresh off the press. I'm now referring to Page 2 of 4, which has comment beginning with 1.42, 1.44, and moves on to the next page. So Mr. Duddy, would you kindly address the concerns raised in the comments by Mr. Vreeland and at 1.42 which is regarding testimony of disturbance and location of tree line.

Mr. Duddy: Sure.

Mr. Dunne: You can use the diagram there if you want to, we'll mark that as A-6.

Mr. Duddy: This actually is the same plans that were submitted to the Board,

Mr. Dunne: But they're marking them anyway, A-6. And you identify the date of the plan and the title of that plan.

Mr. Duddy: It's the stormwater management plan for Waterloo Development, Grading and Drainage Plan, Sheet 1 of 5 dated February 6, 2020.

Mr. Dunne: All right. So we're talking about the area of disturbance, I think.

Mr. Duddy: Correct. Yes. This comment specifically refers to the disturbance in front of Building Number 4, the existing gravel area that's out there. This was previously disturbed. We are matching the disturbance with some of the proposed conditions. And discussions with Mr. Kaplan, the applicants, this was the third by the previous owner. There were some low shrubs and scratchy landscaping that was cleared out in order to utilize this area.

Mr. Dunne: In fact, there was an old site plan that we had that shows the availability of that land for that purpose. Was that right?

Mr. Duddy: Correct.

Mr. Dunne: We actually had that old site planted here if you are interested in seeing it. But wasn't going to introduce it because...can be referred to by testimony. Now, is there anything else we need to say about the location of the tree line in that location?

Mr. Duddy: Not really. I mean, the canopy lines shown on their still match up with today. That's really the overhanging branches. So it is showing a little bit past that gravel area. However, it is existing.

Mr. Dunne: All right. And let's go to 4.1...I'm sorry, B 1.4 to be tree planting. Landscaping has been added to the plan. This is looking to Mr. McGroarty's comments. This is the tree plant I think, which is another sheet you have?

Mr. Duddy: Correct. This will refer to the second sheet. Sheet 2 of 5 also dated February 6th.

Mr. Buzak: We'll mark that A-7.

Mr. Dunne: And what does this show?

Mr. Duddy: This plan shows the existing landscaping or the existing trees on the site and species within the limit of disturbance. It also shows the minimal disturbance in the trees required to be removed. Per the township ordinance, there are replanting requirements based on the size of the tree. This can be...there is a table looking at the top right of the sheet with the number of trees to be removed. The corresponding number require replacing trees and the total number of replacement trees proposed. For discussions with the township, the replacement trees were utilized to incorporate and propose a buffer along Continental Drive to screen the area. Number 5, the gravel lots from the adjacent properties. The total number of replacement trees is 122, which are all included along the site's frontage.

Mr. Dunne: What type of trees are those that are proposed.

Mr. Duddy: They are Norway spruce evergreens, fairly common buffer plants.

Mr. Dunne: Is there a size of those being proposed?

Mr. Duddy: Yes. If you know, on the top left of the sheet, the landscape notes the trees shall be a minimum of 8 feet in height at time of planting per the Township Ordinance.

Mr. Dunne: All right. This is intended to provide a fairly dense buffer to the proposal on the site. Is that correct?

Mr. Duddy: Correct.

Mr. Dunne: Is the elevation lot higher there also, where the trees are being planted?

Mr. Duddy: In relation to the street and the adjacent...

Mr. Dunne: In relation to the parking area that's being proposed here.

Mr. Duddy: Correct. Yes. The buffer is slightly higher than the onsite gravel, area Number 5.

Mr. Dunne: And that replaces, a deciduous boundary line...boundary planting, which you could actually see through at this time.

Mr. Duddy: Correct. Yes. In the winter time the leaves are all off. It's fairly thin. So this is to replace that and make it better.

Mr. Dunne: So those 100 plus trees will actually improve the vision from the proposed development across the street.

Mr. Duddy: Correct. By screening, literally screening, the proposed use here.

Mr. Dunne: And it's a better option than what's there now.

Mr. Duddy: Correct.

Mr. Buzak: Mr. Duddy, Sheet 2 that we are talking about A-7, can you just point out to me where the lighting is along that driveway? I assume it was behind those trees that you're planting.

Mr. Duddy: The lighting...the lighting is not shown on these plans, actually.

Mr. Buzak: I understand that they are not shown on the plans. That's why I am asking you. Do you know what they are?

Mr. Duddy: Yes. It'll be on the east side of the proposed macadam driveway along the fronts, slightly offset from...

Mr. Buzak: So is it fair to say that these Norway spruce trees that you're referring to will also have a buffer from the lighting from that parking lot, that one referring to earlier, which Mr. Kaplan...

Mr. Duddy: It will over time. As stated before the time of planting, they'll only be 8 feet high. Norway spruce do grow between 2 to 3 feet per year.

Mr. Buzak: So they will get to 18 feet quicker then they'll get to 29 feet.

Mr. Duddy: Correct.

Inaudible

Mr. Dunne: All right. Now referring to Item Number 1.4.4 on Page 204, there's a comment there about a spot elevation...inaudible. You want to address that issue?

Mr. Duddy: Yes. The actual...and this is better showing in the previous exhibit. Sheet 1 of 5, Grading and Drainage Plan, really being...of that proposed driveway located at the north west of the site...the new driveway used to actually not crown on site. It's a swale into that inlet past the inlet and resume the same patterns drain off to the north so that inlet was placed there to capture as much runoff from the impervious driveway as possible as opposed to letting it run on to Continental Drive that we also piped into the system to the water quality basin.

Mr. Dunne: Does that answer your question, Mr. Vreeland?

Mr. Vreeland: The site elevations indicate a high point and the elevation of the inlet is going to be higher than the gutter line so that is a crown section. If the intent is to do the swale, I would just ask that the plan to be amended to reflect that.

Mr. Dunne: So we'll amend the plan to lower that so that it drains properly.

Mr. Duddy: Absolutely. Yes. Inaudible.

Mr. Dunne: The next comments, 1.45 deal with the turning templates. Do you have a different plan for that?

Mr. Duddy: Yes, exactly.

Mr. Dunne: Now let's pull that out.

Mr. Duddy: There's part of 1.44...relates to the well.

Mr. Buzak: We will mark that A-8. And what sheet is that, Mr. Duddy?

Mr. Duddy: Sheet 4 of 5, Truck Turning Plan, revised February 6, 2020. So this plan shows radiuses...inaudible...a fairly large common tractor trailer in movements possible for the new driveway. Left in and right in and left out and right out. The driveway width is 36 feet turn with a radius to accommodate these trucks. We've also curved the driveway up to the property line just for as a matter of protection to prevent any ruts or anything along the roadway. We've added spot shots. As we said before, I work with Mr. Vreeland to satisfy the swelling intent there. And that's basically it. It is also notable that's trucks utilizing Area 5 for parking will only be using this driveway.

Mr. Dunne: This probably means the northern northernmost driveway.

Mr. Duddy: Correct.

Mr. Dunne: So they're not permitted, nor can they physically actually come in to that center driveway. Is that right?

Mr. Duddy: Correct. Not to access this gravel lot to the north.

Mr. McGroarty: May I?

Mr. Weiss: Sure, Chuck.

Mr. McGroarty: I just want to make sure I understand that. So you're saying no trucks...any trucks that use.

Mr. Dunne: No, that's not true. No trucks can turn left coming in off that center driveway. It's a parking area there.

Ms. Natafalusy: What's going to prevent them from turning left?

Mr. Dunne: They can't make that turn. They won't be able to make that turn. And we could put a sign there, but they can't make that turn.

Mr. Duddy: That existing driveway in the center will basically operate as it does today. Trucks will enter, make a right turn to access the southern portion of the lot and truck having spaces...from Area 5 will have to utilize the new driveway cut to the north. And as Mr. Dunne stated, the applicant would be willing to put signage up and anything like that to prevent any conflict there.

Mr. Vreeland: Is there a need to extend that parallel driveway, then, all the way to that intersection?

Mr. Dunne: Well, the reason for it was only for convenience. In the event someone... if Mr. Kaplan wanted to move from this parking lot to go over to Building 4 rather going all around the building, he would go down that road. It's really not big enough for a truck. They can't make turns in there.

Mr. Duddy: And that also relates to the second part of Comment 1.44.

Mr. Vreeland: I don't mean just to follow up...can't you do that by going through the existing parking lot there?

Mr. Dunne: You could go all the way around the building and go through all those sites to get to the back rather than going just straight across. So it's a matter of convenience. So are the other turning ways that are you concerned about, Mr. Vreeland?

Mr. Vreeland: I mean, I was specifically concerned about the turning radius on that movement. It wasn't provided because it's not going to be a movement...

Mr. Dunne: It's not...making that move.

Mr. Vreeland: And I wanted to know if the...inaudible...been shown making a left hand turn off of that parallel driveway and exiting? Yes, you have a proposed parallel driveway that's running parallel to Continental Drive.

Mr. Duddy: Correct.

Mr. Vreeland: You said the trucks were going to be parked facing the roadway. So I'm assuming trucks in it come down to that paved driveway, make a right hand turn and then make a left hand turn to exit. These turning movements been looked at?

Mr. Duddy: Yes. I mean, we can supplement this plan to show that, just to be clear what Mr. Vreeland is stating. Trucks traveling west ward direction turning to the north along that driveway parallels Continental Drive and then trying to make a left out and turn back south. It should also be noted that the gravel area trucks can kind of...

Mr. Dunne: Well, there's no turning radius there. It just goes right off the macadam onto the street under the other driveway.

Mr. Vreeland: How do you...I mean... I understand the intent of that front driveway is to provide access to the new driveway out on to Continental Drive. So trucks are going to pull forward towards Continental Drive, get on that paved access and they need to make a left hand turn to get out to Continental Drive. My question is, can they make that left hand turn and then go in either direction on Continental Drive?

Mr. Duddy: Yes, so that movement is not shown on this plan, but we can definitely add that movement to this plan. So if you're traveling in the northward direction and then making the left turn out on...

Mr. Vreeland: And also what is going to become of the monitoring wells that are out there? I see the one turning template cuts through a couple of them.

Mr. Duddy: Yes. Ken Kaplan has spoken to the environmental company that's handling them. And they will be cut down to propose grade.

Mr. Vreeland: If converted to flush mount monitoring...

Mr. Duddy: Exactly, correct.

Ms. Natafalusy: Do the trucks fit on that roadway there?

Mr. Dunne: Well, they can't get in there.

Ms. Natafalusy: But they can come out and make a right.

Mr. Dunne: Apparently.

Mr. Forlenza: And that's the center drop the existing driveway? They can't come in and make the left to Area 5...

Mr. Dunne: But they can't make an access there that would make that turn. That's the point. The next issue that had to come up was the issue regarding the easement. The waterline easement from Stanhope, I provided the deeds of abandonment for that. And that area is not even used for water at all. It's just a pipe underground. And if it's interfering with the water, the plan would be what? If it was interfering with stormwater management, you would probably take that pipe out?

Mr. Duddy: Correct.

Mr. Dunne: You're not going that deep anyway.

Mr. Duddy: We're not going that deep. Per Mr. Kaplan's information that abandoned water line is approximately 10 feet below grade there. So we won't be touching it. If we do, it could be removed.

Mr. Buzak: I'm sorry; I didn't hear the last part of your testimony. If you do...

Mr. Duddy: It could be removed because it's an abandoned water line.

Mr. Dunne: All right. The next issue that comes up is the 4.2 we've already talked about 4.1 with Mr...

Mr. Weiss: I don't really believe we talked. We mentioned. I don't think we talked about it.

Mr. Vreeland: I mean, one specific point that I wanted to ask a question...I want to ask is that...with the proposed ground water infiltration basin that has a licensing site remediation professional evaluated that to make sure it doesn't have a negative impact on the subsurface environmental situation out there?

Mr. Duddy: I have not spoken to...inaudible...about that. Really, the intent of that basin is not to be an overall filtration basin. There are other ones proposed, I would perforate the pipe to capture the treated water to capture it after it gets treated by the sand filter that's in there. And take that put to the discharge point. I believe Mr. Kaplan has some information on the contamination that's out there. However, we haven't really considered that in the design. We'd be more than happy to work with you guys for any methods to prevent any more infiltration down there.

Mr. Dunne: Well, there's no known contamination that is surface level in that location. So I'm not sure.

Mr. Vreeland: No, but the purpose of the basin is to infiltrate water into the ground.

Mr. Dunne: Surface water that comes in goes into the basin, it goes into the ground, but it's no different than any other parking facility.

Mr. Vreeland: My concern is by concentrating a groundwater basin like this, you potentially create a groundwater mound that could change the hydraulics in the area. I don't know anything about the contamination.... LSRP My question is has a license site remediation and professional associate with the cleanup taken a look at this?

Mr. Duddy: I don't believe LSRP has taken a look at the design, no.

Mr. Vreeland: Thank you.

Mr. McGroarty: Could you stay on this for a moment, Mr. Chairman?

Mr. Weiss: Go ahead, Chuck.

Mr. McGroarty: Just because my report did raise the issue. I had a comment in my report, and I sort of missed it when Mr. Kaplan was up here. I spoke with Mr. Kaplan at the site. I did tell him that this was a concern not only of us, but the environmental commission. Can someone give us a

status report on all the monitoring wells because you started...Areas 5 and 6 will cover more...inaudible.

Mr. Dunne: I have a recent report from the monitoring company and I have a witness on this, but it's a report I think it's a business records exception, hearsay rule, be happy to submit that report. It simply gives observations of what's currently going on at this site and it indicates it's ongoing monitoring situations. So I had enough of these for all the board members, if you want. I think it's clearly an exception to the hearsay rule out. I need somebody here to introduce this. It's a it's a records exception.

Mr. McGroarty: So I guess my question is, will there be any adverse impact of covering these areas with compacted gravel as Mr. Kaplan testified earlier. Do graveled areas get seriously compacted? I have no idea. I mean, Area 5 Area 6, there are a number of monitoring wells. As a matter of fact, I'm not sure there are. I don't know if there are any wells down by the proposed detention based either. But there are and these are areas. So is this going to affect your function?

Mr. Kaplan: I think this company comes out to our site regularly to monitor our wells, they've been doing it since we've been there. There was a series of 36 wells originally on site. They closed more about 20. There are still some wells left and they're planning on closing a number of them in the spring. This is what I've been...you know...they always give me a heads up when they come in and they give me a little report. I've gone over all of this stuff with them and they've never given me any feedback that, hey, you shouldn't be doing this. I told them what I'm going to need. I'm going to need them to cap a lot of the wells, which they have done in certain parts of my property. They don't cap them as far as not usable. They just make them accessible. They come in. They have a company come in. They put up...you know...piece of concrete about this thick. And they put the certain cap on it that they can access. And they said there's no problem. They said, even if you want to put a...

Mr. Buzak: I have to stop you, Mr. Kaplan. What you tell us, they told you, doesn't give the Board any direct testimony. You could be...I understand you are under oath...you could have misunderstood what they said, you could have heard what you wanted to hear, or you could be inadvertently misstating their position. Inaudible...

Mr. Dunne: I'm offering as evidence these reports which go through December 2019. And also, if the Board is concerned with whether or not this plan has some impact on monitoring wells, I would submit that, we can submit our plans after the hearing to them to find out if after they review the plan and they have some problems...I don't think they will because I don't think there are any monitoring wells that are being impacted except for the one that's been cut down to the ground level. And so they've been there all the time. We're happy to do that. I think we can do that by maybe making that a condition of approval, I suppose, if you're going to approve this. So that we don't have to come back. And if it doesn't work out, then we'll come back and reopen the matter and bring some testimony.

Mr. Buzak: But to me, part of the problem is if we follow that logic, then we are in the...inaudible...hearing. We just have the engineers submit their plans and the architects submit their plans. And we sit up here and we review...

Mr. Dunne: But it's a ministerial act to observe the plans.

Inaudible

Mr. Buzak: Let me ask you one thing. These records that you are going to submit, are these certified records that are submitted to the DEP to submit to any agency or just readings that they've taken that you retain them to do these readings, they send it to you. What do you do, Mr. Kaplan, what do you do with these reports that you get?

Mr. Dunne: Well, yes, they're copied to the Division of Remedial Support, by an LSRP. But they are not sealed. They are looking for a seal. These are not sealed.

Mr. Buzak: We're looking for a certification from them...

Mr. Kaplan: We can certainly get that for you.

Mr. Dunne: So I doubt if they submit an official record to the NJDEP LSRP that's not true, but I don't think I've ever seen one submitted under affidavit by way of a report submitted from LSRP to the NJDEP, which accepts LSRP records, they don't even question them. They just accept them.

Mr. Buzak: It was my understanding and I could be wrong. When they submit those, there's some certification that is submitted with that. I don't mean to separate certification, I can go to court for certification from LSRP that this is accurate material...rely upon that.

Mr. Weiss: Can you tell them what is a LSRP?

Mr. Dunne: Licensed Site Remediation Specialist.

Mr. McGroarty: There appears to be a number of monitoring wells and it was in Area 5. It looks...the plans...

Mr. Buzak: What sheet are you looking at?

Mr. McGroarty: Sheet 5. Which is Exhibit A-2.

Mr. Buzak: Mr. Ploussas' plans?

Inaudible

Mr. McGroarty: And then by Building Number 4... the loading dock and then one just to the south of the loading area not dock but loading area. So I guess our question is just, tell us...will they still have access to these wells?

Mr. Kaplan: In the area, the large lot they were monitoring wells...they are monitoring wells there. And they've cut them down. They surface mounted them and they use them, as they need them. You know...they come in once a month and they said, even if you put a building here, we just need to...you know...we're just telling you that you're going to have to allow us to have access to it. And we'll give you...you know...whatever notice you need. And I said, no problem.

And I did say to them...you know...we're going to be in the back building...you know...when they're there, because I see them all the time. And I talk to...inaudible...who owns Equity Environmental. I said...you know...we're going to need to cut these down. And he said, no problem. Just let us know what...

Mr. McGroarty: They'll still have access... they still will be able...

Mr. Kaplan: Of course, to every well they have, yes. I mean, we've already done it a number of times on site.

Mr. Dunne: So, I mean, I'm not seeing what further study would help us...

Mr. Vreeland: I'm guessing those documents that you have are sample results. It doesn't probably give any indication on whether your proposal is going to have any negative impact.

Mr. Dunne: It doesn't review the proposal, but it's...

Mr. Vreeland: That's simply my point. I'm asking if anyone has reviewed the proposal from that perspective.

Mr. Dunne: It didn't seem to bother them about the one we did.

Mr. Vreeland: Has anyone...but they haven't...you just said they haven't reviewed it.

Mr. Dunne: Haven't reviewed, as far as I know, they haven't reviewed it. We can get them to review it if that's a serious concern.

Mr. Vreeland: That would be my recommendation if this was going forward.

Mr. Weiss: So make a notation that would be a condition.

Mr. Dunne: So would that be a condition that can be done by submission of a report or by additional testimony? Would be my question.

Mr. Weiss: I would think there needs to be some kind of formal communication from the well monitoring system company that they have reviewed the plans and they have no objection. If that's their case.

Mr. Dunne: That's fine. And it can be submitted in writing. Or if the Board requests additional testimony at that time, we would do it. I just don't think it's necessary. I would...

Mr. Weiss: This LSRP is accountable to whom? The state...

Mr. Vreeland: They're personally accountable to the state of New Jersey.

Mr. Weiss: Okay. So that's fine. So their letter would carry some weight?

Mr. Vreeland: Yes.

Mr. Dunne: If you want this, I can offer it or we can get something from them.

Mr. Weiss: Right. I think that. I don't know if we need that, because I think what we want to see is that they've reviewed your plans and don't have a problem.

Mr. Dunne: Okay. We'll do that.

Mr. Weiss: Is that the direction the Planning Board...I don't know if this is necessary.

Inaudible

Ms. Natafalusy: ...the Environmental Commission...Moser.

Mr. Dunne: You're on the Environmental Commission?

Ms. Natafalusy: Yes, he said he was going to be here...

Inaudible

Mr. Weiss: Regardless, let's not get caught up...that's the direction.

Ms. Natafalusy: No, I'm just saying maybe we can get something from him?

Inaudible

Mr. Weiss: If he can sign off on it then I'm not really too concerned who does. That company needs to send us a letter.

Mr. Dunne: All right. We'll get something.

Mr. Buzak: Their LSRP needs to submit the information. Whoever it is from our end beyond Mike can look at it as well and provide any comment.

Mr. Dunne: Well, we'll submit it to the Board and then the Board can distribute it as it thinks is appropriate.

Mr. Buzak: That's fine.

Mr. Dunne: Is that enough, Mr. Vreeland? And I think that was the only issue you raised with regard to environmental issues. And I think we've addressed that.

Mr. Vreeland: That was my primary.

Mr. Dunne: And Mr. McGroarty was there some other issue you had with regard to environmental issues.

Mr. McGroarty: No.

Mr. Weiss: Did we agree to the waiver of the EIS?

Mr. Dunne: Well, that's what we're asking...

Mr. Buzak: That is what you are asking for now?

Mr. Dunne: With the testimony that said, we're asking for that because there are no other environmental issues. It was a fully developed industrial site for many, many years. And it's just being redeveloped.

Mr. Buzak: No, I understand. And I did not know. Your testimony is complete and you're asking the Board based upon the testimony that's been provided whether or not they are willing to waive any requirements...

Mr. Dunne: Yes, additional environmental issues. That's correct.

Mr. Weiss: Because currently the property in this Area 5 is not...I wouldn't call it wooded...overgrown? So what do we need to be concerned? I mean, this is a rhetorical question, but any wildlife that might be in that area that would be homeless?

Inaudible

Mr. Weiss: I know what it looks like. I'm just kind of raising the question. As we look to determine the waiver of EIS., you have to consider the overall picture of what gets accomplished in it in the EIS or are we wasting our time?

Mr. Dunne: There's so much activity in and around us. But I would describe as any animal...

Mr. Kaplan: Here are the original plans from...that used to be Singer Sewing Machines...

Inaudible

Mr. Weiss: You can put that away.

Mr. Kaplan: Okay, I was just...there were a number of building there...

Mr. Dunne: ...mark them anyway because we talked about them. I think we have to mark them. What are we at? S-9?

Mr. Buzak: A-9.

Mr. Dunne: A-9 sorry...all that is...

Mr. Buzak: I'm not sure...

Mr. Dunne: If you don't need it...

Inaudible

Mr. Dunne: We are going to talk about critical areas, which there are some on the site which we're not using, but it will be some testimony.

Mr. Weiss: We discussed EIS. So I guess the question is will the Planning Board look to make a waiver of that EIS. Does the Planning Board have any opinion...any objection of waiving that EIS.

Mr. Vreeland: Can I just make one point? I know we have one more witness. Do you want to wait on that waiver...

Inaudible

Ms. Natafalusy: Did you address the proximity to the Stanhope Wells? Inaudible...the impact on the site...

Mr. Dunne: We satisfied the Wellhead Protection Act, all the restrictions. So there's no other restrictions I know of as far as parking there.

Ms. Natafalusy: Well, if you're going to have a gravel parking lot, isn't there possible contamination into the ground if a truck leaks oil?

Mr. Dunne: There's that your own house, if there's a car parked in your parking lot...

Ms. Natafalusy: My house is not in proximity to the Stanhope Well.

Mr. Dunne: I know. We've satisfied the conditions of the Wellhead Protection Act by their testimony. So far, there's no need for us to go beyond that.

Mr. Weiss: Okay, so let's continue. Mr. Dunne?

Mr. Dunne: Well, I don't think there was anything else on that testimony that I see. Mr. Vreeland also talked about the traffic study, which I think we've satisfied you as far as anything else is concerned, is that correct...the radius to be done?

Mr. Vreeland: Yes.

Mr. Dunne: I have no other questions of Mr. Duddy.

Mr. Buzak: I didn't hear any testimony yet and I may have missed it as I was flipping through plans here. But regarding the actual storm water management, I thought that...is Mr. Ploussas going to talk about that?

Mr. Dunne: Typically, we don't get into the details on stormwater management. I can have him testify to that. Mr. Duddy wants to show the Board with the stormwater management basin looks like and where it is.

Mr. Buzak: I didn't miss it.

Mr. Weiss: Is this a new exhibit? If it is it's A-9.

Mr. Duddy: No, this is a previous exhibit A-6

Mr. Weiss: Thank you.

Mr. Duddy: Sheet 1 of 5, Grading Drainage Plan, previously marked as Exhibit A-6. Inaudible...drainage design of the site. This drainage design addresses improvements for Area 5 and Area 6. Looking to the north of the main buildings on site, Area 6 or excuse me, Area 5, is the larger of the two, it should be graded in a west...westerly fashion towards Continental Drive being captured by a swale along the circulation. The paved circulation isle running parallel to Continental Drive that swale along with the inlets and the pipes have all been sized for the 100 year storm. Per or a previous comment letter by Van Cleef. The stormwater capture captured here piped into a manhole located to the east of the existing driveway on site. They will be combined with stormwater flow from Area 6, which has been regraded just to flatten out a little bit to make the storage of vehicles or transport vehicles in and out of Building 4 a little easier. They'll be pitched away from Building 4 captured by the inlet located to the south of Building 4. All the stormwater flow from the gravel areas, from the entrance driveway to the north, and the building will be piped into the proposed water quality detention basin. That will be...that satisfies the water quality requirements from New Jersey DEP BMP Manual, which is the Best Management Practices Manual. Inaudible...sand filters. This provides 80 percent total suspended solid removal, further requirements and will be the base and it will have 18 inches of sand to provide the water quality treatment, 2 inches chokers stone that kind of slows down the purging of the water. Then there are four inch perforated PVC pipes to take that treated water and transport to the discharge point. Stormwater basin has also been sized along with the outlet control structure to provide water quantity reductions per N.J.A.C 7:8 Stormwater Management Rules. It provides reduction required...reduction flow reductions 2, 10, and 100 year storms. It's discharge to the north of the proposed basin and utilizes conduit outlet protection in the form of a scarrow hole. At the discharge point, scarrow hole provides velocity, attenuation, and prevents soil erosion at the discharge water.

Mr. Dunne: Where does the water ultimately go to?

Mr. Duddy: It's discharged in to an existing fairly large ditch formation efforts treated for water quality, travels into the wetland area to the east and eventually flows...flows to the Morris Canal.

Mr. Dunne: It doesn't go towards the Stanhope Wells.

Mr. Duddy: Correct.

Mr. Dunne: Ok. I have no other questions.

Mr. Buzak: Mr. Duddy, I thought you said that the slope was toward Continental Drive. Did I understand what you're saying?

Mr. Duddy: No, you did not. So basically to maintain the existing elevations along the frontage, to provide the evergreen buffer, we had to slope...to the east of Area 5, is the existing driveway that's higher than the Continental Drive down here to maintain basic time to existing along the frontage. We wanted to plant the buffer, also maintain any and preserve any existing vegetation up there as much as possible. So we sloped basically above grade. It slopes down towards the west towards Continental Drives, gets picked up by the swale. And again, let's...and then underground, it gets piped to the east, to the basin. Does that answer your question?

Mr. Buzak: I'm not an engineer, obviously, but it seems like you. It's sloping to the west right toward Continental Drive.

Mr. Duddy: Overland. Correct.

Mr. Buzak: Right. And then it's collected. So it's sloped down to Continental, it's collected, and then it's...how does it get back up to where...

Mr. Duddy: There's a severe elevation drop to the east that this existing driveway, this manhole is fairly deep as well to collect that water. So above ground, it slopes down to the west, pours in to the inlet. And then the pipe actually runs...they call bugging grade when the pipe runs the different slope. So it slopes down. It's collected by the inlet, then slopes to the east to the manhole and then the basin and the existing topo around here is deep enough where its pipe from that manhole into the basin.

Mr. Buzak: So the underground pipe is effectively it's deep enough so that it's sparking the grade that created the flow into the pipe around Continental Drive.

Mr. Duddy: Correct. Yes. And that's all covered in the Stormwater Management Report currently by professionals...sufficient pipe capacity, inlet capacity to carry the 100 Year Storm, which is sufficient.

Mr. Vreeland: And this storm water system is going to be an upgrade maintained by the applicant.

Mr. Duddy: Correct.

Mr. Vreeland: There will be a Maintenance Manual out to be prepared and filed and recorded.

Mr. Duddy: For the basin? Correct.

Mr. Weiss: Is that standard?

Mr. Vreeland: Yes, it's standard.

Mr. Weiss: Mike, anything?

Mr. Vreeland: No, it's just that...you know, I think, the second, or third iteration of this storm water so that we didn't have many comments left. Mr. Duddy did a good job addressing our comments in previous readings.

Mr. Weiss: Anybody have any questions? Dan?

Mr. Nelsen: Mr. Duddy, I have a question for you about the buffer of trees. It looks like beautiful screen you're putting up there. But I'm thinking there are actually too close. I don't think I've ever said this before. And I think...they'll kill each other. They'll die off. Do you have any provisions to thin them out...to replace every third or fourth one?

Mr. Duddy: Well, technically, the Norway spruce there is online material regarding the plantings. I actually even compared it to...I believe unless I missed it in the ordinance that there's any specific standards on spacing of the trees.

Mr. Nelsen: What is the spacing on those three?

Mr. Duddy: They are 10 feet on center. The trees are spaced staggered, 10 feet offset as well.

Mr. Nelsen: Looks like an instant screen, but I fear that in a year or two they're going to choke each other out.

Mr. Duddy: Yes. I mean, it really it shouldn't. I mean...you know...we can work with you know, there is enough room along the buffer area. We have that third row to the south of that where we can add stuff. I mean, if it will please you guys to space it out another couple of feet.

Mr. McGroarty: I was actually saying...I will still do that. At least a number of trees are there. Inaudible...we can actually leave some of the deciduous trees in place and work around it. And the grade may change a little. So if the Board's okay with that, they never really get planted as regimented as they're shown here. And I would agree, in a short period of time, they'll start crowding each other. I do suggest to you...as a sort of a side note here that any approval include a condition that dead or diseased trees have been replaced. And that means over time, at any time. And clearly they'll get replaced in feet not 20 feet but over time, especially if the trees are not properly cared for. And the deer and other things...like what happened on Kirk Allen's site. He didn't plant the amount of trees he was supposed to plant, he planted some and many have died. But I think these will be more successful. But I agree with you. I think we can work it out with them and make sure that there's more space in between. It will be much healthier. I think you're absolutely right.

Mr. Dunne: What space do you suggest, Mr. Nelsen?

Inaudible

Mr. Dunne: We're willing to whatever the town wants...

Mr. Weiss: Sounds like we have a plan. It could be reviewed upon site inspection.

Mr. McGroarty: I have a question for Mr. Dunne. I'm just curious Sheet 1, I don't know what exhibit that is...

Mr. Duddy: A-6, the Grading and Drainage Plan.

Mr. McGroarty: A-6, thank you, back by Building Number 4 the area where the existing gravel is going to be. Why are you grading down into the woods, as Mr. Kaplan said, that drops off significantly. Why disturb that area at all?

Mr. Duddy: So we wanted to raise a...

Mr. McGroarty: ...and point to that for the Board's benefit, would you please.

Mr. Duddy: Sure. Area 6 right here by Building 4...

Mr. McGroarty: And I'm asking the grading, right.

Mr. Duddy: Right here. The dark lines that...the site. So under existing conditions, it does slope away from the...you know...as you get about 60, 70 feet away, it starts sloping down fairly steep. So to use this more efficiently, to have vehicles come in and out of Building 4 or as we've stated before, if vehicles need to be stored out here, you typically don't want slopes more than four or five or six percent. So within that existing disturbed area, we basically decide to flatten it out a little bit.

Mr. McGroarty: Are you staying within the existing disturbed area, which goes in your plan, which goes past the gravel?

Mr. Duddy: While the existing I guess I should rephrase that we're staying within the existing gravel area, not expanding, that. we are disturbing because we flatten out that slope. You basically have to chase the existing slope to match existing. So we are disturbing a little bit past that. That's all included on the Soil and Erosion Plan. Any trees being taken out are being shown on the tree replacement plan as well.

Mr. McGroarty: It's just that on Mr. Ploussas' plan elevation 8-05, is already east and outside of the existing disturbed areas. And on your plan...

Mr. Duddy: ...towards the bottom of that slope...

Mr. McGroarty: You're. I mean, if I'm reading it correctly, your grading is going outside of the existing disturbed area.

Mr. Duddy: Correct.

Mr. McGroarty: And my question is why? Why are you touching...and I understand what you just explained about...I guess it sounds like a safety issue. I don't know. But I don't know why you are going past the areas that have already disturbed and going further into the woods, taking trees down and changing the slope. I just am not I'm not grasping.

Mr. Duddy: Yes. I mean, it's really just for the convenience of the storage of the vehicles.

Mr. McGroarty: But you're not storing vehicles there.

Mr. Duddy: Well also access and it was stated before that if you...you know...the use wouldn't be restricted but also access. You don't want a truck pulling in, going down a hill, going up and down on site.

Mr. McGroarty: I'm sorry. I'm lost now. On Mr. Ploussas' plan there's a limited disturbance in front of Building 4.

Mr. Duddy: That's an existing gravel line.

Mr. McGroarty: That's the existing gravel area to be regraded and...that is it...the impression from that plan. That's the limit of disturbance. That's going to be the outdoor storage area. You're not going to store vehicles or equipment, anything past those that boundary? Are you?

Mr. Duddy: No. That statement is correct. On Mr. Ploussas' plan, I don't believe that's the limit of disturbance. That is the existing gravel line. Is from an aerial view. That line is not going to change. We're not going to expand the area of gravel or storage of access. We are going to be maintaining that, as noted before. It's kind of flattening it out so there's better access. And then when you flatten it out, you have the trees, existing degree that...

Mr. McGroarty: I'm not sure. I've walked it. I don't know if I feel there's a slope like you're describing. I hear you're pointing your scale down in such a way that it looks like a pretty severe slope. I just don't know why you're going past that limit into the woods until you do anything.

Mr. Duddy: I mean, I can revisit it with Mr. Kaplan. If he thinks that the existing grading there is suitable and it'll satisfy you guys more. That actually will probably help with the...we'll probably have to take less trees out of there. It will preserve more trees. But that's something I can discuss with the applicant would be the existing grades there are okay.

Mr. Vreeland: I think one of the issues that I saw when I was out there was some of that disorganization is a result of the shape of these storage areas. You know, vehicles pull in, they pull in along the paved area. The next one pulls in. And I think...you know...you're encouraging that type of parking by having irregular shaped storage area. And it may...you may be better well suited to take a look at that and laid out more like a conforming parking lot and be able to justify why you need such a way. I mean, to me, it looks like he basically said this is how much is disturbed and we want to maximize what was disturbed and go beyond that. I think maybe it should be taken a look at and say this is a reasonable sized area to disturb what we intended to use it for.

Mr. Dunne: Why do we just leave it to where it is, the limited space that's already been disturbed and keep it that way? That seems to be an easier fix at the moment. That would not disturb you too much, would it? Just keep it where the current area is. That's gravel. Is that going to be a problem?

Mr. Duddy: I mean, for drainage purposes. This is sloped away. There is a ridge line formed to capture and direct this stormwater flow into the inlet. There was a comment previously

in one of the Van Cleef letters on how we're going to capture all of this stormwater flowing into that inlet.

Mr. Dunne: Well, isn't this really an engineering issue, Mr. Vreeland? Maybe that's something you and...

Mr. Vreeland: I think it is. If we come to an agreement on how big the storage area is going to be.

Mr. Dunne: The storage is going to be limited to the current gravel area that's shown on Mr. Ploussas' plan.

Mr. Vreeland: That's what the proposal is.

Mr. Dunne: That's what the proposal is. The only reason they want to expand is for drainage purposes so it's easier...

Mr. Vreeland: ...drainage purposes...

Mr. Weiss: Okay, the testimony is we are going to limit the storage area to the current area disturbed.

Mr. McGroarty: But I think that's a given. I'm just saying, I don't know why yet again on this, Mike is telling me...is telling us that...I just don't grasp it, which is possible. I just don't know why you need to go into the woods and change the slope there, take more trees down...keep it to the limit of disturbance. You've got your inlet within that gravel area...stormwater. I just don't see why there's a need to do any...if you have to grade within the travel area, fine. You're showing a little bit of a changing grade, but I don't see why you have to go past.

Mr. Ottavinia: May I ask a question? So that area you want to flatten? Yeah, right, right. Right. So if you do that right, you're now going to have a what, three, four, five drop.

Mr. Duddy: Right. Where that existing...

Mr. Ottavinia: Right. So you have two options. You either re-grade into the woods a little bit or you build a retaining wall.

Mr. Duddy: Correct. Which we also ask for but...

Mr. McGroarty: I went out to Building Number 4. I don't see the grading.

Mr. Ottavinia: You don't think it needs to be graded?

Mr. McGroarty: I'll defer that to the engineer. I've been on this site, I've driven...I don't see the grade dropping off like that.

Mr. Dunne: Can we just defer that to the engineer?

Mr. Vreeland: I don't have a problem.

Mr. Weiss: Okay, so let's do that.

Mr. Dunne: Any other questions for Mr. Duddy?

Mr. Weiss: I have none. Chuck? Mike?

Mr. McGroarty: No.

Mr. Vreeland: No.

Mr. Dunne: Thank you.

Mr. Weiss: Does anybody from the public have any questions for Mr. Duddy on the testimony prepared tonight. Seeing none, I'll close it to the public.

Mr. Duddy: Thank you,

Mr. Dunne: Mr. Ploussas, please.

Gregory Ploussas was sworn in for the record.

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

Mr. Ploussas: Gregory Ploussas, PLOUSSAS, 95 Matawan Avenue, Matawan, New Jersey.

Mr. Dunne: Mr. Ploussas, you are a professional engineer in the State of New Jersey

Mr. Weiss: I think we've seen Mr. Ploussas in front of us, and I think we can skip that. Certainly. Welcome back. Surprised to see you in the cold weather.

Mr. Ploussas: Thank you.

Mr. Buzak: He's surprised to be seen in the cold weather.

Mr. Weiss: We've heard Mr. Ploussas. We'll certainly accept Mr. Ploussas. Anybody have any questions?

Mr. Dunne: Mr. Ploussas is also a Professional Planner and would you like to hear his qualifications for planning?

Mr. Weiss: So you are here tonight as a Planner?

Mr. Ploussas: As well as an Engineer, yes there are some variances we are seeking.

Mr. Dunne: Mr. Ploussas, looking to Mr. McGroarty's report, unless you want to do the other one first. This is Mr. McGroarty's February 18th, 2020 report. We're starting with comment 1.2, do you want to address these items?

Mr. Ploussas: Yes. In order to address those items, I made some hand outs. This way it will be way easier for everybody, if I may.

Mr. Dunne: This would be A-9. This is a handout dated February 20, 2020 on the letterhead...

Mr. Weiss: All right. Tell us about A-9.

Mr. Dunne: This needs to be marked A-10.

Mr. Weiss: Isn't that the same as A-9?

Mr. Ploussas: No. This is a colorized copy of the site plan.

Mr. Buzak: But isn't that attached to the package?

Mr. Ploussas: Yes. Yes, it is.

Mr. Buzak: Well, why don't we mark the first page A-9 and the second page A-10. And Mr. Dunne mark that a A-10. That's the enlarged version of what we have.

Mr. Dunne: Very well. Ready, Mr. Ploussas?

Mr. Ploussas: I prepared this exhibit to kind of simplify for the Board. What the actual changes are that we're asking. You heard some testimony before from Mr. Kaplan. He went through the existing approved site plan. And then he tried as best he could to point out the changes as simply as possible to the approved site. So what I did once I got Chuck's report, I took it and the first part did I have the numbers correspond to his report. Okay. Item 1.1 is a change in use for existing Building 4. In my exhibit, Building 4 is in the north corner here. It's dark brown. That is the existing Building Number 4 that exists with variances both rear and side yard setbacks. And we're asking for that building to change the use, to allow warehouse, office, accessory truck maintenance, equipment, and storage limited to the truck parking attendants only. So Building 4, we're asking for a change in use. If you were down to 1.2 that's the yellow areas and also cross-hatched is new storage Area 5, which is in the front of Lot 2 to which is over here to the west consisting of 2.81 acres, partially within the front yard setback. The front yard setback along Continental Drive is 100 feet. Storage area begins 55 feet. Therefore, we're encroaching 45 feet into the front yard setback. The same time we had the zero lot line setback with the existing New York Folding Box Building. We're requesting a setback into the side yard for 0 side yard for the storage area. Number 6, which is in front of Building Number 4 to the northeast, is the existing graveled area which were just regraveling and want to use it as storage as the rest of the site, which is 0.34 acres. Both surfaces we're proposing gravel, which of course requires an exception from the ordinance. Next item 1.3, a new paved driveway connection to Continental Drive, which is dark grey, which is the driveway connection right here to the north, a paved driveway running parallel along the frontage of a Lot 1.02, which is also dark gray, which runs from the new driveway to the north to the old driveway in

the center and a small area in front of Area 2, which was paved, which was previously dirt, just paved for access purposes to get in and out of Area 2. Actually, that was overlooked when we got Area 2 approved. There's my misunderstanding that he didn't want, that we were not going to pave that, those will be left alone. But in fact, we want to pave that.

Mr. Buzak: Excuse me, Mr. Ploussas. Where is that? Can you point that out again?

Mr. Ploussas: Right in front of Storage Area 2 it's a very small area. Item 1.4 is convert previously Storage Areas 3 and 4 to gravel, which is what we talked about before. These areas in yellow 3 and 4 were approved to be paved. But as you've heard the testimony, they've only been gravel to date. So we want to get that legalized to allow us to do gravel. The other thing in area 3 and 4, we're expanding them slightly. Area 3, we're expanding it slightly to the north area for expansion, only slightly to the south to meet the existing driveway to eliminate that dirt area, which the trucks would be crossing over in order to get into the storage areas. Again, that was my understanding when we did the previous plan. And I thought they only wanted access from the existing driveway. But that wasn't the case.

Mr. Scapicchio: Gregg, can you give us either square footage or footage of what slightly means, please?

Mr. Ploussas: Slightly means less than .1 acres, but the whole area is like .34 acres. So we're talking about maybe, maybe .05. That's very slight.

Mr. Scapicchio: Okay.

Mr. Ploussas: And number 1.6, which Debbie testified to in Building 4. We're adding a new overhead door and pedestrian door for the second unit. Those are the majority of what I consider the major changes between the previously approved site plan and what we're here for. There are a couple of minor changes that haven't been caught. And one was it was in front of the parking area, in front of the New York Folding Box Building where the gym was. There's a parking area and it was a handrail out there. At one point, that handrail was to be extended, maybe a 100 or 150 feet. And that was shown on the approved site plan based on a site visit that Ken had with Gene. We eliminated it. They decided they didn't need it. So we're here to formalize that. And then also Storage Areas 3 and 4 on the original site plan did show fencing delineating the limits of them, but again, based on a site visit with Ken and Gene, they decided we could eliminate the fencing and go with posts that we'd done in the back. But as you heard the testimony from Ken, the post really didn't work out. So we've eliminated that and would request that we be allowed to put boulders there in the appropriate areas. Those are the major site plan changes.

Mr. Dunne: All right. Thank you. Now, you also looked at critical areas for me to look at the limitations on this lot that are imposed by conditions on the lot relating to its topography or a shape or size or limitations based upon rules or regulations. That is wetland transition area. Were you able to do that for me?

Mr. Ploussas: Yes, I have another handout.

Mr. Weiss: Before we do that Greg, go back to A-9 1.1. And I thought earlier this evening that we did discuss that. There's not going to be a limitation for the storage limited truck tenants to park. I think we discussed that. It's not for the tenants only, there's no tenant...

Mr. Ploussas: It's for the building.

Mr. McGroarty: The whole complex.

Mr. Weiss: All right.

Mr. Dunne: I'm sorry. You have another handout? This handout, is that part of the package? This is something I do...this would be A-11

Mr. McGroarty: Mr. Dunne, can I ask Greg to just clarify one thing. Greg, you said about eliminating...just back from a moment ago about eliminating the fencing and the posts...you're talking about boulders. I'm not sure where you were talking about proposing that Area 3 and 4, I believe. I can't picture that. I know what they are but...

Mr. Ploussas: I'm sorry I lost my depth perception at this point, yes.

Mr. Dunne: Can you see all right from there?

Mr. Ploussas: Behind the Building Number 2, the main building. We have Storage Areas 3 and 4. On the south side, was a fence line, chain-link fence. South side, the limit of the storage area. There was a chain-link fence. We were going to replace that originally with posts.

Mr. McGroarty: You're talking boulders just on the south side.

Mr. Ploussas: Yes. It doesn't make sense on the other side. I did the same thing on Area 4. You wouldn't need any boulders or anything because it goes from one storage area directly to the other.

Mr. McGroarty: Yes, that's why I got confused. You wouldn't want boulders within it. But you're just talking about the edge...

Mr. Ploussas: To delineate the edge...

Mr. McGroarty: Yes, just the edge of Area 3 on the south...

Mr. Dunne: South edge of area 3.

Mr. McGroarty: Thank you.

Mr. Dunne: If that's acceptable to the Board.

Mr. McGroarty: That's right.

Mr. Dunne: We're talking about limitations on this, say, imposed upon the site by shape, size, topography and restrictions, regulatory restrictions.

Mr. Ploussas: As part of any EIS, you would have gotten the critical areas comparison. And because of the variance we're seeking and I thought it'd be a good idea for me to take a look at the site and compare it to the critical areas ordinance in town. So the table I prepared to hand it out is a comparison of the critical areas on the site and this exhibit, which I prepared, is nothing more than a critical area map showing the various critical areas. We want to mark the map.

Mr. Buzak: Yes, mark the map. A-12. Is that one of the sheets?

Mr. Ploussas: No. That's a brand new sheet we did yesterday and this morning.

Mr. Dunne: So critical area map is dated February 20th.

Mr. Buzak: What was the date, Mr. Dunne?

Mr. Dunne: February 20th, sir.

Mr. Ploussas: The table that I prepared just shows what's on the map in a readable format, I believe. We have a total tracked area of 24.73 acres, which is a nice sized tract. We have wetlands to the...east of the property adjacent to the Morris Canal, adjacent to the wetlands, we have a wetlands transition area. And adjacent to the wetlands transition area, we have the 100 foot Mount Olive corridor stream buffer. So the wetlands themselves come out to 0.85 acres, for which there is currently an existing valid letter of interpretation from DEP. There are wetlands transition areas which are 50 foot wide of 1.35 acres. And then we have the stream corridor buffer, which is outside of the wetlands. I don't double count them of...stream, part buffer, 0.24 acres. So those are considered critical areas in your ordinance. We also have critical slopes. We have moderate slopes ranging from 15 to 24 percent of 1.14 acres. We have critical slopes, which are slopes greater than 25 percent of 0.81 acres. So we have a total area of restricted lands of 4.39 acres. That leaves us 20.34 acres of unrestricted land. Currently, there's the existing building coverage on the site of the three existing buildings, which has Buildings 1, 2 and 4 is 10.4 percent which is 2.56 acres. We have other impervious areas on the site, which are the other paved areas. Both parking and storage areas 5.34 acres. And we have the area that is occupied in the front by Kurt Allen Trucking, which is approximately 3.58 acres. So if we subtract that from developable lands, we only have 8.88 acres, which is available for future development or for further development. And it's worth noting that the areas that we're proposing for development, which would be in a frontier, this Area 5, Area 6 here, which is existing gravel, it's just there. And with the detention basin is back in the center of the lot. In areas that are unrestricted, in other words, are in the areas that we were allowed to build and will not have any impact on the critical areas. So I think it's important to note that our proposal will not have any impact on any of the critical areas on the site or any of the mature woodlands that are associated with the steep slopes along the canal and the wetlands and other areas of the site.

Mr. Dunne: But in regard to utilization of this site, there's still available impervious coverage that could be developed. Is that correct?

Mr. Ploussas: Yes.

Mr. Dunne: And the still available building coverage, it could be developed as that. Is that correct?

Mr. Ploussas: Yes. As far as building coverage there is no limitation.

Mr. Dunne: There's lots of room to develop this. But this acreage that restricted creates a hardship for the use of this property to be able to develop that property because these restrictions.

Mr. Ploussas: Yes.

Mr. Dunne: So that's a significant portion of that property. Think about that...about 20 percent? You are a Professional Planner and you understand that we're asking for c1 and a c2 variance as part of this?

Mr. Ploussas: Yes, we are.

Mr. Dunne: Let's talk for a minute about what the negative criteria is for variances.

Mr. Buzak: Well, let's talk about let's describe what the variance is that we're seeking before we describe how we're going to get there.

Mr. Ploussas: I think that he testified that the area is 55 foot frontage off of Continental Drive, which requires 100 feet.

Mr. Dunne: Front yards set back...

Mr. Buzak: I just needed it.

Mr. Dunne: And the side yard set back against the existing zero lot line for the building is also sort...inaudible.

Mr. Buzak: Now we are going to have to put you under oath, Mr. Dunne.

Mr. Dunne: I'm just I mean...he did say that.

Mr. Buzak: Look, I understand. But at the end of the day and I went through this last week, I'm going to go through it again. I have to prepare. The testimony is disjointed. One person talks this one person talks that. Mr. Ploussas talks about deviations. But then when he talks about the variances, he's talking about generically what the criteria are. So, Mr. Ploussas, when you are going to testify about the variance? Tell me what the variance is you're talking about and then describe how the criteria are met under the Land Use Law for the Board to grant that variance and do that with every other variance and every other exception.

Mr. Ploussas: The variance that we're seeking is for the storage area. It's a front yard and a side yard variance. The ordinance requires a 100 front yard variance...I'm sorry...100 foot front yard where we're proposing 55 foot and a side yard a 50 foot where we're proposing zero to conform with the previous zero lot line approval that we've gotten. Those are the variances we're seeking. Under the positive criteria, I believe it's a classic c1 variance by reason of the exceptional

narrowness, shallowness, and shape for the specific property and by reason of the exceptional topographic conditions and physical features affecting this piece of property uniquely meaning the wetlands and the critical areas that we are requesting a c-1 variance. In reviewing the township Mount Olive Master Plan. I believe that we comply with some other development goals as follows. Goal 2.1-8 is to encourage industrial development to help improve the balance of jobs and housing in the township and provide the opportunity for the development of support services for the International Trade Center was identified as a Foreign Trade Zone. This development brings additional industrial development into the International Trade Zone area, which I believe is right on point. The next Master Plan goal is 2.1-10 to preserve as much as possible the many mature wooded areas throughout the township. This development will not affect any of the mature areas as you've seen through the testimony. It's a redevelopment site. Probably 90 percent of the areas that we are touching have no trees there at all. And 2.1-11 of the Master Plan to preserve the area of critical environmental concerns such as very steep slopes, floodplains and wetlands. And again, I just went through the critical areas exhibits to show the Board how we're complying with it. I also believe the variance relief we're seeking complies with some of the goals and the Municipal Land Use Law. I won't bother with reading them all to you, but I believe they are goals 70 c-1, 2 a d, and g.

Mr. Buzak: Did you say B as in boy?

Mr. Ploussas: A, D, G.

Mr. Buzak: Thank you.

Mr. Ploussas: As far as the positive criteria, we are providing parking for truckers. People have RV's or other recreational vehicles to get him off of the streets in Mount Olive. All of which is illegal to park them on the streets. People don't want them in their neighborhoods. So I believe that is a positive criteria. The other positive criteria is the new plan now requires stormwater management. Part of the stormwater management, as Mr. Duddy explained, is the reduction in a peak flows and quality control. By adding this to the site, it's a positive factor in the form of stormwater management. By the way, we're also...

Mr. Dunne: Well, we're also looking at a consideration. Those setback rules under the c2 criteria which talks about benefits...public benefits, which you've just testified to based upon the movement of vehicles off neighborhood streets onto this site. But also, do you think the benefits of doing that outweigh any detriments that are being created by this development?

Mr. Ploussas: Yes, absolutely.

Mr. Dunne: And that that leads us right into the negative criteria, I think, which we should talk about this. This site, you consider to be isolated more or less from any surrounding sites that could be impacted by this.

Mr. Ploussas: Yes, it's in the far corner of the township.

Mr. Dunne: That's right. And also as highway access in both directions and across the street, I hear there's going to be some type of development that might be impacted. Do you believe that the relatively dense screening actually improves the view site from that's across the street location towards this particular flat development?

Mr. Ploussas: Yes, absolutely.

Mr. Dunne: So would it be your opinion then that this qualifies as now we see not only a c1 but a c2?

Mr. Ploussas: Yes.

Mr. Dunne: There were exceptions, I think that we're talking about as well. One was the gravel exception. And I think we've already testified to that as well. Anything you want to add?

Mr. Ploussas: One of the exceptions you're asking is to allow us to gravel all the parking areas except Area 2, which is paved currently and can explain. Part of the reason for that is it's a real maintenance headache. We've also found in through experience, when you park heavy tractor trailers on pavement, not only where the wheels, but the feet that bring them up and down if they're in there during the summer, during the heat, that tends to settle and create potholes. In addition, the stormwater management regulations requires us to go use the best management practices, a manual to reduce the effects of any development on the environment and to use low impact development standards. So by going from paving to gravel, we're addressing some of the concerns and the Best Practices Management Manual.

Mr. Dunne: All right, very good. Thank you. I think you've hit, just with that testimony, most of everything that Mr. McGroarty raised.

Mr. Ploussas: The other one was the lighting issue. But we've already agreed to reduce them.

Mr. Dunne: They agreed to do the 18 feet. I think that's all the questions we have for you, Mr. Ploussas.

Mr. Weiss: Chuck, do you have any of the things to talk about?

Mr. McGroarty: Reactions to the testimony?

Mr. Weiss: Let me rephrase the question. Would you like to respond to Mr. Ploussas' testimony?

Mr. McGroarty: Well I have a different...questions. Greg, on your handout Exhibit A11, that chart would provide for us your total area of the tract, the total tract area. And are we talking both lots.

Mr. Ploussas: Yes.

Mr. McGroarty: The total tract here, 24.73 acres. And then there's down below where unrestricted lands, 23.34 unrestricted means, no encumbrances, wetlands, etc.

Mr. Ploussas: Correct.

Mr. McGroarty: That's 82 percent of the whole tract? Correct?

Mr. Ploussas: Yes.

Mr. McGroarty: So 82 percent of the tract, less than 20 percent of the tract is encumbered with critical or with critical features.

Mr. Ploussas: Yes.

Mr. McGroarty: You've got a 24 almost 25 acre site, 80 percent of which little bit more can be developed.

Mr. Ploussas: And part of it is developed already, okay. The part is developed with the existing buildings, the existing parking lots, and the area occupied by Kirk Allen. So there's approximately 11 acres already occupied right in use. And so that leaves us 8.86 left that we can further develop.

Mr. McGroarty: Right. So you get to develop that. So I don't see how that justifies reducing the front yard setback from 100 feet to 55. I will say for the side yard setback, there was a zero lot line granted for Lot 1. There was no variance granted for Lot 2. But my own perspective is that I would not see any real problem with that because of the stored vehicles and the Fire Marshal has no concerns with it. And he did not seem to. If you're storing vehicles close to the building, okay. But if the logic that you have...that you've used a lot of the site already and you've got 8 acres or thereabouts left to develop. I don't see how that justifies reducing a front yard setback for outdoor storage. That's a specific condition that's attached to that used in the GI Zone. And I don't agree that it's a c1 variance, because I don't see that this tract of land, even 1.02 is narrow or has an unusual configuration or shape. Perhaps the remaining...I don't even think the remaining area that is proposed for storage is unusual in its shape in any particular way. I don't see it as a c2 variance because again, my understanding of the c2 variance is that it has to provide a better zoning alternative. The argument proposed here is that you're providing a needed facility for the public in general and particularly Mount Olive residents so that they can park their larger vehicles on this site. And if the Board approves it, they can do so. I just don't think that somehow translates into reducing a front yard setback again to allow a few more vehicles.

Inaudible

Mr. McGroarty: Well, I'm just saying that that one could always make the argument that an ordinance...if you relax the ordinance, you can get a little bit more development on the site and any commercial activity can be argued to be in the public good. It ought to be, otherwise at least ending any permitted commercial activity. So I just don't see that there's anything particular about the nature of this property that would support any reduction in a front yard setback. And lastly, there's no mystery that the properties across the street have been...the zoning has been modified in the FTZ to allow for residential. We now have it as a matter of public record. A general development plan to develop it for residential and I think that just argues all the more reason why the 100 foot setback makes sense. As far as the buffer goes, the buffer is required anyway, whether it's 100 percent back, 50 foot or 10 feet. The ordinance requires a buffer and it requires the kind of buffer that is proposed here. It's just worked out nicely for you that the applicant...that the number of replacement trees work in terms of whether to satisfy the buffer requirements. So I just don't think

there's really a basis for the variance for the front yard setback. And the side yard, I don't think it's really an issue.

Mr. Dunne: Mr. Ploussas, the adjoining property on Lot 1, how close is the parking approved on Lot 1 to Continental Drive?

Mr. Ploussas: I'm sorry...

Mr. Dunne: The parking that's already approved on Lot 1 by the building, the main building there in the front...the parking is close to Continental Drive there, too, isn't it?

Mr. Ploussas: Yes. It's within 50 feet...

Mr. Dunne: Around it? So the extension of the pavement on to Lot 1.02 matches more so that depth. Does it not? It's a continuation aesthetically of the same basic appearance.

Mr. Ploussas: Yes.

Mr. Dunne: Which is another reason why it was done that way I guess. Is that right?

Mr. Ploussas: Well, Chuck, I have to say I disagree with you. I believe this is clearly a c1b variance or by reason of the exceptional topographic condition, not the physical features affecting this piece of property being the wetlands, floodplains, the critical slopes. We're losing 4.39 acres, though we can't develop. So we're simply asking to make some of that up by relaxing the front yard setback a little bit here and we're providing a buffer to mitigate some of that. And as you say, a buffer is required. It's not that we're giving it because we didn't have to.

Mr. McGroarty: Right.

Mr. Ploussas: Well, I would say two things about what I heard just now. What is being proposed is not a parking lot similar to what's in front of the building. And that that predates at least the current ordinance. So I don't know what site approvals existed back when it was Dynapack or something earlier. But what's there is there. But certainly what's in front of that building are, for the most part, passenger vehicles that come to the office, they come to Folding Box, etc. What will be in this area will be...could be larger trucks. It could be other things. So I'll just leave it at that. Again, as I said, you have 80 percent, 82 percent of the tract available for development. I think the fact is a lot of it's already developed is a good thing. But Mr. Kaplan is going back and saying, I've got some remaining lands I'd like to develop. And...you know...I hate because I can't develop in certain other areas because there are some wetlands and so on. I need to...I think I was entitled to reduce that front yard setback to get it a little bit more room there. And I think it's an understandable position for him to take. I just don't think there's a basis for variance relief.

Mr. Weiss: Well, it's really powerful testimony, Chuck, and we appreciate that. I'm not sure how you feel about responding to it or reacting to it or changing it.

Mr. Dunne: Well, what I would do is poll the Board on that issue and see how the Board feels about that issue.

Mr. Weiss: I make no problem doing that.

Inaudible

Mr. Buzak: You don't get a...poll on whether you are going to get the variance or not get the variance...on the testimony you grant the variance or you don't grant the variance. That's...no offense, Mr. Chair.

Mr. Weiss: No, no. I stand corrected. Thank you.

Mr. Dunne: So you're ruling Mr. Buzak that I can't poll the Board on an issue as like how that would be voted informally if I decided to end my case here or I might want to change. If the Board said they don't want to grant that variance, I might want to say to my client, well, we're here now. You might as well make a compromise with the Board on this issue. So you're saying I can't do that?

Mr. Buzak: Well, that's what I'm saying. It's like asking the jury, do you think they're putting enough evidence here to get my client off the hook?

Mr. Dunne: With all due respect, this is not a jury. I've done that many times, Mr. Buzak. I'm sure you have too.

Mr. Buzak: Well, I don't think I've ever polled before on granting a variance.

Mr. Dunne: Well, I have. But anyway, our position is that we've proven the c1 and c2, and I know that Chuck doesn't agree. I don't know how the Board feels about it. We would be willing to talk about pushing it back if the board has a feeling about that. I don't know. I know you don't like to negotiate, but we're willing to be flexible if that's a consideration the Board would take. I don't know what the distance would be, whether it's 100 feet or 75 feet or whatever. But we'd be happy to negotiate that. We don't want to come back.

Mr. Weiss: If it gives you some guidance. We have a planner. We value his opinion. He told us very eloquently. Told us why and how...

Mr. Dunne: He did.

Mr. Weiss: And I think his testimony should be considered.

Mr. Dunne: All right.

Mr. Weiss: Take it from there.

Mr. Dunne: Okay, we'll give you that...we'll withdraw that variance request.

Mr. Weiss: So you'll withdraw the front yard setback variance, is withdrawn and it sounds like there's no objection to the side yard variance from our Planner.

Mr. Dunne: That's correct.

Mr. Weiss: All right. Is there any other conversation to be had. Anything else, Mr. Dunne, Mr. Ploussas?

Mr. Dunne: Any other questions of Mr. Ploussas?

Mr. Scapicchio: Greg. The size of the boulders and the spacing of the boulder that are replacing the fence...

Mr. Ploussas: We'll give you a detail on them. We use the same detail for Kirk Allen Trucking on this...on the other side of the property...on Waterloo Road. We put a detail together and Chuck at that time and Gene approved it.

Mr. Scapicchio: So you worked it out with...

Mr. Ploussas: Yes. I'll use the same detail.

Mr. Scapicchio: Okay. Fair enough.

Mr. Dunne: Other questions?

Mr. Vreeland: One question that front access drive, the proposed one parallel to Continental Drive...you know...looking at the plan. I don't know if there is really enough room to get that full buffer that was proposed between actual location and chain link fence and that paved roadway. Would there be some available wiggle room to push that back a little bit or locate some of those buffer trees that we can't fit there on the other side of that access drive?

Mr. Weiss: Didn't we leave that up to a field inspection to make them...

Mr. Vreeland: For the trees but I don't know how it would feel about maybe pushing that road back a little bit if we can't fit all the trees between the fence.

Mr. Dunne: It's supposed to fit.

Mr. Vreeland: I know whether that's a 30 foot setback in the property line, the 4 feet off the property line or any clearance to get along the roadway. So you don't really have 30 feet to get 3 rows of evergreen trees in there.

Mr. Dunne: Flexibility makes sense then.

Mr. Weiss: Perfect, so we need to push that road back a little. Anything else?

Mr. Forlenza: Mr. Chairman, I have a question. I forget the exhibit, but what was on the flip side of that diagram...

Mr. Weiss: A-10

Mr. Forlenza: So just for my own reference with that variance with the front setback the dotted line showing on this diagram on the left side that is a 100 feet.

Mr. Ploussas: So the storage area would move back to here. And then Mr. Vreeland has also requested that we look at moving the roadway back a little to allow a little more room for the ball.

Mr. Forlenza: That was my question. So where would the roadway go? Up to the dotted line or had to be within ...

Mr. Ploussas: It's something I have to work out and I'm always flexible just to move it up to 10 feet or so.

Mr. Kaplan: I mean, maybe we don't even need the roadway in front anymore. Now we're pulling out all back. The trucks are going to come in through the back.

Mr. Ploussas: I think that makes sense, too.

Mr. Dunne: So you don't want the road so you can ride out there? So the plan that Mr. Kaplan suggests is taking this lane that runs along the front. So let's just go in there and come out there.

Mr. Weiss: That resolves...

Mr. Dunne: Okay that takes care of that entire street area...road area. So we will remove that.

Mr. Weiss: Mike, you get that?

Mr. Vreeland: Yes. That eliminates potential left turn conflict.

Mr. Dunne: Right. Exactly.

Mr. Vreeland: Provided there's no on site circulation issue.

Mr. Buzak: The twenty-five foot wide driveway...that they are proposing, is that parking spaces.

Mr. Dunne: Yes. The parking spaces are going to stay. There are a couple of parking spaces right there where it begins. At Lot 1, they're going to stay.

Mr. Vreeland: Okay.

Mr. Dunne: But the driveway going across parallel to Continental Drive is going come out now.

Mr. Weiss: Okay. Dan?

Mr. Nelsen: Seeing you are going to adhere to the ordinance and remove that variance, the trees in the front again. Can they be dispersed more?

Mr. Dunne: Sure. We're going to have flexibility with that as well. So when we deal with the Engineer and Planner, we'll make sure that works.

Mr. Nelsen: Excellent, thank you. It is excellent. Thank you.

Mr. Weiss: Anything else for Mr. Ploussas? I'm going to open it to the public if anybody from the public has any questions for Mr. Ploussas. There is nobody here from the public so let me close it to the public. Mr. Dunne?

Mr. Dunne: I've submit the evidence so far and the proofs that have been submitted and ask that you grant amended preliminary and final site plan approval and the single variance that has been now proposed as well as the exceptions.

Mr. Weiss: So let's then review some of our notes. I know, Mr. Buzak, you have multiple pages of notes and some potential conditions if the Planning Board is to grant this application.

Inaudible

Mr. Dunne: You mean the reason for that? Well, the reason was it was developed, that the stormwater management plan was developed by a separate engineer that then morphed into him doing a couple other things on his plan as opposed to Greg doing it, which was landscaping, because he could do a landscape plan.

Ms. Natafalusy: I just know from working in the office, it's going to be very confusing...

Mr. Dunne: We're going to superimpose...

Inaudible

Mr. Dunne: Well, I know that's the recommended...is there any mechanical reason we can't do that? A liability?

Mr. Vreeland: Maybe we can we show the footprint of some detention basin so we can see on the overall plan.

Mr. Dunne: You can you put just a general graphic thing that shows where they... inaudible...see landscaping plan ...

Mr. Ploussas: You could also take both sets and staple together.

Mr. Dunne: They should be referenced back and forth.

Mr. McGroarty: It's one thing, if you're going to keep them separate, Mr. Duddy, you're going to need to do a second cover sheet. You make reference a lot.. You want to combine them. But again, we do not need separate cover sheets, but they have to be very clear as to the plans.

Mr. Dunne: And they need to refer one to the other.

Mr. McGroarty: Yes, exactly.

Mr. Weiss: So I'm actually going to...even though we're at very late hour, I really have to bring something up. I've sat here for a long time as we addressed this site. And I find that every time Mr. Kaplan and this happened...becomes in front of us, the condition is understated. And every time I get disappointed at the testimony, I tell myself it's not going to happen again. So what I want to do is I want to clarify the existing conditions. Go back to what we were talking about hours ago. And I listened and I made very good notes as to what Mr. Kaplan told us about what's going on. And not only do I not agree with everything he said, I have some photographs and I want to share them with you and I want to talk about some. So Mr. Kaplan if you can join up front. And I'm going to give you some photographs, Mr. Dunne. I'm going to ask you questions, Mr. Kaplan.

Mr. Dunne: Were these pictures taken on our lot.

Mr. Weiss: Yes.

Mr. Dunne: By whom?

Mr. Weiss: By me on February 15th.

Mr. Dunne: I was just making sure...I was going to make sure...you know...

Mr. Weiss: No, no., that is February 16th. So taken by me, every one of these photographs was taken by me.

Mr. Dunne: Should we identify these...in some way.

Mr. Weiss: Before we do that, we are going to go in order.

Mr. Dunne: So should I...B-1...

Mr. Buzak: Yes, why don't we call them B-1.

Mr. Weiss: Actually, what I'd like to see one is the set that starts with the truck. And there's 3 photographs. We'll make B-1, B-2, B-3. And I'll just clarify what they are. And I'm going to ask you a question.

Mr. Dunne: My pen will not write on this one.

Mr. Weiss: And the answers might be very simple because they think you testified, too. But when I went on the site and I asked you very specifically what else is going on towards the north, and you said...inaudible...you explain that the paver and the winter...but it looks like the guy has been there for a while. So when I look at B-1, which is a photograph of a truck. B-2 is a pile of gravel. And B-3 is the...same picture of the truck with a longer view. This sits towards the northerly end of your site...tell me what this is.

Mr. Kaplan: We are looking at B-1 first.

Mr. Weiss: Yes, B-1, B-2, B-3.

Mr. Dunne: Let me make sure we have the right numbers. B-1 is this picture?

Mr. Weiss: B-1 is the picture of the truck pulling the trailer. B-2 is a pile of gravel. And B-3 is blow up picture of the truck. Okay, so tell me what this is.

Mr. Kaplan: So this is a paver guy who has been on site for a little while because we had I don't know if you noticed, but the culverts coming in when you come around the site between the buildings, a number of them have been redone because they were caving in.

Mr. Weiss: You explained and I wanted to clarify this. I saw it and I didn't know this was another operation. You explained it would make sense to me. I don't need to spend any more time on it. I just wanted to make sure that we're talking about the same thing. I want you to then jump to I'm going to call it now B-4 which is a picture of a pile of lumber. B-1, B-3 I'm satisfied. I'm satisfied that B-1, B-3 is a photograph of what you've explained to us is a temporary situation because the paver is there and he's fixing the culverts and doing some repair on site.

Mr. Kaplan: Correct.

Mr. Weiss: It's not a new operation. It's not an existing business that we know nothing about. So I'm satisfied with B-1, 2 and 3.

Mr. Kaplan: And the gravel is...well,...

Mr. Buzak: Let's mark them...

Mr. Weiss: B-4 is the pile of wood. B-5 is the pile of sand or salt.

Mr. Kaplan: Yes, this is...

Mr. Buzak: Let's mark them and then we'll talk about them.

Inaudible

Mr. Dunne: B-6 is the brush?

Mr. Weiss: Yes. So B-4, tell me what B-4 is.

Mr. Kaplan: That's Kirk Allen. He has a permit for that through the Morris County soils. He's been granted. You know...he had to buy these licenses in what not to do mulching and take care of these things. So it's just some...you know...firewood that is a byproduct of some of the trees that are brought in.

Mr. Weiss: Let me tell you what I saw. I saw a wood splitter. It looks like operating a wood splitting business.

Mr. Kaplan: Well, I mean, it's just a byproduct of his business...you know...landscape materials and whatnot. And people bring in trees and he has to deal with them. He has a permit to I guess, a stump grinder comes in once or twice a year, which he has a permit for through the Morris County Soils Commission. And...you know...the stumps get ground up. They get put into a pile of mulch because that's what it makes, mulch. And like you said, this is just another byproduct.

Mr. Weiss: So is that an approved business over there...a wood splitting business and selling firewood.

Mr. McGroarty: Well, I have the Resolution somewhere. Kirk Allen got approved for Class B Recycling. But my recollection is...

Mr. Kaplan: I mean, Sheila comes out...

Mr. McGroarty: Sheila is not...Sheila speaks for Soil Conservation...

Mr. Weiss: The reason I bring it up, is because every time we talk about it, there seems to be, oh, I forgot about this. And I just want to make sure that that selling firewood is part of what he's approved to do over there.

Mr. McGroarty: I don't know. I don't think about specifying in that...in fact...inaudible.

Mr. Weiss: And while Chuck is looking for that, let's look at B-5 which is a pile of salt.

Mr. Kaplan: And this...is just another product that he's...you know...stockpiles and brings in, he has to keep it covered according to how you have to keep salt, which he does. That's why it's covered. So it doesn't...

Mr. Weiss: We've had many conversations with the operations of Kirk Allen. And I don't remember salt being a product that he's offering. It's the product that's part of his overall approval. I'm ready to move on.

Mr. Dunne: You know it's salt for sure.

Mr. Kaplan: It is salt.

Inaudible

Mr. Weiss: And now we're doing mulch and now we're doing salt. And now it's salt.

Mr. Kaplan: I know mulch is permitted.

Mr. Weiss: I clearly agree with you. And so here's use, another product. Is this allowed?

Mr. Kaplan: As far as I know, I mean...

Mr. Weiss: So we're going to look into these things. And I just wanted to question you. Of course, B-6 makes more sense to me. This is I don't know what we call it. It's just a picture of stumps.

Mr. Kaplan: This is a...what do you call it...just like a brush pile that he takes... Well, those cut pieces of wood he takes out and he makes it into his firewood and the rest of his stuff, he makes it into...a lot of that goes into the stump grinder when the stump grinder comes...

Mr. Weiss: And I would agree with you 100 percent. And so when I see this in my mind, this is what is approved. And I don't know. I'm just raising my concern.

Mr. Dunne: Well, I do have a list of things that it doesn't specifically say trees...log splitting. This is the Paragraph 8 of Resolution Number 15-02. And it says...the revised plan shows previous areas designated for compost, brush storage, ship storage. And it note the plan for 1.35 acres to be area for storage of clean filled topsoil, tree parts, leaf and yard clippings turning to become decomposed area brush ships, portable topsoil screener and tub grinder. I mean how far stretch it is for splitting wood. But I mean, maybe it's in there somewhere. But what I mean, how broad the permission has to be? It seems like an awful lot of stuff in there that's already being made.

Mr. Weiss: My position is that...always be on the short end of the stick because anytime we deal with any problem and I'm not suggesting there is a problem with Kirk Allen's business, but it never seems to go away. I don't know if the last problem we had there ever went away. And I don't want to hold that against you on this application. But when I see this kind of stuff, how far are we pushing it? I don't know the answer. I don't know how to find out the answer.

Mr. Dunne: I don't know if a special permit is necessary for log splitting.

Mr. Weiss: I don't know. But all I know is that there's always another use going on. And the storage of salt. Where did that come from?

Mr. Dunne: Well, that one should be looked into.

Mr. Weiss: I agree. So that's why I took the picture. I don't want to...let's move on. We have another packet of pictures that held together by a clip. The first picture, I'm going to call iB-6. I took a picture of an automobile. It looks like a Toyota Land Cruiser. Mr. Kaplan, I can tell you, just without seeing anything, that's what this car is a junker. This car has not been moved. And I couldn't tell you how long...there are flat tires. I don't know why it's there. Why is it there?

Mr. Kaplan: To tell the truth, I know whose car it is. It's...you know...one of the tenants. He used to use it for plowing. But I really had...

Mr. Dunne: It's got license tags on it.

Mr. Weiss: Mr. Kaplan told us a couple hours ago that there's nothing there. There's no...this is truck storage. This is a car that's clearly not been driven for a very long time. So why is it there?

Mr. Kaplan: I can ask the guy about it.

Mr. Weiss: Okay, I don't need an answer to every question. I'm kind of throwing out rhetorical device. Mr. Kaplan, I'm simply pointing out that we're underestimating. And there's more coming. These are problems. This is what really annoys me about what you do over there. And I'm your biggest fan when it comes to a GI site. This is perfect for our town. But you have the obligation to keep it clean and you're going to see the next picture starting with B-7, which is simply a pile of junk.

Mr. Kaplan: No, that's not, it's storage.

Mr. Weiss: It's outdoor storage.

Mr. Kaplan: No, no, that is...we had a tree fall through the roof of that back building. That's where this is, in a back building. So I ordered, this came from...this is all aluminum roofing that we could not finish before the winter. That thing fell through our roof. I have pictures of it for the insurance, but it took out the whole back section of that building. So I called up...I said all I had time for...because it got so slippery in the beginning of the winter to close over the back portion of the building on the...you know...where you saw the staircase go up in the back far back from there. And that was all done. But the rest of this is still going up. I mean, you could see there banded pieces of that is all roofing aluminum, the pieces on top that you see sitting on top on the next picture. Those were from the siding...

Mr. Weiss: The next picture we are going to refer to is B-8. A shot of the same thing. And I understand and you're under oath and I know that you're not lying to me. But I can tell you that we had this conversation 2 or 3 years ago with the same story that the roof...something happened. And indeed, this establishes that.

Mr. Kaplan: This would be actually the third time I had to have Stanhope, because every time it fell, they fell from Stanhope property. I had them finally let me cut down the rest of their trees to stop falling on my thing the first time it cost me 42,000 dollars. The next time it cost me 72,000 dollars and the first time actually cost me 20 something thousand dollars.

Mr. Weiss: So how long does this stuff sit here for?

Mr. Kaplan: Well this just got done. This just got done this past November.

Mr. Weiss: Okay. I'm going to move on.

Mr. Kaplan: But the rest of this is still going up because I didn't have a chance to do the rest.

Mr. Weiss: I accept your answer, doesn't mean I like it. I have to. You're under oath. And I'm not suggesting you're lying. And I don't like it. Let's look at B-9. This is one...

Mr. Kaplan: The barrels?

Mr. Weiss: The barrels.

Mr. Kaplan: These barrels are not my barrels. These barrels are the environmental...his company, Eco Science. What they use these barrels for...this is for the well monitoring every one of them. And that's why they...I had them originally...they were putting out there. I said, no, you got to put some kind of sign on those barrels, which you took a nice picture of non-hazardous. That is what they do. They pump water out of the wells into these barrels. Then a company comes out and has to take that water, even though it's relatively clean. I mean, it is really clean, but they still...you know...it's part of their deal. They come over and they pump the barrels out and then they keep the barrels there for the next set of pumping because they come once a month to monitor. And there's a certain amount. They can't just pump the water on the ground. They have to pump it into something. And these are the barrels that they are pumping...

Mr. Weiss: There's no better place to put them than in the middle of where they are.

Mr. Kaplan: Well, the problem is they're heavy and they can't put a forklift out on that dirt. So they pump them to that side. That's why they're on the skids. And then they pump it into a truck and then the truck leaves so that...you know...the truck could possibly get stuck in the dirt...you know...to put them near the wells. I don't know.

Mr. Weiss: Take a look at B-10 which is a photograph of some I-beams.

Mr. Kaplan: That's steel. I don't think those are I-beams. I think those are that's siding also from...Yes, That I think that's...

Ms. Natafalusy: Where is that located?

Mr. Weiss: These are all located...I don't have the building...

Ms. Natafalusy: By the building?

Mr. Weiss: Yes. It's very close to the building that we're...

Mr. Dunne: Building 4? The north building. What is that?

Mr. Kaplan: I thought that was siding.

Mr. Dunne: I don't know.

Mr. Kaplan: You know, the corner pieces of the siding. That...you know...they have the corners. They're kind of squared off. And let's see how it's squared off over here.

Mr. Dunne: I don't know.

Inaudible

Mr. Weiss: Let's look at B-10. That was B-10. Let's look at B-11 it's a photograph of a boat. There is boat storage on the property, too?

Mr. Kaplan: One of the tenants who has the 20 trucks, he puts his boat in one of the spots.

Mr. Weiss: Where does this come up? We don't talk about boat storage. We've been talking about truck storage. So now there's boats?

Mr. Kaplan: I thought it was an outdoor storage.

Mr. Weiss: Recreation vehicles? Well, B-12 was a photograph and I was at the site for every bit of half an hour, maybe longer. And this is a photograph of B-12, a truck being worked on. Looks like you're doing maintenance. And it wasn't a quick start battery... is moving around here the entire time.

Mr. Kaplan: So I don't know. I mean, I see guys like that. I always tell them you can't do it.

Mr. Dunne: So what are they doing? Can you tell what he's doing?

Mr. Kaplan: Well, he's got his hood up. I don't know what he's doing either. I don't know. We just got...I don't know. It's not like he's changing oil or stuff like that.

Mr. Weiss: It is just when I go in to inspect and see it and I have to ask the question. I asked last time. Now I just took pictures to follow up my questions. Let's look at B-13 because I know we talked about it. You had mentioned that these items are on blocks. And so if you look at B-13 and B-14, which is a photograph of the truck and B14 is a closer picture that to me looks like it's on a rim. You told us that it's on blocks.

Mr. Kaplan: No, not that one. The other one is on blocks. This one is on...I guess it's on his rims. He had it covered up. That was the guy...that was recent wreck. That's Jen Car. He's got 20 trucks and one of his guys...that was the wreck on Route 80 recently. So he was trying to...

Mr. Weiss: I think my point is that when you sit here and tell us that all these things that are out there are on logs and they see something propped up on a tire. It kind of deteriorates all the other testimony. It doesn't look good. Let's move on. I want to go on to number B14.

Mr. Kaplan: Is it after the truck?

Mr. Weiss: It's a picture of underneath a truck with some axles and some other storage.

Mr. Kaplan: That are on those skids?

Mr. Weiss: That are on those skids. Is that stuff supposed to be stored outside?

Mr. Kaplan: I mean, we do. I mean, a GI zone does allow us to store outside.

Mr. Weiss: Fair enough. Just asking. Let's move on to B-15.

Mr. McGroarty: Well, wait a minute, it allows you to store, but it allows you to store in your places where you have site plan approval.

Mr. Kaplan: But that is an area that we actually have listed as outdoor storage.

Mr. Weiss: This is on the driveway right next to a long building.

Mr. Kaplan: Right. And that does have the outdoor storage along that whole face of that building from...

Mr. Weiss: When I think outdoor storage I'm thinking...I don't think I should call it junk. But what do you do with this stuff?

Mr. Kaplan: Well, it's not junk. What happened...

Mr. Weiss: Car parts.

Mr. Kaplan: That's truck parks, right. I mean, I don't allow them to work on it outside, but they put it underneath there and they have it on the skid. They obviously do it. They must move it around because it's on a skid and they do have a forklift inside their place.

Mr. Weiss: And I clearly know that this is not you doing it. But, if you're going to be the property manager, this is the kind of stuff that here irritates me as the Planning Board Chairman. So I'm just simply saying we see each other all the time. And I have been your biggest supporter, but this stuff really annoys me. And so you testify this evening and I'm going to turn to the next victim to B15 of a backhoe. Did you not tell us that there's no heavy equipment on this property? Where does this come from?

Mr. Kaplan: No, not on this one. The one...the other part that we're looking for...I mean...I have a backhoe on site also. I have to use that, I mean, this is for plowing.

Mr. Weiss: But this backhoe has not been used in extremely long time. You can see by the weeds, it is growing all around it.

Mr. Kaplan: You have a lot of times, a lot of times they use these. You know, we use them in the winter to push the snow.

Mr. Weiss: But that truck hasn't been moved in a very long time. And that's my own opinion.

Mr. Kaplan: Well, it hasn't been moved because he uses it in the winter. And really, we haven't had any snow this winter. But this is when the snow really piles up. He is...you know...some of the tenants don't want to pay for snowplow removal, so they say, let me do my own area. So we do we allow some of the guys to help out and do their own area.

Mr. Weiss: So we have the ability to do heavy, heavy machinery. Well, Kirk Allen has two front-end loaders to do all his work as well. I mean, this guy uses his for plowing. I mean, I had seen it before in the past.

Mr. Dunne: And this is on Lot 1, and we are proposing Lot 1.02.

Mr. Weiss: I'm going to move on to B16. B16 is a pile of rubbish. Where does that fit in?

Mr. Kaplan: That's a mess.

Mr. Dunne: Where is that?

Mr. Weiss: It's probably right next to the backhoe, which is right next to the Toyota. And so when you sit there, it's one thing that doesn't belong there after the other. In my mind, I just paint a picture that it's not as rosy and clean as you're saying. And that annoys me. And these things shouldn't be here. This is the picture I'm looking at. I don't know if the Planning Board can see it. Pass it down. This is B-16, which is a pile of rubbish. Look at B17, which is a truck with no front end on it whatsoever.

Mr. Kaplan: Right. And what will happen with this truck is now that they're taking everything or taking stuff off it. They will take this because it's happened before. And they'll...you know...get it out. They'll either have to have it flatbed it out of there. Like...you know...I've seen it a number of times. I mean, some of these guys crash. I mean, SMA, this is SMA's truck. Last year, they had two crashes. The year before, they had two crashes on their 18 wheelers. And...you know... they bring them back to the site. They take off what they need and then they get rid of them. This one happens to be one of the later ones that crashed.

Mr. Weiss: Okay, so I'll move on to B-18, which is just a picture of the Toyota with the pile of...go ahead, Chuck.

Mr. McGroarty: I guess, Ken, I'm going to have to question, though? Inoperable vehicles are not supposed to be on the site once in a while, maybe in an emergency. But they are in the habit of...this is where they bring their trucks when they have these accidents...when they factor to be destroyed. You bring it back here until they can be...

Mr. Kaplan: Yes.

Mr. McGroarty: What I'm saying is maybe they shouldn't be doing that on your property. If they're inoperable vehicles, they're bringing it back here to stripping them and salvaging. I mean, that's not really what you are.

Mr. Kaplan: It really doesn't take them too long to do it. I mean, it takes them a couple of months and then they're out of there. I mean...you know...there's a price tag. You know... for these people that they have to deal with...you know...that people aren't made of money and they're trying to make their business work.

Mr. McGroarty: I understand.

Mr. Kaplan: And I mean, these trucks are 250,000 dollars a pop. And then...you know...

Mr. McGroarty: Within the next few years, you might need some new drivers. But I you know, the question is, though, if this becomes more frequent, maybe...you know...they need to find a different place.

Mr. Kaplan: I'm telling you, these trucks do not last in these spots that long. What will happen is I mean, this company, but I guess the worst...

Mr. McGroarty: And why did they bring them back in the first place?

Mr. Kaplan: They're bringing it back to...you know...so they can take what they need. And then it's...you know...then they'll take this particular truck. I mean, like I said, I've seen it a number of times. And then it will go on a flatbed and out the door it goes.

Mr. McGroarty: Right. But once it's in an accident and once it's no longer serviceable and this one, the engine is completely gone, why is it on your site anyway if your site is for storage vehicles that are operable that are out on the road? This belongs somewhere else. A junkyard, a salvage yard, some other place, not your yard seems to me.

Mr. Weiss: So I think my point is, if you look at the car with the blue tarp, you look at this B-17. And then I want you to look at B-19 and B-20, which is B-19 I'm going to call the car that burnt. Looks like it was in a fire. This truck certainly is not moving anywhere. And B-20, I don't even know what that is. That's just the windshield of a truck body somewhere. So now look at the picture I'm painting. You got the blue truck. You've got the car with no front end. Now you have a truck that's got a completely burnt out cab. I don't want to hear that this is only here temporarily. Looks like it's here for a long time. And then that picture, which is B-20, also looks like just a part of a truck that's there. If you look even look at B-21, which is my last photograph. This clearly is on cement blocks. I don't know what it is...it's metal frames, it's parts. I don't think this is what the site needs to be. It started to look like a junkyard. And I hear you. What you're telling us should be there. But it's not this scene.

Mr. Kaplan: This white frame below is a frame of a truck that they had taken apart. And they kept the frame because they. And there used to be two of them there. Okay. There was a black one and a white one. When they had wrecked one of the trucks. It had twisted the frame. So they took the black frame and they put the black frame on and the other frame out that went to the junkyard and they used it. So I assume that they're thinking that they're going to want to use this white frame if that ever happens again. And it seems to happen...you know...one, two trucks a year with this company. That's what I've seen so far.

Mr. Weiss: Any conversation about B-19 and the truck that looks completely burnt?

Mr. Kaplan: Inaudible. Wait which one is B-19? That's relative new over there, I mean, I can tell these guys that...you know. Is it possible that I slap a time limit on these things?

Mr. Weiss: Something has to happen and it's not up to me to tell you how to get it fixed. But I can tell you the history that we have visiting this site over many years. It's always something. I want it to stop. So you're sitting here and I respect your answer. It's always something. Some of these piles of junk, there is no excuse to pile on anything. Exactly which one I'm referring to. You know, a pile on B-16, I think that is unacceptable. The one with the wood...

Mr. Kaplan: The one with the wood?

Mr. Weiss: The one with the wood. What would be B-16 is a pile of junk. And again, Mr. Kaplan, this is a perfect spot from what we propose is turning into a junkyard. And it's ultimately your responsibility to make sure that we don't see this.

Mr. Kaplan: You're right.

Mr. Weiss: And maybe because you're so far off in the way, your tenants think they can get away with it. But I'm tired of looking the other way. And so...

Mr. Kaplan: Are you saying that with the property as a GI zone where you're allowed outdoor storage, it has to be only trucks that are usable or I mean...

Mr. Buzak: Yes, I think that's what Mr. McGroarty said.

Mr. McGroarty: I think that was in the Resolution, the origin of operable vehicles.

Mr. Kaplan: I mean this site is...you know...being a G-1 zone, it's zoned...

Mr. McGroarty: It's not a salvage yard.

Mr. Dunne: I think there's a timeframe that makes sense that if someone does not have time.

Mr. Buzak: But it's not a timeframe when you take one. It's there for two months, you move it. You replace it with another one. The time frame is you have one. It's done and it's done. If you just keep recycling those and putting new ones in the old ones. The fact that the vehicle changes...

Mr. Dunne: I agree with that...

Mr. Buzak: ...with an inoperable vehicle.

Mr. Dunne: But if someone has an accident and they bring the truck back to this location and they are going to try to salvage some of this stuff out of it quickly, there's a reasonable time frame. This is a process that industrial site trucks come and go all the time. These guys are all in business. So they're all trying to get their jobs done. So this truck comes that was in an accident. They take some of the parts off, given the time frame to get it out of there. And let's be done with this issue. I agree with you. They shouldn't be there for a long period of time.

Mr. Buzak: The other aspect of it is you don't have one tenant. You have multiple tenants. You have people who aren't even tenants who bring vehicles. Now you have a universe of people. And if everyone does...you know...if you have 12 people there and they have 6 accidents now, you have 6 vehicles there. It's the nature of the operation that creates the problem.

Mr. McGroarty: We have...out on Gold Mine Road Hoover Trucking in Mount Olive Township. That's where these kind of vehicles go. They get trucks and buses and large vehicles all the time that are in accidents. They bring them back and sometimes they park on Gold Mine Road, which is unfortunate. They leave them out there, but that's a site. And that was approved that way. That's where vehicles like this go, not to a site like yours. It's outdoor storage approved for operable vehicles. It's not a salvage yard. Hoover Trucking is, that's what he does.

Mr. Kaplan: Well, maybe I could talk to my people and have them bring their trucks over to Hoover Salvage Yard...

Mr. McGroarty: Or someone...

Mr. Scapicchio: You know, I drove through that site, and I have to be honest. These vehicles were rusted and they looked like they've been there for months to me.

Mr. Kaplan: Okay, I will talk to my guys and have them start to move them out.

Mr. Weiss: You know, again, I don't want to beat this dead horse, but I'm staring at B-6 which is the picture of the Land Cruiser, that's clearly in the SMA trucking area.

Mr. Kaplan: Yes, that is SMA's.

Mr. Weiss: That car has not been moved in forever.

Mr. Kaplan: I know he got himself a new Chevy Silverado when he's been driving that all the time.

Mr. Weiss: I've taken a lot of pictures. Those things are obvious, the backhoe, you gave me an answer. A lot of things, you gave me an answer. But there's a lot of things going on that I'm not accepting. I can't accept it. I think we need to have a definitive conversation on how we're going to remedy that. Because I'm tired of giving approvals to the site plan and we'll fix it next time. And here we come two years later. And the problems as I see it still exist. So how do we go about making sure it's not there? I hear you. I appreciate your effort. But what happens next time?

Mr. Kaplan: So let's figure out exactly what you want, I mean, you're the guy in charge.

Mr. Dunne: So you think, can we just make it a condition of approval that this gets cleaned up and the outside storage of non-working vehicles could be removed?

Mr. Ottavinia: And we give them a date in the future. I hope to have all his clients or customers get all that stuff that we consider to go out, and then once that's all removed...inaudible...ordinance.

Mr. Dunne: Just make it prior to the issuance of an approval to occupy the new parking area.

Mr. McGroarty: You know, there'd be no formal CO for a parking lot.

Mr. Dunne: Well, parking area gives some developers agreement?

Mr. Buzak: What's the time period of your implementing the site plan? If the Planning Board grants a site plan what's the concept of implementing?

Mr. Kaplan: We'll probably start on it in probably late March, early April.

Mr. Buzak: And do you think it's going to be completed?

Mr. Kaplan: I would think June, July...something...probably June,

Mr. Ottavina: August 31 or July 1, whatever you want to do.

Mr. Weiss: I think you want to do as you're putting time is not like I'm asking you personally to do it. You have tenants. They have to clean it up. And I really am asking you again to enforce when you see a car that has clearly not been driven forever, get rid of it. And when there's a pile of junk and I could refer to the picture or feel free to use the pictures when that pile junk piles up, get rid of it, maybe implement the fine for your tenants. I don't know the answer, but I think I'm happy. I'm comfortable with that. Would we say July?

Mr. Dunne: July 1st.

Mr. Weiss: July 1st to have it cleaned. I have no problem coming back and taking a drive in. I'll do it with you, Mr. Kaplan. You wouldn't have walked the property together. And I remember years ago we pointed out and I think you did a great job at that when cleaning up what I pointed out. But it's always something and I'm tired of it.

Mr. McGroarty: So just for the record, any vehicles and equipment stored outside shall be operational, that's condition O in R resolution 15-02 for the amended preliminary and final site plan and also condition M recycling use is limited to yard waste. There shall be no mulching...mulch dying. I should say on site, for there is no recycling of...inaudible...it says limited to yard.

Mr. Dunne: Well, I read you the resolution as well that had all those details in.

Mr. McGroarty: Yes. This was adopted as the amended plan. Right.

Mr. Weiss: So what it represents for Kirk Allen and the salt, I don't know if that belongs there. And I don't really know for tree splitting, lot splitting, firewood is part of what we've agreed upon. If it's something that you want, let's come back and amend your permit...your approval. I don't think it would be a problem. But these things can't keep on popping up.

Mr. Kaplan: I'll talk to Kirk. I actually thought it was approved.

Mr. Weiss: Okay. So if you're okay with I think we'll have a July 1st deadline on it to have this cleaned up and in accordance to the Resolutions as they're written, including non-operational vehicles. But even more importantly, I don't...inaudible...called it junk. And I do accept your answer that the other things that I called junk is siding. So let's fix it. I don't mean that. Just let's get it fixed, do the proper thing and let's not leave piles of stuff all over the place. Because if it

takes you longer, there's no reason, we can't take that. It makes me feel better. I don't think that's unreasonable.

Mr. Scapicchio: What happens if it's not cleaned up by July 1st? What's the remedy?

Mr. Buzak: Not able to utilize any improvements.

Mr. Scapicchio: But he's already...

Mr. Buzak: He won't be able to utilize it. In other words, this is storage area that's now being approved for all of gravel...inaudible...a vehicle cannot be parked there.

Mr. Weiss: I trust it with what we're saying about. I can't imagine we'll have to address it. He won't be allowed to use the property that was developed.

Mr. Dunne: That's fair enough.

Mr. Weiss: Okay. And again, I know it's late and I do apologize simply for bringing it up. Let's just go over some of the conditions that we made that we discussed. I'm going to just to...you know...maybe there's somebody that maybe wants to go and I'll check out...

Mr. Buzak: Plans to be revised to show high light poles, the Duddy plans be revised to show they comply with the requirements that were set forth in the engineer's report.

Mr. Weiss: The light poles in Area 5.

Mr. Dunne: Yes.

Mr. Buzak: There was a signage. I thought we had a condition first with a sign with the... The LSRD to review the plans and issue report determined that the proposed improvements do not have any negative impacts on the site. It was a big monitoring well, I think, on the contamination itself, on the environmental condition of the site. Mr. Vreeland pointed out this is a requirement anyway that this would be part of the storm drainage system. The maintenance manual will be prepared and recorded. The landscaping plan shall include the requirement that all bad and diseased trees be replaced effectively in perpetuity, so that doesn't meet maintenance of that condition.

Mr. Weiss: To be fair to the other, at 8 foot height.

Mr. Buzak: Yes. The plans...and I don't know how to word it right now...the plans, the drainage plans done by Duddy and the engineering plan done by Ploussas will be either cross reference to coordinate with each other. And I believe that there was going to be...inaudible...the Duddy plans onto his plans so that you would be able to see where the drainage is. And did the materials that were on the Duddy plans that super effectively superimposed on the Ploussas plans without any liability for the engineering work that those ghosting...inaudible. We just talked about. No outflow storage of non-working vehicles. Based upon the Resolution 15-20, and that all non-working vehicles be removed from the site by July 1, 2020. If they are not removed, there'll be no ability to utilize any of the improved areas that have been constructed under this approval.

Mr. McGroarty: It's 15-02.

Mr. Buzak: Oh, I'm sorry. I wrote 15-20...It's 15-02. And then all the usual conditions.

Mr. Weiss: Okay. I had just a couple others. Lot 6 to be delineated by boulders.

Mr. Dunne: Lot 6? Area 6.

Mr. Weiss: You're right, Storage Area 6. I had a note, Storage Area 5 also delineated by boulders. Or is it already?

Mr. Kaplan: No, you can't do.

Inaudible

Mr. Dunne: Area 3, south side only.

Mr. Weiss: I have a condition that there needs to be a construction permit taken out to confirm the steps on the back of the building, of the building in the back.

Mr. McGroarty: Building Number 4.

Mr. Weiss: Building Number 4. Thank you.

Mr. Weiss: The engineer's report, I think under 1.44, the plans were going to be amended to show a crowning. Was that something...

Mr. Vreeland: Just additional spot grades and ensure that the drainage is going to work correctly.

Mr. Weiss: Do we need a condition for that?

Mr. Vreeland: No.

Mr. Weiss: Anybody on the Planning Board have anything else that they recall. Okay.

Mr. Nelsen: You did mention the 100 foot buffer.

Mr. Weiss: They already withdrew their request.

Mr. Dunne: I think he means the trees will be flexibly spaced. We agreed that we would work with the Planner and the Engineer to make that work.

Mr. Weiss: The fact that we were granted the waiver from EIS. As well as, the traffic study, we should put that in, the Planning Boards is agreeing to that.

Mr. Buzak: Yes, we should.

Mr. Weiss: Okay. That'll be important. Not so much a condition, right? We'll make that a notation that we're going to agree to these two waivers, accept those two waivers. And well, I think there's something else, but I don't find it. The elimination of the front road driveway. Do we need to make that a condition?

Mr. Dunne: The plans will be amended.

Mr. Weiss: Plans will be amended. I'm truly out of conditions on my sheet now.

Mr. Dunne: You did very well.

Mr. Weiss: But anyway, those with those conditions, as noted between myself and Mr. Buzak, someone please make a motion in his application.

Mr. Scapicchio: I'll make a motion that we approve application PB 19-10 and Waterloo Road Development, LLC with the conditions as outlined by our attorney and our chairman.

Mr. Nelsen: Second.

Mr. Weiss: Thank you, Dave. Thank you, Dan. Any conversation or questions seeing none, Mary.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Dan Nelsen	Yes
	Paul Ottavinia	Yes
	Howie Weiss	Yes

Mr. Weiss: Mr. Kaplan, my words are genuine. I appreciate what you're doing there. And I truly want you to keep it clean.

Adjourn

The meeting adjourned at 11:21 pm.

Signature

Planning Board Meeting Date Approved