

Mount Olive Township

**NOTICE OF PLANNING BOARD
DRAFT HIGHLANDS MASTER PLAN
ELEMENT**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Board of Mount Olive Township will conduct a public meeting to review and discuss the Draft Highlands Master Plan Element. The meeting will be held on Thursday, August 20, 2009 at 7:30 p.m. in the Council Chambers at the Municipal Building located at 204 Flanders Drakestown Road, Budd Lake, New Jersey. Copies of the Draft Highlands Master Plan Element are available for public review at the Office of the Planning Board Secretary and the Office of the Township Clerk, 204 Flanders Drakestown Road, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Catherine Notalafsky
Planning Administrator/Board Secretary
P.F. \$10.70 08/05/11

AFFIDAVIT OF PUBLICATION

Mount Olive Chronicle

State of New Jersey, County of Somerset, ss.,

WENDY A. SULLIVAN

of full age, being duly sworn according to law, on her oath saith: That she is the assistant bookkeeper of The Mount Olive Chronicle, a newspaper printed and published in the Township of Mount Olive, State of New Jersey, County of Morris aforesaid; that a notice, of which the annexed copy, was printed and published in said Mount Olive Chronicle on the **AUG 06 2009** day of

A.D. 200___ and continued as follows:

Sworn and subscribed to before me
this **AUG 06 2009** day of

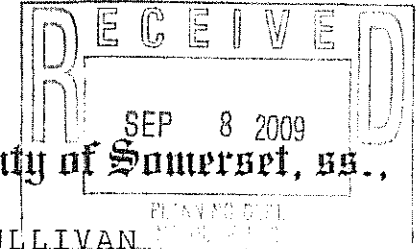
....., 200___

(times, at least once in each week successively)

Diane Howard

Notary Public, New Jersey.

Diane Howard
Notary Public
New Jersey
My Commission Expires April 23, 2014



**MOUNT OLIVE TOWNSHIP PLANNING BOARD
PUBLIC MEETING
August 20, 2009 - 7:30 P.M.
MUNICIPAL BUILDING
204 FLANDERS-DRAKESTOWN ROAD**

AGENDA

- A. **Pledge of Allegiance**
B. **Open Public Meetings Act Statement**
C. **Roll Call**
D. **Nomination: Vice Chairman**
- E. **Approval of Minutes:**
May 14, 2009 Public Meeting
Eligible to Vote: Ronald De La Roche, Nelson Russell, Mayor Scapicchio, Rob Greenbaum, Scott Van Ness, Howie Weiss, James Staszak, Rene Gadelha
- F. **Resolution**
PB 09-03 – Flanders 212 LLC
Amended Site Plan
Block 5300, Lot 25
Eligible to Vote: Joseph Fleischner, Nelson Russell, Lisa Farley, Rob Greenbaum, James Staszak, Rene Gadelha, Howie Weiss

PB 09-04 – Waterloo Road Development Co.
Preliminary and Final Site Plan
Location: Block 106, Lot 1; Block 7, Lot 1
Eligible to Vote: Joseph Fleischner, Nelson Russell, Lisa Farley, Rob Greenbaum, James Staszak, Rene Gadelha, Howie Weiss
- G. **Committee Reports:**
1. Mayor
2. Council
3. Environmental Commission
4. Ordinance Committee
5. Street Naming Committee
6. Open Space Committee
- H. **Development Matter**
PB 09-06 – Metro PCS LLC
Amended Preliminary and Final Site Plan
Location: Block 500, Lot 1.01
Waterloo Valley Road
Time Limit for Action: September 17, 2009
Eligible to vote: All
Notices: Received

Mt. Olive Township Recreation – Lacrosse Fields
Drakes Brook Park
Block 4500, Lot 8
Eligible to vote: All
Notices: Received

Public Meeting – Draft Highlands Master Plan Element
- I. **Discussion Matters:**
 - ROSI Update
 - Proposed Amendment to Land Use Ordinance regulating antenna on utility structures
 - Proposed Amendment to Land Use Ordinance to revise Schedule of Limitations for setback requirements for accessory structures in R-2-R-5 zone districts

In compliance with the Open Public Meetings Act of the State of New Jersey, adequate notice of this meeting has been mailed to The Mount Olive Chronicle, and posted in the Municipal Building.

ROLL CALL:

Members Present: Ronald De La Roche, Joe Fleischner, Nelson Russell (late 7:35), Lisa Farley (late 7:42), Rob Greenbaum, Scott Van Ness, Jim Staszak, Howie Weiss

Members Excused: Mayor Scapicchio, Rene Gadelha

Also Attending: Chuck McGroarty, Planning Consultant, Eugene Buczynski, P.E., Edward Buzak, Esq., Tiena Cofoni, Esq. Catherine Natafalusy, Planning Administrator/Secretary

MR. WEISS: Catherine thank you and I would like to just say for the record that we all have in our packet tonight the resignation from John Mania from the Planning Board because of his appointment to Council. And I had a conversation with the Mayor who will be presented an appointment to the Council at which time as we know with the Council needs to approve such and if the Council does not wish to approve such . . .

MR. GREENBAUM: It's a Mayoral appointment it's not advice and consent.

MR. WEISS: Well it will be done after next Tuesday so therefore for our next meeting we'll have a new member. That being said John was the Vice Chairman of the Planning Board and so at this time we need to appoint and nominate a new Vice Chairman. So I suppose there's nothing wrong with me making a nomination I want to nominate Joe Fleischner for Vice Chairman of the Planning Board.

MR. GREENBAUM: I'll second it.

MR. WEISS: Do we have any nominations for Vice Chair? Seeing none we have Joe Fleischner, we'll take a roll call.

MRS. NATAFALUSY: I think you can do an all in favor.

MR. WEISS: Okay all in favor.

EVERYONE: Aye.

MR. WEISS: Opposed? Joe congratulations.

MR. FLEISCHNER: Thank you.

APPROVAL OF MINUTES

May 14, 2009 Public Meeting

Motion: Rob Greenbaum
Second: James Staszak

Roll Call:

Ron De La Roche - yes
Nelson Russell - yes
Rob Greenbaum - yes
Scott Van Ness - yes
Jim Staszak - yes
Howie Weiss - yes

APPROVAL OF RESOLUTIONS

Resolution #PB 09-03 – Flanders 212 LLC

Motion: Rob Greenbaum
Second: Joe Fleischner

MR. BUZAK: There was a question raised regarding paragraph three in the resolution that is specifically the next to the last sentence. The sentence reads "The applicant testified the maximum number of members is anticipated to be 125." That's what my notes had indicated, Mr. Litwin had called us and he contended that the testimony was that the maximum number of people at the gym at any one time would not exceed 100. And I just couldn't remember it and I was going to see if the Board remembered so we can accurately set that forth.

MR. GREENBAUM: My absolute recollection of that particular issue related to the traffic issues that were raised and it was the amount of people that would be at the gym at any one point in time. So I'm absolutely certain that Mr. Litwin is correct in terms of his interpretation.

MR. BUZAK: If the Board concurs I would suggest that we consider the resolution to be amended to change that sentence to refer to the maximum number of people at the gym at any given time is anticipated to be 100 people.

MR. WEISS: 125. As a matter of fact the testimony and I have it in front of me on July 3rd they took a survey and found that there was 228 was at their maximum at their Mansfield facility which apparently is twice as big which is where he came up with the anticipated maximum number of people in the gym at any time is 125. It was an estimation so we're exactly right now as we remember it so that being amended Catherine did you have something?

MRS. NATAFALUSY: I was just wondering I had in my notes about them having to obtain a zoning permit to go into this facility for the signs too so I just didn't know if anybody remembered that.

MR. WEISS: Is that going to be standard protocol?

MRS. NATAFALUSY: Yes it is.

MR. WEISS: So let's I think whether we remember it or not needs to be in there.

MR. BUZAK: I will add those two items as conditions.

MR. GREENBAUM: As the mover of the motion I will accept both of those amendments.

MR. BUZAK: One was the zoning permit what was the other one?

MRS. NATAFALUSY: For a sign permit as well for the zoning permit.

MR. BUZAK: Thank you.

MR. WEISS: Joe will you second?

MR. FLEISCHNER: Second as amended.

MR. WEISS: So we won't sign this document. Any conversation?
Roll call.

MRS. NATAFALUSY: Joe Fleischer - yes
Nelson Russell - yes
Rob Greenbaum - yes
Jim Staszak - yes
Howie Weiss - yes

Resolution #PB 09-04 – Waterloo Road Development Co.

Motion: Rob Greenbaum

Second: James Staszak

MRS. NATAFALUSY: One question, do they need a developer's agreement Gene? I mean they're coming in and they want to do the lighting and . . .

MR. BUCZYNSKI: Yeah I think they should.

MRS. NATAFALUSY: Is that included in there?

MR. BUZAK: I don't think so.

MR. BUCZYNSKI: Even though it's in the ordinance there's times that people challenge if it's not in the resolution.

MR. BUZAK: I don't have a problem with that if the Board does not we can add it as a condition L.

MR. WEISS: And zoning permit Catherine no?

MRS. NATAFALUSY: I think if they got a developer's agreement . . .

MR. BUCZYNSKI: The developer's agreement they don't need a zoning permit.

MR. WEISS: Rob?

MR. GREENBAUM: Absolutely.

MR. WEISS: Jim?

MR. STASZAK: Yes.

MR. WEISS: Conversation on that second? Catherine roll call.

MRS. NATAFALUSY: Joe Fleischner - yes
Nelson Russell - yes
Rob Greenbaum - yes
Jim Staszak - yes
Howie Weiss - yes

COMMITTEE REPORTS

MR. WEISS: Okay committee reports. The Mayor is not here we'll move to Council Rob?

MR. GREENBAUM: No report.

MR. WEISS: Nelson environmental commission.

MR. RUSSELL: Yeah we met last night we were talking about, we reviewed Amish Mike and Sandy's Liquor on Route 46 is being replaced by CVS. It's going before the Zoning Board I'm not sure when. We reviewed plans for Drakes Brook Park the old former Blue Atlas and we discussed a green team to earn points for priority for environmental grants. That was pretty much it.

MR. WEISS: Okay feel free to jump in when we talk about any of these applications if you feel there's an environmental issue. Thank you. Joe ordinance committee?

MR. FLEISCHNER: We have a couple of discussion matters on for this evening.

MR. WEISS: Oh okay so we'll save it for that. Street naming committee we are actively putting a list of names and so there's nothing to report at this time but there will be a report coming soon. And so open space committee is Rene she's not here tonight so that is the end of our committee reports. Is there anything that I've forgotten? Next matter.

APPLICATION #PB 09-06 – METRO PCS LLC

MR. WEISS: Development matter PB 09-06 Metro PCS LLC. Good evening.

MR. SCHKOLNICK: Good evening Richard Schkolnick on behalf of the applicant Metro PCS New York LLC. Metro PCS is a new wireless carrier coming into the market it's building out its network throughout New Jersey and throughout some other states. Tonight it's proposing to add six antennas

onto the existing tower that's located at 197 Waterloo-Valley Road it's also known in certain documents as 207 Waterloo-Valley Road its Block 500, Lot 1.01. The existing height of this tower is 150 feet and we're not proposing to change that height. We're not proposing to change the height of the existing tower we're seeking to place our antennas at 105 feet there's already four other carriers so we're going to be in the fifth slot down. Sprint, Verizon, T-Mobile and AT&T are already there so again we're seeking the fifth slot. We're also proposing some equipment at ground level that equipment is going to go inside an existing compound. We're in the Light Industrial zone we're here tonight seeking amended site plan approval. Arguably we may also need conditional use approval we are a conditional use in the zone. An argument could be made that that conditional use has already been approved through the four other carriers. But we noticed for that and applied for that as well. In any case we believe we meet all conditional use standards. Chairman what I'd like to do is put on a planner first to show you some photos and photo simulations it is a very difficult site to even see from anywhere we don't think that anyone will be able to tell from any vantage point that there's additional antennas in the fifth slot. There is a requirement in your ordinance concerning conditional uses in general to show that the use is not prejudicial to the character of the neighborhood so we'll have very, very brief testimony from the planner. We have for you if you'd like a civil engineer to explain what we have which is the antennas connected by wires to cabinets at ground level that information is in the plans I don't need to call them, we have the witness to confirm that the site meets the health and safety standards we submitted a report on that issue and again I don't need to call him the report is in we comply by a wide margin. We have him here just in case either the Board or the public has questions and then I have very, very brief testimony from our radio frequency engineer I'll show you a map and I'll show you why this is going to cover a lot of room on Route 80.

MR. WEISS: I can't imagine the members of the Planning Board would disagree in keeping it brief the testimony doesn't seem to be valuable unless Gene and Chuck disagree. But I want to just interrupt briefly and just for the record Catherine just note that Lisa is here, welcome Lisa.

MS. FARLEY: Thank you.

MR. WEISS: I'm sorry Mr. Schkolnick go ahead.

MR. SCHKOLNICK: Okay with that Chairman if I may I'll call our first witness a professional planner Tsvia.

(TSVIA ADAR SWORN IN FOR THE RECORD)

MR. BUZAK: Would you please state your name and business address for the record spelling your first and last name.

MS. ADAR: Tsvia Adar and I'm with Pennoni Associates senior planner over them we're located at 210 Malapardis Road in Cedar Knolls.

MR. BUZAK: Thank you very much.

MR. WEISS: Catherine you're picking it up okay?

MRS. NATAFALUSY: Yes.

MR. SCHKOLNICK: Ms. Adar can you provide a statement of your professional qualifications for the Board.

MS. ADAR: Sure I'm a professional planner licensed in New Jersey I also hold National Certification with the AICP. I have a degree in Architecture in Urban Planning, I have over 25 years of professional experience in this field and related field.

MR. SCHKOLNICK: And you've testified before Planning and Zoning Boards in the State of New Jersey?

MS. ADAR: Yes many Boards.

MR. SCHKOLNICK: And you've been recognized as an expert in the field of professional planning by those Boards?

MS. ADAR: Yes.

MR. SCHKOLNICK: Okay I'd like to mark the aerial exhibit.

MR. WEISS: Okay before you do that do we have any objection from the Board? Welcome.

MR. SCHKNOLNICK: Oh I'm sorry. Okay if you can just market those exhibits as A-1.

MR. BUZAK: Today's date as well.

MR. SCHKOLNICK: And very briefly if you could just explain to the Board the location and what we have and whether you think this use can be in any way prejudicial to the character of the neighborhood.

MS. ADAR: Excuse me I have small you know of this exact same thing.

MR. WEISS: Okay and this is a rendering of A-1 that we're looking at.

MS. ADAR: Yes A-1 and the others they're all . . .

MR. WEISS: Okay.

MS. ADAR: Well this project as the attorney had indicated is this use is permitted as a conditional use in the L-I zone I reviewed your ordinance and it meets all the specific requirements for the wireless conditional use in the zone. Really the only thing that you would only have any concern about is the visual impact. We have been to the site took some photos the photos were taken by one of the planners in my division it was very, very difficult to see it. The only point that we were able to see the pole, as you can see it's all surrounded by wooded area a very dense wooded area, and the only

places that were able to pick up the actual tower and to see the antennas were just 100 feet from the tower and one is basically right at the end of the driveway about 335 feet from the tower. Any other places as I can show you in a minute you can barely see the monopole it's like a dot in the skyline. And it's probably easy for you to see that on the small exhibits . . .

MR. SCHKOLNICK: And your on sheet marked as A-2.

MS. ADAR: And there are a number of photos four sheets total. Okay and this has actually four sheets of photos. The first one is the one that I indicated that was very in close proximity to the site it's only 100 feet from there. Basically if you're right on this side you can see on the left side the tower with the four existing carriers, the one to the left shows the proposed antennas six antennas they're fairly small and they are lower than all the other carriers.

MR. BUZAK: Ms. Adar why don't we mark the next sheet A-3 just so we can keep them straight and you just testified as to A-2.

MS. ADAR: Sure. In this one again it's just lower at the end of the driveway at that point you can barely see the antennas especially the ones that are proposed because they are much lower than the tree line.

MR. SCHKOLNICK: You've got to go down a long road here to even get to this spot right?

MS. ADAR: Yes.

MR. SCHKOLNICK: It's not a generally visible spot.

MS. ADAR: Yeah I drove that road and I had to actually back up because there was even no way to turn it was so small and narrow. Okay the last, the two next sheets I'll mark them as A-4. Actually have four photos without photo simulation and you can see why because we had to actually put an arrow there so you know where the tower is. It's practically impossible to see. These were taken both from Waterloo Road.

MR. SCHKOLNICK: Is this use prejudicial to the character of the neighborhood in any way in your opinion?

MS. ADAR: Absolutely not there are no . . .

MR. SCHKOLNICK: Okay thank you for your testimony.

MR. WEISS: Does anybody from the Planning Board have any questions? Seeing none do we have anybody from the public that has any questions? Seeing none let's move on. Thank you Mr. Schkolnick.

MR. SCHKOLNICK: Thank you.

MR. WEISS: You know I have an idea Gene do you have any issues that you want to discuss?

MR. BUCZYNSKI: No there's just some clean up work relative to I think Mr. Schkolnick earlier I think the plans should be straightened out and reports straightened relative to the address.

MR. SCHKOLNICK: We agreed to all of the comments in the letter, we need a couple of details on the pad but we would agree to incorporate that review letter as part of any approval the Board may grant.

MR. WEISS: All right so the testimony was then you agree to the changes as Mr. Buczynski them in his report.

MR. BUCZYNSKI: And just two other items which he briefly mentioned before too there's was a structural analysis report and an antenna site compliance assessment report both of them were in order there's no concerns relative to the construction integrity of new antennas on the tower so we're fine with that too.

MR. WEISS: (inaudible) everyone on the Planning Board has reviewed those documents (inaudible) so we have no questions about it.

MR. SCHKOLNICK: Mr. Chairman we have the expert in radio frequency you know obviously it's a new carrier there's a deficiency along Route 80 we can show you the maps if you need them I'm not sure they're an element of our proof or not.

MR. WEISS: Chuck do you have anything you'd like to hear?

MR. MCGROARTY: The only thing I'd like to say Mr. Chairman is this is I think the kind of thing we'd like to see which is antennas on existing towers versus new towers.

MR. WEISS: I agree. And any issue that we once had I do recall we had a question about emergency access when we approved this many years ago that's got nothing to do with this application so . . .

MR. MCGROARTY: I've been to the site since from the original approval and I've been there since and I know others have as well and it's secured and you can get access immediately from Waterloo-Valley Road.

MR. WEISS: And you did say you're using the existing equipment box that's at the bottom.

MR. SCHKOLNICK: Yes will be in the compound.

MR. BUCZYNSKI: New boxes but within the compound.

MR. SCHKOLNICK: Not changing the footprint.

MR. WEISS: Okay so there's no change. I've got to mention we don't need to hear anything else.

MR. SCHKOLNICK: It's up to the Board.

MR. WEISS: Lisa unless you want to we can start all over again.

MS. FARLEY: No I'm pretty clear.

MR. WEISS: Okay any comments from the public? Again seeing none. Can I hear a motion?

MR. VAN NESS: Motion to approve the application.

MS. FARLEY: Second.

MR. WEISS: Any conversation?

MR. GREENBAUM: Only that the resolution should obviously include Gene's comments as part of the approval.

MR. WEISS: Catherine roll call.

MRS. NATAFALUSY:	Ron De La Roche	- yes
	Joe Fleischner	- yes
	Nelson Russell	- yes
	Lisa Farley	- yes
	Rob Greenbaum	- yes
	Scott Van Ness	- yes
	Jim Staszak	- yes
	Howie Weiss	- yes

MR. SCHKOLNICK: Thank you for your time.

MT. OLIVE TOWNSHIP RECREATION – LACROSSE FIELDS

MR. WEISS: For those on the Planning Board that don't know the next application is Mt. Olive Township Recreation Department making a presentation. There's a former Blue Atlas property where there's a development planned for building Lacrosse fields.

MR. SPITZER: We're here representing the Mt. Olive Junior Lacrosse Club I'm here with a group of people from the club that are seated behind me as well as an engineer Jeff Careaga from town here and Kathy Murphy from the township who Kathy do you want to come up to?

MR. WEISS: And Mark for the record you're the president of the Lacrosse Club right?

MR. SPITZER: President of the Lacrosse Club yes and we're here making application to use the former Blue Atlas property for two Lacrosse fields placed on that property. Kathy you can help me a little bit with this it's a property that was purchased through Green Acres funding?

MS. MURPHY: Yes and I just want everybody to be aware that this all has to be recorded for Green Acres and sent to them there was a lot of necessary public comment and notification as per Green Acres regulations

which has all been completed and all of the proof of notification has been given to Catherine.

MR. WEISS: And that proof just for the record that proof of notification included signage on the field? On the property?

MS. MURPHY: Signage on the field, 200 foot property notices, print ads in the Daily Record and in the Mt. Olive Chronicle and legal notices in the Mt. Olive Chronicle and the Daily Record. It's also posted on our website and it's posted in the building.

MR. WEISS: And that's all been done in compliance with Green Acres.

MS. MURPHY: Correct.

MR. WEISS: Okay Catherine you can confirm that?

MRS. NATAFALUSY: Yes.

MR. WEISS: Okay so we're good. Okay go ahead.

MR. SPITZER: So forgive me I have never been in this type of forum so just help me along here.

MR. BUZAK: Why don't I let you know what we're doing here and this is for the members of the Board some of the newer members of the Board? The requirements under this section of the Statute have the Board review applications such as this for comments and recommendations. We do not vote on this is not a site plan that we are voting on this is what's known as a D31 review so I think the applicant should simply set forth what they are going to do if they have any maps they can demonstrate that. I will put everyone under oath who may be testifying tonight so we'll have that as part of the record and that may be necessary for you for purposes of any Green Acres application. If each of you will stand and just raise your right hands.

(MARK SPITZER SWORN IN FOR THE RECORD)
(JEFFREY CAREAGA SWORN IN FOR THE RECORD)

MR. SPITZER: So I guess I'll turn it over to Jeff to explain what's going on the site.

MR. CAREAGA: I'm Jeff Acreage from Acreage Engineering I'm a professional engineer I've testified before the Board before.

MR. WEISS: Does anybody have any questions I'm sure most of us know Jeff. Welcome.

MR. CAREAGA: Thank you. I was brought in by the Lacrosse Club to evaluate the property. Originally the desire was to put three different Lacrosse fields on the property. We looked at the size of the property and the different restrictions that were on the property and we basically recommended that they only attempt to go for two different fields. I'll go

over to a display; this is an aerial of the site when the property used to be operated as the Blue Atlas Nursery. In the back of the property there is a wetlands line with a small pocket of wetlands this wetlands was delineated a number of years ago and has recently expired. But based on the existing wetlands which appear to be the same to us at this point in time we came out with a layout of the property that utilizes all of the area that existed and disturbed. The proposal that we have really involves no removal of any additional trees on the site it's really just a matter of cleaning up the existing site to be a conforming parking area and re-grading the site to utilize all of the existing area that used to be used for storage of trees and for all of their dirt moving actions over here. So we're really just re-grading all existing disturbed areas. The 150 wetlands lines which will have to be confirmed by the DEP, in the back we're not going to propose any kind of transition waiver or any type of modification to the buffer lines and we are essentially are going to put in two Lacrosse fields on the left hand side of the property. The right hand side of the property existing right now has been graded out with gravel spread and it's used by the municipality for overflow parking during carnivals and such. The entire property is basically Green Acres with the exception of a 1 acre area where there's an existing building and a storage building which is used by the recreation department right now.

MR. BUZAK: Mr. Acreage why don't we just mark that A-1 and the record should reflect that the testimony that Mr. Acreage has provided he is referring to a document we've marked as A-1 which is an aerial photograph of the site as it appeared while it was being operated as the Blue Atlas Nursery. And if you go into the next one you might as well mark that one A-2.

MR. CAREAGA: This map is the same as sheet number one of the set we submitted. Which basically illustrates the topography of the site, the location of the existing stock pile dirt areas, and the location of the existing gravel area? There is a tree line pretty much up the center of the property which we are going to maintain and it's going to be kind of a split between where the parking area is and where the fields are being proposed. There are no real proposed changes to the existing driveway entrance it's got good radiuses especially because it was designed for the tractors trailers that used to access the site. So there's really not a problem in the front of the property with sight distance and it is a very good entrance driveway that is anticipated to remain exactly the way it is right now.

MR. BUZAK: Mark that one sheet A-3 Mr. Acreage.

MR. CAREAGA: A-3 is the same as sheet number two of your set. This illustrates the existing gravel area that is to remain. We show all of the various parking spaces with regard to striping on the plans just to illustrate that there is adequate parking. We do not propose to actual stripe the gravel because that doesn't really work but we're just trying to illustrate the fact that really for two Lacrosse fields we anticipate 40 spaces per field will be required when the fields are operating. In between games there will be a turnover where there's really going to be cars from the new teams coming in along with the cars from the teams that area leaving. So the total parking anticipated is 160 spaces for the actual Lacrosse actions. The different fields have been graded to minimum the amount of improvements on the site. We

are sheet flowing or all the water flowing across the fields are designed at 2 percent so 2 percent is about cut off grade where if you go under 2 percent you end up with a lot of puddling so we wanted to get it just enough slope that we keep water moving without concentrating the water. A lot of fields are designed with a crown in the center concentrates water on the edges of the fields and then you end up with a lot of storm improvements. So we just designed this with sheet flow across of maximum 2 percent across the fields, a maximum 20 percent sloped down to the next field. So these fields are really terraced to conform generally with the grades of the site. Essentially in the middle of the field's right here the fields are right at the existing grade. To level out the field there will be somewhat of a cut over on the northwest section of the property over here and then there will be a slope down and the next field again will be a 2 percent with a maximum 20 percent slope because we really can't make the existing grade coming down with a 20 percent slope. There is a retaining wall proposed that will prevent any disturbance within the wetlands buffer line which is illustrated by the dotted line. We went through a couple of renditions of grading and we were requested by the recreation department you know just to keep this at a maximum of 20 percent because the grass cutting equipment has an alarm system that goes off at 25 percent and we want to make sure that this can be cut nice and easy with the existing equipment that the town has. Some of the existing roadways and gravel areas that exist on the property right now will be removed and planted over and we're trying to make up the difference with the area that we're going to be allowed with the Highlands permit. This property is subject to a Highlands permit also in addition to wetlands. There is no real classification in the Highlands Regulations for something like this there's a lot of different general permits so we are going to be applying as a type other permit because there is no real designation for this. The DEP may or may not qualify this as a major Highlands development. We did talk to them about it and they suggested we just submit as an other classification when they look at all of the details they will let us know whether they consider it major or not. Maximum amount of increase in impervious coverage that you're allowed with a Highlands permit is 25 percent beyond the existing disturbed area so we have all of our calculations that the DEP wants to see to justify the pre-existing lot coverage. When the Highlands regulations went into effect this was approved for Blue Atlas' use so instead of using the coverage which exists right now which is a little bit higher because this area was spread out with gravel where there used to be some planting beds and things in the middle right there. There is existing lot coverage is a little bit higher than it was originally from Blue Atlas so we're using Blue Atlas' numbers for the 25 percent because that's what the DEP relies upon what was the coverage before the Highlands regulations came into effect.

MR. WEISS: Jeff are you going to need to do any work on the parking area? Are you going to have to grade it?

MR. CAREAGA: Very, very minimal work it's really pretty much at grade right now it's graded out relatively well but it's not fine graded.

MR. WEISS: It's grown over though.

MR. CAREAGA: It's grown over so it will have to be scraped down and just spread out but it's not . . . there's no real major earth moving it's really just cleaning up existing what's there and getting rid of the small little gullies and things that are there.

MR. WEISS: Is it accurate to say too that closer to the building that's there there's an area that we would use as say over-flow parking?

MR. CAREAGA: Yes, yes right now if you look back at sheet number two the area that your discussing is off on the side over here, it does have gravel in it right now and it is a very good over-flow parking situation. If the DEP comes up with some reason why we have to reduce the coverage we might have to take some of this gravel and take it out but as long as it's carefully done and grass is planted there you could probably still use it as over-flow parking.

MR. WEISS: But still even more so towards this end of your drawing by the building.

MR. CAREAGA: Over here

MR. WEISS: Yeah by the building, there's still plenty of extra parking.

MR. CAREAGA: There's plenty of parking right.

MR. WEISS: That's good.

MR. BUCZYNSKI: While we're talking about the parking, Jeff you and I had talked briefly I think a couple of weeks ago regarding the 6 handicapped spaces.

MR. CAREAGA: Yes.

MR. BUCZYNSKI: That area are you going to be paving that area?

MR. CAREAGA: Yeah the one area that we really are obligated to pave is in the handicapped area. We do have a proposed walkway going to a paver area for handicap viewing of the different games. It's kind of set of strategically . . .

MR. BUCZYNSKI: It's that shown on your plans though? Not really is it?

MR. CAREAGA: Yeah it is there's a 3 foot wide walkway coming from the handicapped area to the gazebo.

MR. BUCZYNSKI: Yeah but it says gravel walk.

MR. CAREAGA: Yes that will have to be asphalt correct.

MR. BUCZYNSKI: So your going to revise the plan just so we have it on the record that . . .

MR. CAREAGA: Right, correct. So the only areas that will be paved on this is going to be the handicapped parking and the walkway that goes to the gazebo area.

MR. WEISS: Does anybody on the Planning Board have any questions? Nelson?

MR. RUSSELL: Looking at your stone wall detail you have a maximum height of 8 feet, I think we have a regulation that above 4 feet it has to have a step back.

MR. CAREAGA: Gene do we have to change that to step it do you believe?

MR. BUCZYNSKI: Well the ordinance requires it I guess you'd have to request a variance. Can they request a variance at this type of hearing they can't right?

MR. BUZAK: No they really can't I mean they think we can make recommendations with regard to that but since they're not coming here on an application itself other than a D31 review we can simply make those recommendations that the wall be constructed consistent with the municipal Code.

MR. RUSSELL: Well the note does say that it be built according to regulations.

MR. WEISS: Well I haven't heard otherwise correct?

MR. CAREAGA: Correct.

MR. WEISS: Okay so it sounds like they'll build it according to regulations.

MR. RUSSELL: Which means the setback if you go over 4 feet.

MR. CAREAGA: And the setback Gene is that 8 feet between walls?

MR. BUCZYNSKI: Is it 8 or 10 I'm trying to think.

MRS. NATAFALUSY: A distance of 10 feet.

MR. BUCZYNSKI: A distance of 10 feet Jeff it's Section 400-81.

MR. CAREAGA: Sheet three of your plans illustrates the soil erosion and control plan the project is also subject to the Morris County Soil Erosion Control approval so this just illustrates all of the . . . location of the silt fence, location of the proposed disturbance, and all of the other standard details that are typically required by the County to obtain approval.

MRS. NATAFALUSY: Is that A-4?

MR. CAREAGA: Yes. The last two pages of the plans that are really the same as pages two and three of the plan set but there's a few extra notes that are applicable for Highlands applications.

MR. WEISS: Jeff I have a question for you. Is there an existing water supply there now?

MR. CAREAGA: Yes there's actually two existing wells on the property. There's one in a small well house out in the field, there's another well by the existing buildings. We are proposing no water supply out at the site at this point in time we're not proposing any kind of irrigation system at this point in time. We will be studying the top soil that is spread on the site to determine what type of grass would be best suited for that particular top soil characteristics. And again these are intended to be very low maintenance field that are hopefully the grass will grow without any kind of problem.

MR. GREENBAUM: Is there already an existing irrigation system out there or did they run their above ground hose kind of system?

MR. CAREAGA: There is a variety of pipes that was used for the irrigation system. The whole system has been taken apart so there's no more well pump or some of the controls are left in the building. The pipes, some of the pipes do exist underground but we're not anticipating utilizing them at this point.

MR. GREENBAUM: Are you anticipating in any way removing the pipes or in any way through the re-grading damaging any of the pipes or the pipes will just stay where they are at this point? Can they be used in the future for irrigation in the even that that decision is made?

MR. CAREAGA: That's a good question I don't know the answer to whether or not they can be used I really didn't see the pipes other than a few stubs sticking out of the ground in a few different locations. So you know I guess some testing could be done. I don't think there's going to be any real need to take them out of the ground unless there's a few pipes over in this . . . this area where there's really . . . there's cut over on this section of the property only everything else is pretty much fill. And I believe the irrigation there's a few different pipes that will . . . those headers that were put above grade when they actually utilized it to water the trees and the other plants that were out there.

MR. WEISS: Nelson?

MR. RUSSELL: Yeah a couple of questions. The 6 inch well casing that's close to the concession stand, will that supply the concession stand?

MR. CAREAGA: It could supply the concession stand I believe right now it's only permitted in the State as an irrigation well there is different permits here.

MR. RUSSELL: So we don't know if it's potable water or not?

MR. CAREAGA: It's not permitted as potable water right now. I believe there is no problem with the water quality but there was a diversion permit that was required from the DEP from Blue Atlas because that is a very high capacity well. I understand that it might be good for as much as 200 gallons a minute which would make it pretty much the best well on top of the hill up there.

MR. RUSSELL: Okay now we'd need a septic system to handle drainage?

MR. CAREAGA: There is an existing septic system for the recreation building. We are not proposing any septic systems for the actual fields just porta-potties will be used.

MR. RUSSELL: Okay I also noticed, will the concession stand have electricity?

MR. CAREAGA: I'm sorry what was that?

MR. RUSSELL: Will the concession stand have electricity?

MR. CAREAGA: Yes it will. There is an electrical service that's out at the existing . . .

MR. RUSSELL: I also don't see any bleachers or seating for . . .

MR. CAREAGA: There is going to be bleachers here, they are proposed to be in the center of the field right here so there will be bleachers the layout does allow for the bleachers you know both in the center right here.

MR. RUSSELL: Thank you.

MR. WEISS: Lisa?

MS. FARLEY: Any proposal for lighting in the future?

MR. CAREAGA: No not at this time. It's really just for practice for the Lacrosse Club.

MR. FLEISCHNER: You mentioned porta-potties, what kind of number are looking and would they be there all year round what is the thought behind that?

MR. SPITZER: Two things in response to your question first about the lighting, it's just that Lacrosse that the timing of the year it's a Spring sport and we usually are complete with our games before dark so we have no need to have the lighting. And as far as porta-potties I guess it depends on . . . in the beginning it would be less than later on it's just, it's based on use I guess and I don't know what the answer is to how many people you have to have before you get the second porta-potty but I guess it's based on use. In the beginning it's going to be a low use and then eventually we're hoping to use those fields for our permanent fields for Lacrosse.

MR. FLEISCHNER: Would the fields be open though for Lacrosse you know for the kids that want to practice? You know I know we could have a mild winter and you know it's kind of like golf people go out in January they're playing golf.

MR. SPITZER: That would be our hope that we could use it as often as possible during the year.

MR. WEISS: I would (inaudible) real quickly and Kathy maybe you could help, Green Acres property would have to be open to the public.

MRS. NATAFALUSY: Yes.

MR. WEISS: So that sort of answers the question. I'm sure the recreation department will schedule a certain time for the Lacrosse program, after that it's open to the public. Gene you had a question?

MR. BUCZYNSKI: Yeah I just want to revisit the wall issue again because I was looking at the grades. I don't really think they need to conform to the ordinance because when you look at the wall the wall goes from 2 foot to 8 foot and 8 foot is the maximum. They only have a small piece that they put it's really a 2 to 6 foot wall is what it amounts to and the requirement to terrace the wall is in excess of 6 feet. I don't think there's a need for this type of wall to have this additional disturbance and have a terraced wall.

MR. WEISS: Good.

MR. BUCZYNSKI: That's my feeling just build the wall that's shown on the plans.

MR. WEISS: Okay. Any (inaudible) requests about that? Rob did you have a question earlier?

MR. GREENBAUM: Just for Kathy, in the existing structure is there potable water?

MRS. MURPHY: Yes.

MR. GREENBAUM: And is there an existing bathroom in the building on the first floor?

MRS. MURPHY: Yes the downstairs is currently occupied by the Historical Society which has two rooms and its own lavatory and the front room is being used by the recreation department and that has a handicapped accessible lavatory. And then of course upstairs there's another bathroom that's being used by DPW. The building itself is exempt. When we wanted to purchase this piece of property it was with the idea that it would be used for recreation that the building was purchased with non Green Acres money so it's not under Green Acres control and that gave us more flexibility in how we used it. The nice part about this building and this property was that the infrastructure was already in it had driveways, you had an irrigation well,

you had a potable well for the building, you had a septic system, there's three phase wiring already on-site so . . . parking was in.

MS. FARLEY: My question before about the lighting was just because I see in a memo here that hopefully the flag football program could also use it and then it would be into the darker times of the night that maybe that would help. And I know the trouble over at Flanders Park with getting the lighting through you know maybe if that were done way ahead it wouldn't have been such an issue.

MR. WEISS: You know Lisa it's interesting because that was going to be my question and I was going to turn it over this way, is there an advantage to the Lacrosse group to come forward at this point and say although we don't have plans for lights or sprinkler system that perhaps it's something that they might want to add. Because it seems like you're right Lisa we've addressed it at Turkey Brook, we've addressed it at Flanders Park that at the time of application there's no plan for it but the reality is that maybe one day you'll want it. And I think, and I was there today and I think a lot of people who've seen that property I think it's ideal to be lit because of the topography goes way down those lights will actually be below Flanders-Netcong Road I don't think you'd ever see it. If your ever going to light a field that's a perfect place to light. Now I understand you don't want to light it today.

MR. SPITZER: Just from a cost perspective but in the future you're right that it's a possibility.

MR. WEISS: I understand that but Lisa is 100 percent right, when the baseball club turned around and wanted to light a park that was originally presented to have no lights my thought is should the record today show that although there's no lights planned that the property is capable and accessible to have lights and that perhaps one day they'll be lights.

MR. BUZAK: I think part of that depends upon how this matter was approached with Green Acres. If what was submitted did not mention lights I think then we probably ought not to consider that tonight, if they plan to do that I think they may have to resubmit something to Green Acres and I'm not sure you want to. I understand your intent to get it all through at once but on the other hand you don't want to wind up delaying the project because now some amendment has to be filed with Green Acres.

MRS. MURPHY: Well these are the plans that are posted so I think in that sense it would probably be better at this point not to perhaps address the issue. The point of the Green Acres having the public hearing of course is to make sure that the public is informed and has an opportunity to comment. It also gives us the opportunity stress that we purchased this property with the full intention of it being a recreational facility and never precluded lights from being on this in the future it's just at the time of purchase there was no site plan filed that showed the recreation at the time and that is why Green Acres wants us to have this public hearing. So it goes from unused property to a recreational use. So we did include in the plans a concession stand and other items that may not be built at this time but we wanted to make sure

that that was already on the plans just so we wouldn't have to keep coming back to Green Acres each time. But lighting was not one thing that was . . .

MR. WEISS: Kathy is it a big deal to go back later to get approval for lights?

MRS. MURPHY: No for the most part it isn't. For example at Turkey Brook when we have added additional items such as the dog park or the Veterans Memorial I sent diagrams in, we showed the locations on maps and how this was in keeping with the idea of the park, they reviewed it at Green Acres and those items were allowed.

MR. WEISS: Well I guess because this is a public hearing we probably should just at least for the record which we have already that there is open dialogue it's something that although it's not on the plans today is something that it's capable the infrastructure is there the three phase is there and it's something although it's not going to be part of the plan that's submitted it's something that will be considered if you need it. Joe?

MR. FLEISCHNER: I want to go back to the wall. I think we can't just say let it go because if a homeowner comes before the Zoning Board and says wait a minute you know I want to put this tiny wall I don't want to see us run into a conflict there. It might be easier to just as Scott mentioned just grade it to 6 feet or just ask the Zoning Board to issue a variance and then we're covered.

MR. BUCZYNSKI: Yeah I think maybe you could work the grading to make this 6 foot but the thing is when you look at the ordinances the ordinance talks about a 6 foot wall. I think when you think of a wall graded 6 feet you think the whole wall being graded to 6 feet. This wall is 2 foot, 4 foot, 6 feet and it just peaks at 8 and I agree with you to avoid any arguments why don't you just get it to be 6 feet maximum.

MR. FLEISCHNER: Right if we can do that then you know we don't need . . .

MR. BUCZYNSKI: Then there won't be any concern.

MR. FLEISCHNER: Right then there's no concern the . . .

MR. BUCZYNSKI: But really it makes no sense to terrace a wall this size.

MR. FLEISCHNER: I agree with you I'm just concerned that if we don't treat it within the scope of the ordinance it can come back and just haunt the town in another direction. And maybe if you can do that that solves the problem.

MR. WEISS: Jeff do you think that's possible to grade that to 6 feet?

MR. CAREAGA: I certainly is you know the wall gets closer to the field at that point so I personally would rather see the wall further away I think

because you don't want the walls too close to the actual playing area for any kids that go running off. And again I think the wall, I don't show it on here but it's going to have to have some kind of fence on top of there too. I don't have a detail on that so I'll make sure to add that on top of the wall also. But I do not see a problem with re-grading this and I don't think it's going to be too close to the field I was just trying to keep as far away as possible with our design.

MR. WEISS: Rob did you have something else?

MR. GREENBAUM: No.

MR. WEISS: Anybody else? Okay.

MR. CAREAGA: But other than that I think that's really the crux of the application right here as far as what we're trying to do. I don't know if Gene or Chuck have any particular questions or concerns we need to go over.

MR. MCGROARTY: I have none.

MR. BUCZYNSKI: I guess when you start construction I guess it depends on when you get all of these permits.

MR. CAREAGA: Right the permits are likely to take a long time just because the wetlands permit we can't even apply for that until we have a Highlands exemption or a Highlands permit whatever they deem us. So we can't do them in parallel they're kind of a series permits so as soon as we get the Highlands permits we submit for the wetlands and we have to wait for that to come through. The fact that there was a previous wetlands approval will make it easier because the DEP is familiar with the site. So I really don't see an issue with getting you know the wetlands permit, my main concern is how is the Highlands committee going to view this application. Are they going to make us go through the hurdles of a major Highlands development or are they going to let us reclassify it in the other section of the general permits which are much easier to get.

MR. WEISS: Kathy do you think there's anything else that we need to put on the record for this process?

MRS. MURPHY: Well I would like to say that for the amount of advertising that we have done and of course the plans have been available within the building in three different offices we have had no comments from the public at this time there's been no written or oral comments or disputes about the property. And we should also note that this property originally had been approved for 21 I believe single-family homes, the original application was a request for 23 units I think it was reduced to 21 but it did have site plan.

MR. WEISS: Did it ever come before the Planning Board?

MR. MCGROARTY: Yes they had approval.

MRS. MURPHY: They had preliminary approval. So and anything that we do here actually will be reducing impervious coverage and will be an improvement to the conditions that already exist. There was a good amount of gravel in there because of the nature of the business and there would have been a good amount of asphalt put down for a development if that had gone forward. So this really seems like a really good alternative and I believe the public is well served by this.

MR. BUCZYNSKI: I don't think you have to convince us you have to convince Highlands.

MR. WEISS: Any comments from the Planning Board? Chuck you said you were good, Gene?

MR. BUCZYNSKI: Yeah I'm fine.

MR. WEISS: Ed you're okay so far?

MR. BUZAK: Correct.

MR. WEISS: Let me open it to the public. Do we have any comments from the public? Step up to the microphone and state your name and spell your last name for the record.

MR. BADUINI: Hi Chris Baduini (B-A-D-U-I-N-I) I just want to thank Mark and this woman here I don't know for your efforts tonight and the Board's consideration. Obviously as a coach, as ex-player to have our own fields especially for the girls we have trouble getting on fields with lines and to have our own fields put our own lines on it and practice and to have our home would mean a lot. So I understand the Highlands piece is out of your realm and it's unfortunate you can't run them parallel because if we could get this you know started in Fall we might have grass in the Spring that we could play on. And it's a Spring sport so that would be our hope and our goal but understand that there are other approvals needed but thank you for your support.

MR. WEISS: Thank you. Anybody else from the public?

MRS. GEIGER: Hi Bridget Geiger. Again as a former player, current coach, a lot of other things this is long overdue since we started this club in 2001. We haven't had teams for our club we have bounced around from any piece of grass that we could find we finally found something we failed in our previous attempt up off of Smithtown Road it just became too expensive, too many permits. This is an ideal site for us to use. We don't have that many kids, we don't have a lot of money but we have a small group of volunteers we're very eager to get started and maybe Lisa someday we can have lights. You know that would be our ideal but we're going to have to really move and save a lot of money, raise a lot of money to do that but at least our Lacrosse club will have a home. We'll have fields that we can go on that we don't have to wait for the High School to vacate, that we don't have to ask baseball to use and then hopefully the football kids, the little kids because they won't tear it up as much as the older kids because they're littler they don't weigh as much and maybe we get lights. They're little you don't keep

them out at practices much, they don't practice as long they're season is not as long as the older kids in the recreational football program, but again and a lot of those kids do play Lacrosse and football back and forth the boys. So we're trying to find a way to say no it's not just Lacrosse lets open it up to football and if kids go out there on a warm winter day and throw a football get a six on six game going whether it be football, Lacrosse you got to love it that's where we want our kids some place that's visible that people can see and that they're involved in safe activities. They're out there they're active it's the best thing for them they're learning to organize on their own, I'm old we didn't have a lot of organized sports we went out in our neighborhood we got a stick we made a ball out of tape and newspaper but we made up our own rules we made up our own teams. And kids everything is so organized for them to watch these kids go out to Turkey Brook I know they did some damage to the football field on a warm winter day in December but to watch them go out and play and make things up on their own and figure it out on their own that's the best thing that we can give back to our kids in this community. I thank you for your support it's a great group of people a lot of them have been coming up they're putting a lot of time into it. Mr. Careaga, the Petillo Group you know we can't thank them enough, Kathy taking us through this whole permitting process, Mark writing notes to all of us reminding us getting us all on board this is what we need. It's a new sport, it's a great sport it can involve a lot of kids it's very active and once you get the bug for it you don't ever let it go. I'm living proof of that thank you.

MR. WEISS: Thank you. Anybody else from the public? Go ahead.

MR. FARLEY: Jim Farley Chairman of the Recreation Advisory Committee and also on the Open Space Committee. I just wanted with the two committees I think you've got one of my letters from the recreation committee we are all behind this moving forward for the recreation and Lacrosse to put another field in there put our fields up we're all for it. So I just want to say Kudos to you Mark and the team for putting it together thanks a lot.

MR. WEISS: Thanks Jim. Anybody else? Any comments from the Planning Board? I'm going to close it to the public by the way. I had a couple of things. I just wanted to let you know I had a conversation with the Mayor today and he wanted me to just state for the record that he's in total support of the program so you certainly have the support of the Mayor and administration. I have a little, my only problem with this whole thing it's got nothing to do with Lacrosse and it's probably . . . I spoke to the Mayor about it and I sort of blamed it on an administration problem but Kathy unfortunately it's going to bounce at you. Being the Chairman of the street naming committee and being a big fan of honoring people who've made good things happen for the town. I have a problem with the park being called Drakes Brook and maybe this isn't the forum but it's going to be the start of my soap box. And we spoke a long time ago, the Mayor and I and I think some of the people on the committee Scott we might have talked about it as early as we can let's try to name something for Earl and this is really the forum that Earl did his best work. And we talked about Earl lived on Flanders-Netcong Road, we talked about having Spino Field I've heard the administrations position that they don't want to name a facility after somebody (inaudible) name a field, and to that I say garbage. There's no

reason why this field, this facility can't be called Spino Field and I'm going to push the Mayor for that and I think Kathy I think your answer to the Mayor was that well the Drakes Brook runs right through the back and I suppose the Turkey Brook runs through the back of that park and if it does I think it's confusing to have Turkey Brook, Drakes Brook especially when we have an opportunity to name a park after Earl Spino across the street from his home.

MRS. MURPHY: I can tell you what the process is just for informational purposes. Obviously we did want to name the park instead of Blue Atlas which was a commercial business name of the former owner that owner did move the business over to Washington Township and for those people who were looking for directions on Google or so to get to the park kept coming up with the business name now moved to another town. So we needed to find a name. We at the time just decided to pick something that was perhaps a natural feature, that was not controversial and we felt that that would be a reasonable solution. Certainly it could be changed. The conversation I had with the Mayor, and this was in large part my personal opinion, but I have found other people have agreed with me is that sometimes when we try to honor someone and Earl was a fabulous guy I mean he just was a gentleman and a big teddy bear and I can't say a bad word about the man and God rest his soul but sometimes when we honor people we cause hard feelings for some other people. Because there's so many worthy volunteers and we don't have enough parks in general to name after people and so we felt at the time that sometimes it's better to have facilities, fields just like we have Dan Jordan Field or . . .

MR. WEISS: Lou Nelson.

MRS. MURPHY: Lou Nelson is a park but even within Flanders Park we have Russ Nagle Field and things like that that some times if we name amenities within the parks that we can sort of spread those honors a little further. But it's not up to me to name that park if we want to revisit that we can certainly do that.

MR. WEISS: I know that and I should say that it would hold up nothing from the Lacrosse from your application. I just want to say that because I'm going to do what I can do change the name of that. We'd like to work with the Lacrosse club I'm going to push the Mayor, Rob I don't think that's anything you could help with I can't imagine anybody on the Planning Board has a problem with getting Earl's name out there. Any comments about what I said? Joe?

MR. FLEISCHNER: I don't think there's a problem and something that's probably . . . people I've never said anything about but when my first wife passed away she played Lacrosse at Temple University and when she passed away I endowed a Lacrosse scholarship in her name at the university. And one of the joys that my two sons and I have every year is to meet the young lady who gets the scholarship. I understand where your coming from and I think we've talked about like in street naming soldiers from the area that have fallen, I think we just have to be very careful because I think Kathy made a valid point Earl, great individual I've known him for as long as I've lived in this town but there are other people that have also lived in this town

that have passed away that were great individuals and did a lot for Mt. Olive. And I think that's where we run into a problem, how do you pick and choose. You know that's the only thing you know I did what I did because it was at Temple University you could put your name on a building and give them ten million dollars they'll put your name on but yet you know what if somebody comes along for twenty million they'll take your name off and put somebody else's name on. That works the same way everywhere. I just think that we have to be very careful before we make a decision to put someone's name on a park.

MR. GREENBAUM: Well respectfully I don't think that this is a discussion which needs to go any further at this time in light of the application which is here before the Lacrosse. I don't mean to diminish the honor of the argument but I think you know Lacrosse came here for their required hearing, they've put forward a great hearing everyone is very excited you have complete governing body support from the administration through the Council, through this Planning Board and I know that we all wish you the best in any help that at least I can give you at the Council level you know please don't hesitate to come back. I'm highly supportive of this program. When we purchased Blue Atlas we were really in the dark in terms of how we were going to ultimately going to develop this for recreational uses but you know we walked the property with the Morris County people and everybody was really excited about preserving this piece of property and just had absolutely no clue in light of the financial climate as to how we were going to develop this property and you guys stepped up to the plate. And your going to make something happen here that the township otherwise could not do and that's just so exciting and really, really anything that we can do to help from the governing body you know don't hesitate to come back. You know I know we had discussion about what it's going to cost ultimately to maintain the fields but your efforts have taken this project a long way and I think anything that you need needs to be considered in a favorable light you know obviously within reason.

MR. WEISS: I agree. I just wanted to put that on the record that if you see a name change it's because I won that's all. Ed is there any business that you would like to state for the record before we end this?

MR. BUZAK: No I think just if the Planning Board has any recommendations they would discuss them now and put them in a letter to the recreation, to the Lacrosse Club so they can be considered. If you don't have anything then we can conclude the review and note for the record that it has (inaudible).

MR. WEISS: Okay Rob?

MR. GREENBAUM: Very briefly I know there was some discussion about fencing and if your going to have terraced fields there should be something on record that the field need to be fenced so that your not going to have people who are going to be playing on the field and ultimately leaving the field of play to get a ball or whatever by accident. So if we're going to put something in a letter I would suggest that that ends up in a letter.

MR. WEISS: Jeff do you have anything else?

MR. CAREAGA: No that's it.

MR. WEISS: Mark?

MR. SPITZER: No.

MR. WEISS: Okay then I guess this hearing is concluded.

MR. SPITZER: Thank you.

PUBLIC MTG - DRAFT HIGHLANDS MASTER PLAN ELEMENT

MR. WEISS: Public Meeting on the Draft Highlands Master Plan Element.

MR. MCGROARTY: Yes Mr. Chairman the Board, we provided the Board a copy of the . . . this is a model Master Plan Element specifically for the preservation area of the highlands and for the planning area of the highlands if the municipality so chooses. A couple of housekeeping things I just need to get on the record because it's important that we do so. It was required that we do a public notice and Catherine's office did that. A public notice was published on August 6 and it was in the Mt. Olive Chronicle and it refers to this evening's meeting and copies of that information will be provided to the Highlands Council. And if I may a couple of things, and again I think we need to put this on the record first, what is it and what are we doing? And I'm going to read just sections and I promise not whole paragraphs but I think again for the sake of clarity and also just for the public record I'm now going to refer to something you probably do not have which is the 2009 Plan Conformance Grant Program Guidelines for what we're talking about tonight which is otherwise known as module 5. I'm sure you'll all recall there are 7 modules in this Plan Conformance process we're going through this year and the ultimate objective here is to bring at least the preservation area portion of Mt. Olive Township which comprises 80 or 82 percent of the entire township into conformance or what's known as basic plan conformance with the Highlands Regional Master Plan. So what we're looking at tonight, and I'm going to read this sentence this is from the guide, "the Highlands Element provides the rational and the framework for Land Use Planning and regulation in accordance with the RMP, which is shorthand for Regional Master Plan, it is intended to be used as a supplement to existing Municipal Master Plans for application to Land Use and development in that portion of the municipality for which Plan Conformance is sought." Now having said that I think the focus tonight is probably going to be more on the preservation area of Mt. Olive. But another thing if I may why are we doing it now? Highlands Council has asked that this document be considered and submitted to them by September 1st. Now some municipalities may not make that deadline, Mt. Olive is on schedule with all of the modules the first two the build outs and so on and what I would suggest is we'd like if you've had a chance to at least look at this document, we can talk about it this is not the final say on this. You're not officially adopting a Master Plan Element tonight and for that matter you're not doing it this year unless you choose to. All we're being asked to do is to consider this as a draft and therefore this is not an official Master

Plan hearing it's called a meeting and there's a distinction and of course our attorney's are here this evening and they can help us if there's a clarification needed. But we did the notice but we didn't have to do an official Master Plan notice for the MLUL. So anyway that's what we're doing with that. A statement that I need to read just so your aware, again this comes from the instructions bear with me if you will it says "please be advised that revisions that change the intent or meaning of the model Highlands Element will only be accepted by the Highlands Council if they are found consistent with and/or deemed to otherwise further the intents and purposes of the Highlands Act and the Highlands Regional Master Plan. Planning professionals should insure that Planning Board members and municipal officials are made aware of this requirement and that it is clearly stated during the public meeting or meetings held to discuss and consider the draft municipal Highlands Element." So that's my duty and now you know. So having said that I think what we'll do I can sort of point to a few things that are worth your attention and we can discuss them at length or not at all and ultimately what will come out of this process that I think would be helpful is to the extent we want to make any changes to this document we will do that, we will submit it to the Highlands Council by the deadline September 1st you may adopt a resolution which outlines your concerns or what have you and make it clear that this is of course not the final word. Also the draft that was sent to you also contains or should contain a number of maps, there are 20 or somewhere there abouts maps and I doubt you got them. These are not maps we created these are maps we cut and pasted from other Highlands documents in the interest of cost and time. Next year or whenever the time comes that we create a real Master Plan component to deal with the Highlands I would expect you'd want your own professionals to prepare the maps and make them a little more clear and crisp and so on. But in any event we have six additional, or five or six additional copies of the color maps here this evening and we will make as many as are necessary and I will provide the township of course with this document on disk it's just to big to email. Mr. Chairman those preliminaries out of the way I can stop for questions or I can just touch on what I think are five points that are worth noting.

MR. WEISS: I think that's a good idea Chuck those five points might be perfect.

MR. MCGROARTY: Okay. You'll note that the document you received has the strike throughs and the underlines and then some parenthetical comments that I put in. We are doing this in what are known as track changes your familiar with because that is requested by Highlands Council they want to see what changes we're making so that's why it's there. The first point is this very big document which is 70 or 80 some pages I went through it and I deleted which shows the text still being in there with lines through it references to the Planning Area. Now again that doesn't mean that Mt. Olive is committed, that doesn't mean I should say that Mt. Olive has made a decision that it will not subject the Planning Area to the Highlands Regional Master Plan which is commonly known as opting in. If you want to leave in the Planning Area language we can do that but the way that this document reads at present Mt. Olive is conforming for the Preservation Area which it should and for all intents and purposes really must and that . . . so this draft would be submitted by the deadline but it's part of Plan Conformance for this year. So again does that mean you close

the door on opting in if you delete this language? No. You can always go back and change it but that's the first thing and that's why I did it. Secondly well the second point was the maps I mentioned that. Third, just a couple of things to bring your attention to, this would not be the way I would put together a Master Plan Element so I would say that for the record everyone has their own way of doing things but I draw your attention on page, at least on my document on page 21 and it talks about non-residential development and it goes into a lot of detail quite frankly about floor area ratio calculations. And I put in parenthesis that this is not consistent with the MLUL definition, at least at first reading I don't think it is and maybe I'm wrong but I think or at least it's a stretch to say that surface parking should be considered part of a floor area ratio calculation. In any event even if it's ultimately determined to be consistent with the MLUL I don't agree with it and I would suggest that that be changed. Floor area ratio traditionally and I think correctly should refer to when we calculate that it should concern the volume of a building and not surface parking requirement. Unless I misread that and perhaps I did but I don't know. There's also some language in here which would, right in that same section on page 21 in that subparagraph three which would modify how impervious coverage is calculated and it would eliminate sidewalks and bike paths and so on from the calculations. I think those are good intentions because that would encourage those kind of facilities but I think it undercuts the rational of the entire approach. Impervious coverage is impervious coverage and just because it's a sidewalk or a pedestrian trail doesn't mean that it's any less important or more important and therefore should be just not counted towards impervious coverage. That's at least my opinion. One other comment or observation on the next page, page 22 and perhaps the next page deals with parking and perhaps because here its under the non-residential section I was, I jumped the gun a bit because I raised the question about the RSIS or the Residential Site Improvement Standards so if this is intended this language here about parking to deal with only non-residential then my point is off base and I would remove it. I mean RSIS controls residential parking as we know. But even so in this non-residential section I would come back with some language and I would want to be certainly interested in what Gene's thoughts were but anyone else from the Board I would make some changes to this language and I would not be as generous as they are in terms of for example if you share parking you get to have less impervious calculated and so on. So I just wanted to bring attention to that and procedurally perhaps maybe the best way to go if you think that that makes sense is to provide you on another day some suggested language as to how we might change that. The next which is the forth point and I have five in total deals with redevelopment. And the document again at least my version on page, it actually starts on page 30 but it goes in on to pages 31 and so on to talk about the redevelopment option. And the Highlands redevelopment option is not the same redevelopment under the Statute that I think many of us are familiar with where it involves finding an area in need of rehabilitation or redevelopment, finding areas of blight and the powers of eminent domain come into play in some cases. This is different and as a matter of fact Gene, myself and Catherine have already on a couple of occasions talked with Highlands staff and with Eileen Swann about establishing some redevelopment areas here in Mt. Olive which effect primarily preservation area properties which will enhance the ability to revitalize those properties or to allow some new development to occur. And what we attempted to do

on page 31 is we listed a couple of those properties and you can take a look at that and again we can add to that, I see Mr. Callaremi is here this evening and his site is among them because again we're looking at . . . what we tried to do here was focus on some of the major corridors on Route 206, Route 46 are affected and Gold Mine Road for that matter. And Gene, Catherine, myself again we met with Ms. Swan and Mr. Borden at the Highlands Council and talked about the former quarry site on Gold Mine Road as a redevelopment site. The gentleman already has approval from was it this Board or Zoning I can't remember.

MRS. NATAFALUSY: This Board.

MR. MCGROARTY: And as a matter of fact encouraged us to pursue the possibility of redevelopment designation with Highlands and that's what we're in the process of doing. So that's why we tried to identify some of those sites we can add to that list as many as you think are appropriate. Lastly there is a section in this Master Plan that deals with the development transfer plan as they call it and you can find that on page 74. This deals with the transfer of development rights program it's completely optional, some municipalities a couple anyway one of which I'm working in and working on a TDR study are looking at this possibility. Again that's all I'll say about it unless you want me to spend more time on it but you can look at it. I would suggest that you leave it in for now. It doesn't commit you to anything but it leaves open the possibility if Mt. Olive wants to explore transferring development right options within the municipality from the preservation area to sections of the planning area. This might be worth pursuing and just for your own information Highlands is funding through \$25,000 grants the ability to perform those kinds of studies. I can't pretend that that's a thorough and comprehensive review of this plan, you can see how many pages it is again I think it's maybe one observer would say it's a Herculean effort by the Highlands Council to address their Statutory obligations and I say that for the record I think they did a wonderful job and I would say it goes a bit further than I might have actually at least to satisfy what's known as basic plan conformance. I don't think it's necessary to deal with the circulation plan element and the historic element and all of the rest of that stuff right now. But that's the draft that we have and again just to emphasize that what we're doing here now is not adopting it it's not going to be part of Mt. Olive's Master Plan now this will go through a process, this won't even get around to consideration for adoption until next year. And let me end with two observations on that. First just to be sure that today, in fact Mr. Buzak was here at a meeting this morning with us and we called the Highlands Council. Ed actually had to leave just before we got a return call but I did get a return call from Tom Borden who is executive but he's legal counsel for the Highlands Council and I asked Mr. Borden I said I want to make sure we got it right and we don't give the wrong advice and whatever, we're not adopting this as a Master Plan, we're not adopting any ordinances as such this year and he said that is correct. And I'll end by just again for the record observing that in the Plan Conformance Program itself it says "the pre-adoption of Highlands Element not required and not recommended" and the notes are emphasized, and it goes on to say that "the Highlands Element should not be adopted by the Planning Board prior to its submission to the Highlands Council for either completion of Grant Module 5 or for a petition for plan conformance." And so what all that stuff means is we're not even . .

Mt. Olive would not even petition for plan conformance until December of this year and so you would not even be considering adoption of a Master Plan such as this until next year.

MR. WEISS: Okay that was going to be my question. So from a time frame we're okay there's no urgency to do anything more than what we've done.

MR. MCGROARTY: And to submit this I would strongly urge that we submit this by September 1st. Mt. Olive is one of the towns that has stayed on schedule with Highlands. We're aware that there is probably at least half of the 88 municipalities that have not stayed on schedule that's their problem but we have and I think that's a good thing and I suggest that we continue to do that. But again so if we submit this on September 1st and we'll document that this hearing took place, etc. if there are comments that come after that I see no reason why we can't continue to provide it and I'm sure that the Highlands staff would be very receptive to receiving it.

MR. WEISS: Well there's no doubt Chuck that what you're giving us is quite overwhelming. I don't know if anybody has any questions. Joe.

MR. FLEISCHNER: Chuck I have a question here when you mention the number of grants that are available from Highlands, have we applied for any of those grants?

MR. MCGROARTY: Yes. I'll tell you what we have applied for. First was the initial assessment grant of \$15,000 that report is done. Then this work which are the seven modules the township had secured a \$50,000 grant to pay for that and that is covering the cost of doing it and should it happen that we exhaust that \$50,000 we're eligible for another \$50,000. Of course we have to document why that happened. So those are the two grants that we do have. Now the TDR grant is a different grant it's a different program I'd be more than happy to discuss that with you if you want. One thing let me say, not about grants but I forgot and this is critical, one of us along this table I'm sure will bring it up at some point a very significant change happened last week August 12 at the COAH's meeting. One of the modules Module 3 was the creation of a new Housing Element and Fair Share Plan and we would all have to grapple with do you use the Highlands numbers or do you use COAH's numbers. Well the deadline for that was for us to prepare the Housing Element and Fair Share Plan and get it to the Highlands Council by October 1st for their review and then get the entire plan and all the stuff that goes with it to COAH by December 8th of this year. We now have another six month extension through June is it?

MR. BUZAK: June 8th.

MR. MCGROARTY: June 8, 2010. So although we'll talk about this somewhere else on the agenda I think tonight we're probably going to be coming back to you the Planning Board next month with a Housing Element and Fair Share Plan for adoption. But it's a good thing to know anyway that we do have this additional time if it's necessary.

MR. FLEISCHNER: When do we anticipate that we as a township will be required to have a completed new Master Plan?

MR. MCGROARTY: Well for basic plan conformance which is what we're operating under now will be satisfied by December 8th this year with the completion of these various modules. Module 6 will deal . . . we're already looking now at model ordinances, and the last will deal with what they call municipal assessment. And then all of that should be in place, wrapped up and submitted with a petition for conformance by December 8th this year for the preservation area at least. Full plan conformance Joe next year or perhaps . . . at least next year if not beyond. So these kinds of documents or the ordinances and the Master Plan Amendments and the like are not anticipated to be adopted this year. So some of them next year we've talked this morning, we had representatives from Morris County Planning here and engineering talking about the County's Wastewater Management Plan and in the course of that discussion the water conservation management plan came up which is a requirement which is one of the many requirements and I'm sure you all remember that from the initial assessment report for plan conformance and it's also something that just now is getting started with and Gene can talk about the pilot program that Mt. Olive may actually get involved into. But that we were told this morning I think someone estimates that may take a year or two just maybe two years or more to get that plan actually in place. So a lot of this stuff is going to take a while I mean that's the best I can offer. I know it's not very precise but that's the best I can offer.

MR. WEISS: Ron you had a question?

MR. DE LA ROCHE: Yeah I was just curious it's a two-folded question. The first question was about the transfer rights, does that pertain to avoiding immanent domain issues?

MR. MCGROARTY: Well perhaps although not in the traditional sense I would say but one of the exemptions there are I think 17 exemptions in the Highlands Act itself that the Legislature adopted of course it reflected a plan and one of them was to avoid a takings claim. We talked about that this morning coincidentally with an applicant (inaudible). But I guess in answer to your question, not exactly but I think the idea is to afford people that have land in the preservation area the opportunity if everything is put together to sell their development rights to a central development bank as it were and those development rights would then be purchased by parties interested in developing in what are known as receiving districts which are found in the planning area and have the necessary infrastructure, etc. in place to do it. So it's a way intended to compensate property owners for the diminished value that they might see from this stuff.

MR. DE LA ROCHE: Okay I thought it was along those lines. Thank you Chuck. And the other question was the two grants that were obtained were those federal or state?

MR. MCGROARTY: Well I don't know if . . . well they come from the Highlands Council I don't know if some of it's federal money through . . . perhaps someone else does, but I'm not really sure. But I guess the funding,

it must be state because to be reimbursed all of the paperwork goes to the Highlands Council which in turn sends it down to Trenton. So now whether some of the money down . . . I don't know how it works maybe they're getting some federal monies at the state level to help assist this perhaps someone else here knows I don't. As long as it's American money.

MR. DE LA ROCHE: Well I know I just thought it was like mine that the state you know may be issue (inaudible) and then grants the money you know to (inaudible).

MR. MCGROARTY: Your point is well taken but the key thing for us, for you, key thing for us and another reason we want to stay on schedule is because when we complete each of these modules those are deliverables as they're known of course and the municipality then is eligible to get refunded or I should say reimbursed for the cost that are generated by us putting them together. So by keeping on time and on schedule with these things ultimately the township is reimbursed in a prompt fashion which I think is a good thing.

MR. DE LA ROCHE: Good thank you Chuck.

MRS. NATAFALUSY: Howie I can tell you that we've already been reimbursed for the initial assessment grant and module 1.

MR. WEISS: Which was how much \$25,000?

MRS. NATAFALUSY: No the initial assessment grant was \$15,000.

MR. MCGROARTY: And the Module 1?

MRS. NATAFALUSY: The Module 1 was about \$10,000 or \$15,000. Whatever we sent we were reimbursed for.

MR. WEISS: Anybody else from the Planning Board have a question? I'm going to open it to the public? Yes.

MR. DORLON: Thank you Mr. Chairman. For those of you who don't know me my name is Kevin Dorlon I'm a 39 year old resident of Mt. Olive Township and I've been here in the township for 38 years. I have a couple of questions and I agree with Chuck whole heartedly with the majority of what you said that I understood. Because like you said Mr. Weiss it was overwhelming but for the most part I agree with what Mr. McGroarty had to say. With regard to a couple pieces of property that I would like to know if number one are subject to the module approval of the Master Plan. Chuck referred to five modules to be discussed. It was my understanding that Block 8500, Lots 19, 20 & 21, and for those of you who are not aware that is the Mill Stone Pump House, and then two lots closer to Mt. Olive Township the Mill Stone Pump House being the last lot in Mt. Olive Township. I wanted to make sure number one if those properties are subject to the Highlands application for Master Plan approval that there is in fact a module designated for those properties as I own Lot 19 number one. And number two it was my understanding that this Board I believe has the power to make a recommendation to the Town Council with regard to the

possible change from those pieces of property going from residential to commercial and if that is the case I'd like to ask that the Board make a recommendation to the Council to change those from residential to commercial.

MR. MCGROARTY: Let me, may I?

MR. WEISS: Sure Chuck go ahead.

MR. MCGROARTY: A couple of things just to clarify. There are seven modules that's a Highlands term it's different than one I'm used to but that's what it is. So we don't create modules for anything else there are seven tasks and they call them modules but the first two had to do with build out, the third is the Housing Element, the fourth was an Environmental Resource Inventory which supplements our NRI, that also by the way is done, the fifth is what we're talking about this evening. The sixth is something we'll talk about soon which is this another slim document of 100 and some pages which is the model ordinance for Highlands and lastly the seventh is the municipal assessment report. So those are the modules we don't create new modules those are the modules. But I certainly can appreciate how the jargon is tough to digest and figure out. So with respect to rezoning, we know the properties that Mr. Dorlon is referring to and as a matter of fact Mr. Greenbaum has asked us to look at additional properties and we're doing that in the context of a Master Plan Re-examination Report which we're trying to do at the same time we're doing all the rest of this stuff. But we did talk by the way specifically, again I say we Gene, myself and Catherine when we were at a meeting with Ms. Swan and Mr. Borden at Highlands Council, again we were probably there about some redevelopment sites and we specifically asked about the properties Mr. Dorlon mentioned and they brought them up on a screen which they have and there's aerials and there's an interactive map, etc. So we did talk about that and other sites that we have some interest in at least in seeing what the zoning is and what it might be. And you should know that Mr. Dorlon's property and the ones he mentioned are in the preservation area as are some of the others we looked at. So that right off the bat makes it a lot more complicated and actually one of the recommendations among others from the folks that we spoke with at Highlands is you would want to go through and look at the consistency review. In other words look at the property and see how it matches up against the Highlands consistency review process which again is not a simple thing. I don't mean to try to make these things more complex they need be but it's a process you can go on their website and go through it yourself. Now the property that Mr. Dorlon is talking about and others show up as being completely restricted they're in the flood preservation area, they're in the protection overlay zone which is very restrictive, and they're affected to a certain extent by the Musconetcong River. So right off the bat these are difficult properties to look at and with respect to rezoning I think it's premature to offer any recommendations yet and one of the reasons why, and again I'll reference it and shut up but I can speak in more detail if you want is this is the Highlands Land Use Ordinance for municipalities and throughout this document which you can see it's not a simple couple of pages. When we're looking at properties in the preservation area for changes to zoning it has to be consistent. So as we go forward if we're looking at any rezoning of properties in the preservation

area we need to be very careful that we address the questions of consistency of the Regional Master Plan because there we will not have a choice they will be subject to the Highlands Regional Master Plan. There are lots of sections just in this model ordinance that would deal with properties in the preservation area specifically in terms of density, in terms of compatibility of use, and a variety of other things, sewers for example this property that Mr. Dorlon mentions and the others and I would ask Gene to correct me if I'm wrong are in the HMUA sewer service area. But because the lines are not there now they probably will not be sewered. So now we have to evaluate not only you know what kind of intensity would be consistent with the Regional Master Plan but the fact that it may be in a water deficit area so it has some impact on that as well. So rezoning today is not as easy, if it ever was easy, it certainly is more complicated now with all of this. All I'm saying is I don't think we're in a position yet to make a suggestion or recommendation one way or the other I think we are certainly still looking at all of the properties that were brought to our attention but we now really have to go forward and look at each of these properties under the guise of these ordinances. Mr. Dorlon or any other property owner in the preservation area always has the option and he knows because he's explored that with seeing if they qualify under any of those exemptions including the 125 . . .

MR. DORLON: And that's a valid point you made Chuck and its kind of perplexing to me that you're not aware that I currently retained an exemption from the DEP.

MR. MCGROARTY: Excuse me I don't want to debate this with Mr. Dorlon.

MR. DORLON: Oh no, no, no I'm not going to get into a tit-for-tat with you Mr. McGroarty.

MR. WEISS: Hold up, Chuck finish.

MR. MCGROARTY: Let me say this and then I can stop. I'm well aware of your property, I'm well aware that you got a Highlands exemption for . . .

MR. DORLON: Well then you need to say that to the Board.

MR. MCGROARTY: Excuse me Mr. Dorlon, when I work for you I'll take your instructions. You got 125 percent exemption from Highlands and you were denied a variance or you weren't denied . . .

MR. DORLON: No I was not.

MR. MCGROARTY: I think you will pursue the use variance with the Zoning Board. So if he comes back with another project or that project he qualifies then he's fine. But the question to me was rezoning and again I cannot in good conscience recommend to the township to rezone any properties in the preservation area until we understand what the ramifications are. If someone gets an exemption or a variance that's different.

MR. DORLON: Mr. Weiss may I speak now?

MR. WEISS: Sure go ahead Mr. Dorlon.

MR. DORLON: There's a couple of things that need to be mentioned here. Once upon a time, and I start these comments with once upon a time because approximately five years ago I met with Mr. McGroarty, Ms. Natafalusy with regard to this piece and I brought to them a plan. For those of you who don't know the history of the piece I brought to them a plan that suggested the piece should be used for condos. Five years ago it was recommended by Mr. McGroarty that I go to the Highlands Commission to acquire my exemption first and that he looked favorably upon the condos. There's no doubt that for whatever reason Chuck and I do not get along and I want to state that for the record because at no point did Mr. McGroarty mention the fact that I have my Highlands exemption and not only that but he also neglects to mention the fact that the Highlands Watershed Area and everything it revolves around has absolutely nothing to do with what the zone is. He suggested himself earlier that it is entirely encompassing of impervious space. As far as the water is concerned the entire area is serviced by public water and the entire area is serviced by septic systems in both commercial status, industrial status, and residential status. So I think before the Board were to absorb all of Mr. McGroarty's opinion, which it is a valid opinion, however it's a skewed opinion. And Mr. McGroarty is very intimately aware of my property and the surrounding area and has behind closed doors told me to move forward and then in public forum thrown me under the bus. So it's very important that you understand something here, everybody who is sitting on this Board is a reasonable person and you can reasonably understand that if you stand on the property okay, forget about the Highlands applications and so on they're two very different issues to be discussed. Like I said to go from residential to commercial has absolutely no impact or no bearing on the Highlands delineation whatsoever, none. I would suggest that anybody here who stood on or near that property would recommend and look favorably upon the properties being turned commercial. Because number one they're surrounded by commercial areas, across the street is STS, in front is a repair station called Tire Service Center, next to that is Ryn Robin Pool, there's an excavator who has his equipment there, for God sakes the Pump house is in the residential zone. The lady who's to my right immediately has a billboard in her front yard so I think more importantly if we can get past the tit-for-tat kind of discussion that we're having there's so many benefits to exploring this piece of property going from residential to commercial and it's not a complicated process it's a simple recommendation it's going to benefit the entire community with ratables, cleaning up an area that is in desperate need of clean-up. You have all three residents turned in paperwork with regard to a letter asking that their properties be turned commercial and you know there's a bar and tavern in that exact area. So I'm not asking for anything unreasonable and I'd rather not be sidestepped and pushed aside I'd like to make sure I'm on the train here. This thing needs to be recognized and put forward because everybody here is reasonable and if you stand on the property you can hear a tire gun going off periodically about every five minutes. With today's market and God knows how many numbers of properties available in cul-de-sacs it's deserving of commercial status. It's that simple.

MR. MCGROARTY: Mr. Chairman just a point of personal privilege if I may and then I'll stop. The meetings that I had with Mr. Dorlon were with Ms. Natafalusy and his attorney at the time Mr. Heymann and I will tell you without equivocation I consistently told him, and typically we don't even meet with applicants . . .

MR. DORLON: Are we going to swear in at this point Chuck again like you did last meeting?

MR. WEISS: All right you know what we're going to end this conversation Mr. Dorlon.

MR. MCGROARTY: I will say for the record that I was always clear that when you're coming in for a density variance whether it was the original 17 units that was sought or ultimately 5 you are going to have a difficult challenge. And Mr. Heymann was aware of that, he was aware that you have a planner, he was aware that the issue of special reasons would have to be addressed and so to suggest that I encouraged it in closed doors and took a position otherwise outside is perhaps a misinterpretation of my comments.

MR. WEISS: Thank you Chuck. Well listen Mr. Dorlon it seems pretty simple, you're asking for a rezoning of the property, we've heard at great lengths the problems associated with that and I know you don't want to hear it and you've been through a very long process. This Highlands stuff, I don't know what else to call it, is overwhelming and we as a Planning Board have no choice but to rely on the testimony the direction of Mr. McGroarty. And whether you agree with him or not, and whether you have a drink with him after the meeting has got no bearing on what's going on at this meeting. And I know you want this done and the bottom line is that Mr. McGroarty has spelled out a time frame for us, it might not be clear and it might not be exact but we have certain issues that have to happen before we look at this and I think in fairness to you, and I think it was Mr. Greenbaum's suggestion last time is that we're going to look at the entire area to make it consistent with what we're allowed to do and also to make sure that you don't incur more costs as potentially was going to happen if it was your property by itself.

MR. DORLON: I understand that.

MR. WEISS: With that being said I understand your frustration. I thought I explained it to you when we spoke last week or so that there is a process it's an ugly process it's a slow process but it's a process non the less that we're not happy that we're in the middle of this Highlands preservation zone but we are. And that being said we have things that have to be done.

MR. DORLON: I understand that Mr. Chairman I just would like to suggest that this not be cast aside as Mr. McGroarty suggests and also there's no reason whatsoever that this piece cannot be discussed to be changed from residential to commercial with a stipulation that it conforms with whatever the Highlands determination is at a future date. You can divide the two and bifurcate this request and make it subject to Highlands . . . I have an exemption Mr. Weiss.

MR. WEISS: It sounds like our professional planner has told us otherwise. You want to put the cart before the horse and it doesn't sound like we've been advised that we can do that.

MR. DORLON: I don't have a problem with the time frame Mr. Weiss just like we talked about earlier I don't have any issue with the time frame of a Master Plan taking a year, two, or five to be approved. The problem that I have is that while this time frame is taking place my piece of property has been left not even on the stove, forget about the back burner and that's not right.

MR. MCGROARTY: Well that's not accurate because we talked with the Highlands staff about your property.

MR. WEISS: And I also heard that the last time we spoke about it that it is on the radar screen.

MR. MCGROARTY: Absolutely.

MR. DORLON: But Mr. McGroarty just said that he wasn't willing at this point to . . .

MR. WEISS: I think we're going to go round and round and . . .

MR. DORLON: I understand but I just want my piece to be recognized.

MR. WEISS: And I think we have very good word from our planner that your piece of property is on the radar screen and it will be addressed with the other pieces of property in a timely manner as Chuck has . . .

MR. DORLON: I appreciate that and I thank you for that.

MR. WEISS: I don't know what else we can . . .

MR. DORLON: Well I appreciate everything you're saying and I thank you again for that bit of information but I want to just before we side-step one very crucial statement that Mr. McGroarty made. Mr. McGroarty suggested that this time it's not within his realm or not within the best interest of this Board to determine whether or not we should discuss a zone change. That's important. Because that's where we're at it is within your guys realm to discuss a zone change and the way Mr. McGroarty is illustrating it is that it's not going to be discussed and that's disturbing.

MR. WEISS: I think that there's a disagreement you don't agree with him, unfortunately we have to take that advice.

MR. MCGROARTY: Mr. Chairman if I may again, and this is an official record that will be submitted to the Highlands Council so it's perhaps good that this discussion airs out in public. First of all I'm never in a position to dictate to a Planning Board what they want to do and they will do what they are empowered to do under the Land Use Law and certainly we have our expert attorneys here to guide us on that. So I'm not suggesting the Planning

Board not do anything you can do whatever you wish. My recommendation, and I think the Board's recommendation was to look at all rezonings including the ones that are of real interest to the municipality with perhaps recreational opportunities, to look at that in a comprehensive way as part of the, and I thought I said earlier, as part of the Master Plan Re-Exam process. And no property, if I was unclear about it before please let me correct myself, no property in Mt. Olive Township can or should be excluded from that kind of analysis. So anybody that thinks any property is worthy of examination for modification to the uses, etc. it's going to be looked at. That's the best we can suggest.

MR. DORLON: Are those other properties in the Highlands area as well?

MR. MCGROARTY: We will do it under the re-exam requirements of the Municipal Land Use Law and we will do it now guided by the Highlands Regional Master Plan Element and the model ordinance.

MR. DORLON: Are those other properties within the Highlands area as well?

MR. MCGROARTY: Well given the fact that Mt. Olive Township is entirely in the Highlands region yes. And the other properties are similar to yours most of them I recall are in the preservation area.

MR. DORLON: Okay then I would suggest that if those properties are up for review for a zone change I would like my property to accompany them. Is that unreasonable?

MR. WEISS: I think that's what we agreed to.

MR. DORLON: Okay fantastic that's all I'm asking.

MRS. NATAFALUSY: That's what we said.

MR. DORLON: Okay that's all I'm asking. Is that what we agreed to?

MR. WEISS: We did.

MR. DORLON: Okay that's all I'm asking.

MR. WEISS: And that's what I thought that we had kind of good news for you

MR. DORLON: That's great I think it's fantastic.

MR. WEISS: And unfortunately there's no time frame we can give you on that.

MR. DORLON: I don't have a problem with that as long as my property rides along with the other properties that are under review. Whenever those properties are deemed . . .

MR. WEISS: As long as I sit here as the Chairman.

MR. DORLON: I'm sorry?

MR. WEISS: As long as I sit here as Chairman I will give you an assurance that no property will fall to the side.

MR. DORLON: Thank you Mr. Weiss that's all I'm asking.

MR. WEISS: I will say that I have a very good relationship with Mr. McGroarty and I have confidence that he's given us the best advice. If I know otherwise I will let him know.

MR. DORLON: I appreciate that that's all I'm asking is for my property to be treated the same as the others.

MR. WEISS: You have our word that it will be.

MR. DORLON: Thank you very much.

MR. WEISS: Thank you Mr. Dorlon. Anybody else from the public? Chuck can we wrap this up?

MRS. NATAFALUSY: I think Mr. Callaremi wants to . . .

MR. WEISS: Go ahead I'm sorry.

MR. CALLAREMI: Sorry I won't take much time. Most of you probably know me from being in town the years we've been here. I'm Mike Callaremi I just want to thank the Board for doing what they can to help me try to get some of these properties to get some redevelopment on them. The fact that we've owned them for 25 years and had certain provisions striped away is kind of difficult to deal with. As most of you know as well I'm under a little pressure with General Motors pulling my franchises. I'm under a time strain I probably won't be able to operate much more than six months then I'll be out of product and I'll be winding down the dealership. My concern here is if I need to go and develop these properties what kind of time frame am I looking at and what kind of hurdles do I have to go through to get approvals that's going to be my only source of income. And I pay substantial taxes to the town as you're all aware, I think last year it was a little over \$82,000 and without a viable business and income coming in I'm going to have a difficult time meeting those requirements. So it's probably imperative that I get some kind of assistance in some form to help me through a difficult time. I don't know if that can be accomplished, I don't know if there's some kind of an additional help the Board can give me to work through the Highlands portion of the applications, I'm not sure.

MR. MCGROARTY: I think there is.

MR. CALLAREMI: Is there?

MR. MCGROARTY: Sure.

MR. CALLAREMI: I mean this is a hardship.

MR. MCGROARTY: I'll tell you what Mr. Callaremi and this goes for Mr. Dorlon who's in the audience as well because we brought up both of your properties at the same time if my memory serves correct at the meeting we were at with the Highlands Council. And so Mr. Dorlon is entitled to pursue redevelopment of his as well if it qualifies. Yours I think your property given the nature of the amount of impervious coverage I think when they saw it and again they pull it up on the screen as an aerial there seems to be almost no question that it would qualify. There are regulations. So rather than take time tonight the Highlands Act does allow, and certain the Regional Master Plan provides for this redevelopment designation. And it requires 70 percent of impervious coverage and how that translates into figuring it out in the field will take more time and we can talk to you about that, or anyone else for that matter who wishes to. And that's something that you can get started on now if you wish. I can tell you just one story as an example, there was a single property owner in West Milford, a commercial property wanted to expand the parking area and the like he's the first one that qualified for a redevelopment area at least through Highlands and now he's in front of the DEP to get exemptions from the regulations. He too is in the preservation area. The property is smaller than yours but I think the principal is the same.

MR. CALLAREMI: What kind of time frame took place there?

MR. MCGROARTY: It's not going to be quick but if you're interested you would want to get started right away. You can get an engineer or get some legal advice and you know you can also go and make an appointment I would suggest you see if you can make an appointment with the Highlands staff or Ms. Swan or Mr. Borden they seem to be very accommodating in trying to help people figure out the process.

MR. CALLAREMI: Well I have met with the Council several times and they've been accommodating and as a matter of fact I cannot remember the gentleman's name but he was in charge of redevelopment and he's moved forward since to the DEP or some higher level.

MR. MCGROARTY: I mean it's not a simple process.

MR. CALLAREMI: No but he actually took the time, came out observed the properties . . .

MR. MCGROARTY: It was Tom Borden.

MR. CALLAREMI: Yes called me and said you know what you're right you're in an area you're surrounded with blacktop there's no reason there shouldn't be redevelopment there. Which was kind of helpful at the time but now I'm under a little different circumstance where I don't have the time frame.

MR. MCGROARTY: The sooner you start that's all I can tell you. The sooner you start the better your chances.

MR. CALLAREMI: But is there a hardship built into any of this on the Highlands side? I mean I'm not totally familiar with the Act I know it's like 300 pages I've read it before.

MR. MCGROARTY: After we're done here if you want I'll show you what the 17 exemptions are.

MR. CALLAREMI: Okay.

MR. MCGROARTY: And so that's what you're asking about in terms of hardship but I think to see revitalization or conversion of the dealership to some other use you may not even need an exemption. I mean if . . . we should talk about that later.

MR. CALLAREMI: Okay.

MR. MCGROARTY: But because you have so much impervious coverage by virtue of the type of business you're in you're in an advantage peculiarly enough.

MR. CALLAREMI: Your talking about the main dealership has got probably 90 percent impervious on that property.

MR. MCGROARTY: So you may not even need to go through the exemption process but again I think maybe we want to talk to you a little bit. If you didn't have any impervious coverage it's going to be a lot harder. You have more than the 70 percent I believe that a redevelopment area requires so . . . and you may not even need to go that far for redevelopment you may qualify under one of the exemptions. So you may want to talk to us.

MR. CALLAREMI: I won't keep this tonight. What I'll do is I'll come down tomorrow.

MR. MCGROARTY: Well I won't be here but if you want to talk to Catherine you certainly can or you can talk to me tonight afterwards.

MR. CALLAREMI: Okay I appreciate it.

MR. WEISS: Go ahead Mr. Dorlon.

MR. DORLON: Again I don't want to keep just like Mr. Callaremi I don't want to keep you here tonight either I just have a quick question if I may. With the understanding that my piece of property is exempt from the Highlands restrictions I would suggest that again this Board has the authority to suggest a zone change to Town Council for review. And again I'm not bound by the Highlands on my piece of property it took me three years to get that status and I'd like it recognized and it would make sense to move forward with that piece as I'm not subject to the Highlands restrictions to change the zone and get some ratables into the town. Does anybody have any comment on that?

MR. WEISS: Joe?

MR. FLEISCHNER: I have a question. What is the down side of acting on this area to recommend a zone change? What is the negative, what is the positive?

MR. MCGROARTY: Well I think that at this stage of where we are with Highlands you know it's not going to serve any purpose for me to disagree with the fact that Mr. Dorlon's in my reading of it he has an exemption for "a" project. It is not a blanket exemption for any project that is a key distinction. But be that as it may again I think if we start looking at zoning or rezoning properties and we are not aware or take into account the model ordinance and the model Regional Master Plan we're doing everyone a disservice. I think we need to look at it, I think we need to do it as part of a re-exam and its not like we're not doing it. I mean I've already told you we started looking at it I did a consistency review on the properties that Mr. Dorlon referred to I have a report that's almost 120 pages long and I gave you a snapshot of what that found and now he does . . . Mr. Dorlon has an exemption for . . . peculiarly he wants commercial but he got his exemption and he approached the Zoning Board for 5 units, 5 residential units. So residential seemed to be appropriate in terms of what he was looking for. But I'm not saying it's wrong to look at mixed use or commercial or some other variation on that I'm only saying that we're looking at it now with the other properties and everything else that we're doing as we're in this process now. There are other properties on Route 46 that have exemptions High Noon is one there are others, Mr. Blasko is in the process of getting one which is across from Mr. Callaremi. So those properties that do have Highlands exemption under whatever one of those 17 apply and most of them are to expand based on existing impervious coverage they're proceeding ahead. It's just you know if there is a underlying function that the area in question is zoned residential the question is should it . . . and the use variance that was sought was for residential but just at a higher density. So now the question is do we look at higher density residential, do we look at a mixed use and so on so that's what we're doing.

MR. DORLON: Excuse me Chuck you referred to the disservice that would impact us in some way what exactly is that disservice?

MR. WEISS: You know I'm going to interrupt real quick. I just want to review that the meeting tonight was a hearing in public of the Planning Board. We didn't have to open it to the public.

MR. DORLON: Is that right I didn't know that?

MR. MCGROARTY: Well Mr. Chairman I must say you should take comments from the public on the Highlands Element of the Master Plan. If the public has any comments about the Highlands Element as to what's in there or what might be changed I think the Highlands Council and this module would like to see those comments these other discussions are probably preferable to that but be that as it may.

MR. WEISS: That's what I meant Chuck that we've gotten away from where we are. And again Mr. Dorlon I don't want to repeat myself I don't think you need to hear that it is taken under advisement. We understand

each other I don't think we have any other direction tonight. We can talk about it until the clock ticks but

MR. RUSSELL: Mr. Chairman I think Mr. Dorlon is just looking for a bit of direction as to what his next step could be. I think he just wants some advice as to what he can do.

MR. DORLON: Especially knowing I'm exempt I'm not subject to the (inaudible).

MR. RUSSELL: He just wants to know what the next step is that's all.

MR. WEISS: I think we had pretty clear direction on that. As Chuck prepares these documents a rezoning will happen when the processes prior to this takes shape. As soon as we can resolve the other issues that Chuck is working on yours will fall into place. I don't know how else to describe it.

MR. DORLON: I understand Mr. Weiss I understand Mr. Chairman but please with all due respect and I don't want to have to repeat myself just like you don't want to have to repeat yourself, I'm not subject to the Highlands I got my exemption it took me 3-1/2 years. So my piece is not subject to the Highlands approval.

MR. WEISS: We can't turn around and (inaudible) piece of property. Chuck or Gene?

MR. DORLON: It's not subject.

MR. BUCZYNSKI: He's got an exemption for a particular use. If he wants to go for some other use he can pursue it like he did with the Board of Adjustment before and he took away his application. He doesn't have an exemption from Highlands.

MR. DORLON: But I do have an exemption from Highlands.

MR. BUCZYNSKI: For a particular use.

MR. DORLON: Correct. But to refer to my exemption . . .

MR. BUCZYNSKI: Wait excuse me. At that point you felt

MR. DORLON: inadequate in some way is not fair.

MR. BUCZYNSKI: Excuse me. At that point you felt that that property was ideal for residential and now today it's ideal for commercial. What's it going to be next month?

MR. DORLON: Well this is on the direction of Mr. McGroarty at that meeting he said you might as well make it commercial.

MR. MCGROARTY: I did not.

MR. WEISS: The properties that we're getting into a conversation about specific land a specific site that's not where we're going tonight.

MR. DORLON: But my issue is I'm not subject, but I'm not subject Mr. Weiss.

MR. WEISS: This conversation is over we're moving on. Mr. Dorlon I'm sorry we can't talk about it any longer.

MR. DORLON: I understand.

MR. WEISS: We're moving on.

MR. MCGROARTY: Mr. Chairman I'm sorry Kathy if I may. Would it be acceptable for us to, how should we proceed with this?

MR. BUZAK: Let me make a suggestion Mr. McGroarty because it is a very unusual kind of process. The process was that this draft Highlands Master Plan Element be considered by the Planning Board at a public meeting and that meeting had to be duly noticed. This is a duly noticed regular meeting of the Planning Board therefore we've met the requirements that this Highlands Master Plan Element be considered at a public meeting. What we've done in other places is to have in this case the planner submit information to Highlands advising of the date, time and place of the public meeting and any comments that may have been relevant that related to the model Highlands Element for municipal Master Plans as opposed to any site specific activities. And I believe that's all they need they may come back here and ask you for some other information and that's all, and they're happy with our following the process.

MR. MCGROARTY: I think to we should probably give them a copy of this would you agree?

MR. BUZAK: Yes I'm sorry that's correct yes absolutely. And if the Board has no problem with that you can give that direction to Mr. McGroarty.

MR. WEISS: Okay I see no hesitation so let us give that direction for Chuck to go forward with that process.

MR. MCGROARTY: I will do that thank you.

DISCUSSION MATTERS

ROSI UPDATE

MR. WEISS: Okay so we can go on. Kathy.

MRS. MURPHY: Okay since I was last here about the ROSI we had a discussion about the properties that were being included. We decided at that time that I would go back take a look at the list and review that. I did so Bill Sohl the Business Administrator in administration is in support of the list

that was submitted. I had met with Rob Greenbaum to review the properties and the rationale for including those properties and at the time Rob felt he was in support or agreement so if . . . Rob I don't know if you have any other comments at this time about it?

MR. GREENBAUM: No no further comment.

MR. WEISS: Let me jump in Kathy. As a matter of fact when we spoke the other day yesterday I thought your explanation to me was really quite sensible. You explained to me that if the property had a deed restriction or was deeded as open space it is on this list and I think that was some of the concerns we questioned. Why some properties are on, why some are not? It's pretty simple it seems to be pretty simple your review of the property with Rob and Kathy's explanation to me was pretty sensible. The properties on this list have to be on the list am I correct?

MRS. MURPHY: Yes. There's only about three that are not those are foreclosed properties but they are all so environmentally sensitive that I have included them but there are other properties that we have acquired through foreclosure that I have purposely left off the list because they are of a different condition.

MR. WEISS: Right and those were some of our concerns last time is that correct Mr. Buzak?

MR. BUZAK: Exactly right.

MR. WEISS: I was very satisfied with Kathy's review of the properties in terms of the township's potential use of the properties down the road so that a second look of each of the properties was conducted to see with forethought as to how could the property be used in the future by the township and was only included on the list with the knowledge that those properties really had no beneficial future use to the township other than as open space. And with that recommendation from administration and from Kathy that she had taken a second look at the properties I'm wholly in support of the properties that Kathy now recommends being put on the ROSI.

MR. WEISS: But I guess I should add Rob is what you said is that in addition to its potential use for the township if its deeded regardless of its use to the town or not it's on this list. So it's not just properties that have beneficial use to the property its properties that were deeded for open space.

MRS. MURPHY: Correct.

MR. WEISS: So a combination of both is why it's on this list.

MRS. MURPHY: Correct.

MR. GREENBAUM: Well there's a distinction in my mind between properties which are deeded as open space and properties which can be used by the township not included on the ROSI for open space purposes. Such as for recreation and the like. Once you put it on the ROSI your now subject to

Green Acres regulations so I'm not terribly satisfied with an explanation that it was deeded as open space and therefore it's being put on the ROSI as compared to you know I've looked at these properties and none of them really have any true benefit to the future use of Mt. Olive that outweighs its placement on the ROSI. So that really was my justification for recommending the ROSI be approved.

MR. WEISS: Any comment, any conversation?

MRS. MURPHY: Just as a matter . . . I did send Catherine and Chuck another file that I have which is a four page list more for information purposes of properties that the town owns that are not on the ROSI that have been documented that are such detention basins, wells, public buildings but also vacant land that the town owns that is not suitable as open space.

MR. WEISS: Any comments Chuck or Gene?

MR. MCGROARTY: No.

MR. BUCZYNSKI: No.

MR. WEISS: Ed you were satisfied with it, with the changes?

MR. BUZAK: Yes I obviously haven't examined the properties or evaluated them but the concept was exactly what were raised and I think it was well done and I think the township is well served.

MR. MCGROARTY: I think it is important for the record we did talk, I did talk with Kathy about were there any properties on that ROSI list or potential ROSI list that might be suitable for affordable housing sites so that you know we're doing our due diligence and the like. And I didn't think so after I looked at it and Kathy assured me after her comprehensive review they would not be. So if, and if in fact there were any I'm sure we would have heard from Habitat from Humanity or some of the other non-profits that have pursued some properties. So on that point I think that Kathy did a thorough and comprehensive review and we're good to go there that we're not giving away land that we might otherwise use for affordable housing.

MR. WEISS: Rob.

MR. GREENBAUM: It's funny because Kathy and I came to the conclusion that Kathy in fact is a tree hugger. She admitted it.

MRS. MURPHY: I admit it it's on the record I'm a tree hugger but I also had pointed out properties that are also suitable for COAH and those were recommended to the town and are in the process of being built on by Habitat for Humanities.

MR. WEISS: Do we have to move anything with the Planning Board on this?

MR. BUZAK: You know I think in light of the effort that has been put forth which is unusual in terms of the Planning Board I think we should just

have someone move to approve and endorse the ROSI update as it's been presented tonight.

MR. WEISS: Can I have a motion to approve and endorse the ROSI as presented.

MR. DE LA ROCHE: I'll move it.

MR. FLEISCHNER: Second.

MR. WEISS: Any comments?

MR. DE LA ROCHE: Other than to say that Kathy did an excellent job.

MR. WEISS: Catherine roll call.

MRS. NATAFALUSY: Ron De La Roche - yes
Joe Fleischner - yes
Nelson Russell - yes
Lisa Farley - yes
Rob Greenbaum - yes
Scott Van Ness - yes
Jim Staszak - yes
Howie Weiss - yes

MR. WEISS: Kathy thanks for staying late tonight.

MRS. MURPHY: Thank you.

**PROPOSED AMENDMENT TO LAND USE ORDINANCE
REGULATING ANTENNA ON UTILITY STRUCTURES**

MR. WEISS: The next item under discussion matter is the proposed amendment to Land Use Ordinance regulating antenna on utility structures. Joe did you want to throw that by us?

MR. FLEISCHNER: I'm going to seed to Catherine who knows more of the details. Basically it was for what we discussed earlier this evening.

MR. WEISS: Okay.

MRS. NATAFALUSY: I'm going to have Chuck talk about that one.

MR. MCGROARTY: What we thought about doing for telecommunication antennas, not towers but antennas is to allow them in any zone district as . . . and I'm throwing this out because the ordinance committee discussed it but Ed has not heard this or Tiena has not heard this before I don't think at least not from us. But to allow antennas and the equipment cabinets that go with them, not unlike what we heard tonight for example, to be an accessory use in any zone district and be permitted to be attached to a lawfully existing utility structure. When we say utility structure what we mean to say, if we're saying it wrong we should change it,

but we mean to say utility poles and high tension poles, PSE&G towers and the like and also such things as water towers. And so that's what we're trying to get to. We are going to look at revising the section of the ordinance dealing with telecommunication towers in a lot more detail. But we thought at least initially again in the interest of trying to eliminate as many towers as possible and a lot of co-locations where it can be done. And so that's the suggestion on the telecommunications or at least on antennas.

MR. WEISS: Any questions?

MR. MCGROARTY: Does that Ed and Tiena, does that sound like it works?

MR. BUZAK: Yeah it sounds like a great idea I think we just have to carefully define utility structures or whatever you use in the ordinance. But I think it makes sense it will foster what the objectives that we've been attempting to achieve anyway and it will do so in a way hopefully that will eliminate the need for sometimes needless hearings on matters, perfunctory hearings.

MR. GREENBAUM: I'm a little confused is the purpose to avoid the hearings or to avoid additional utility telecommunications . . .

MR. MCGROARTY: I think a little of both. I think it would expedite the process in getting these kind of antennas and the like in place. They would still have to get a zoning permit, they would still have to go through the Construction Official and do whatever is required and by putting something like in the ordinance at least we think it would tell the telecommunications industry, that's where you should look first. Instead of coming in and building new towers maybe you should be looking at existing towers or water tanks and so on.

MR. BUZAK: And you can get them up and out and done much quicker.

MR. GREENBAUM: Well that I'm certainly in favor of. In terms of avoiding meetings like tonight I mean which was you know kind of a no-brainer from my perspective they're not always that easy. You know here you had a situation where you were using the same footprint your using in an existing tower and so on and so forth. Lets assume that they wanted to actually expand the footprint and lets assume it wasn't on Waterloo-Valley Road but someplace else in town you know I just want to make sure that what your trying to accomplish doesn't take away the jurisdiction of this Board to decide issues where there really are issues that need to be decided. I understand the goal and I just hope that in trying to get there you're not actually going to weaken the jurisdiction of this Board when it really matters.

MR. MCGROARTY: Right and on that point then maybe we should look a little bit more carefully at standards for the compound that would be on the ground. Because you know that may be . . . you know I mean the town has antennas on some of its own water tanks but where the compound gets

located could affect an adjacent residential property I suppose. So we should look at that.

MR. GREENBAUM: You know I don't pretend to understand all of the issues that would be attended to the ordinance that your proposing so I can only think that there might . . . by trying to make it easier on both the Board and to eliminate these poles I just want to make sure that we're not weakening our ability to protect the residents. What those issues are, I have no idea.

MR. WEISS: Well said. Do we need any action from the Planning Board or we discussed it and it will be drafted?

MR. MCGROARTY: Well we were going to try and draft that and Catherine was also going to talk about setbacks but I think after tonight I think we need to talk, and we certainly want to talk with Ed about how we, based on Rob's observation to make sure that we're not creating unintended consequences here. You were going to talk about setbacks though right?

MRS. NATAFALUSY: Well we've already talked about that with the Board I think and then the ordinance committee discussed it and we all agreed to propose a change to the ordinance to change the setbacks for accessory structures on lots less than 1 acre.

MR. MCGROARTY: So you'll draft something for Mr. Dorsey?

MRS. NATAFALUSY: You were going to draft something.

MR. BUCZYNSKI: Yes Chuck you were going to draft it.

MR. MCGROARTY: Was I?

MR. GREENBAUM: What's the setback currently?

MRS. NATAFALUSY: For lots 10,000 square feet or larger it's 1-1/2 times the height and as I said last time there's a lot of 10,100 square foot lots that have a hard time adhering to that. So we're going to bring it up to 1 acre and it will be 5 feet from the rear and side property lines.

MR. MCGROARTY: Accessory structures.

MRS. NATAFALUSY: Accessory structures right with a maximum height of that accessory structure being 10 or 12 feet so that somebody can't come in and say I want a 15 foot high structure and it will only be 5 feet and you know it's a small lot.

MR. GREENBAUM: How would that have impacted the last garage application that was before the Board of Adjustment? Or that wouldn't have because it was over 12 feet. Wasn't that a 15 foot garage?

MRS. NATAFALUSY: It was a 15 foot garage.

MR. GREENBAUM: So that wouldn't have applied.

MRS. NATAFALUSY: No because that lot was like a 7,100 square foot lot so it was smaller than the 10,000.

MR. GREENBAUM: Okay.

MRS. NATAFALUSY: That's what we're trying to help the smaller lots.

MR. GREENBAUM: I understand.

MR. WEISS: So there was no change to the original conversation about that.

MRS. NATAFALUSY: No we just have to put an ordinance together.

MR. WEISS: Okay that concludes our agenda tonight.

MRS. NATAFALUSY: The Housing Element.

MR. MCGROARTY: Oh yes the instructions that I got from the Mayor was that the township is going to consider, seriously consider taking the position that they do not wish to opt in at this time and/or perhaps ever. So it's in a sense they'll be, if that follows through they'll be taking the position that they're reversing the intent to conform resolution adopted last December at least for the planning area. So what does all of that mean? We talked with Ed and his advice to us was you know and I think it means a lot of sense is if we're going to do that if Mt. Olive is going to do that soon we should be ready simultaneously to have our Housing Element and Fair Share Plan ready to submit to the Council on Affordable Housing. And so that six month extension I mentioned earlier tonight does not apply. And so in light of that Catherine and I were working again today we're trying to finalize, I think we're there I think we can finalize the plan well I don't think, we will and we'd like to have then the public hearing in September with the Planning Board the second meeting not the first?

MRS. NATAFALUSY: The 17th.

MR. MCGROARTY: Which would give us time to write it up and that will be the official Master Plan hearing official hearing so there are notice requirements so we need a little extra time and when we get the draft ready I want to circulate it to the Board certainly but we you know we want Ed, Gene, we want everybody to take a look at it first and see if it makes sense. So that's for your schedule we'd like to do that in September.

MR. WEISS: Okay and again the meeting for September is scheduled for September 17th currently there's one application on the schedule with the public hearing as Chuck suggested. Joe I'm not going to be here on the 17th it's all yours. Any other business that we need to discuss, any new business?

MRS. NATAFALUSY: The only other thing is we would cancel September 10th meeting.

MR. WEISS: And we'll do that now.

MRS. NATAFALUSY: Okay.

MR. WEISS: Okay so then we are going to officially cancel the September 10th meeting. One meeting in September it will be on the 17th. Anybody from the public have anything to add? All right lets make a motion to adjourn.

MR. VAN NESS: Motion to adjourn.

MR. RUSSELL: Second.

MR. WEISS: All in favor.

EVERYONE: Aye.

(MEETING ADJOURNED AT 10:00 P.M.)

Transcribed by:
Lauren Perkins
Secretary, Planning Department