

TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING

May 31, 2017

The meeting of the Planning Board of the Township of Lopatcong was called to order by Chairman Johnson at 7:00 pm.

A silent prayer was offered followed by the Oath of Allegiance.

Chairman Johnson stated “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express Times and by posting a copy on the bulletin board in the Municipal Building.”

Present: Members Correa, Fox, Pryor, Schneider, Woolf, Mayor McKay, Vice-Chairman Olschewski, Chairman Johnson, Alternate Fischbach, Alternate Frank. Also present were Attorney Sposaro, Engineer Sterbenz and Planner Ritter.

Chairman Johnson – We're going to change the order of the agenda around a little bit. So we're going to go to our Resolution first for Ferruggia Self-Storage and then we'll go to the I-78 Commerce Park discussion with a completeness review and then we'll pick it up in the order as on the agenda. So our first order of business is at this point then the resolution Ferruggia Self-Storage.

Vice-Chairman Olschewski – (Inaudible).

Chairman Johnson – No, we'll do minutes approval after.

Attorney Sposaro – You should know that I provided a copy of the resolution to the counsel for the applicant. I haven't heard back. I take it they have no questions, concerns, input and this has been thoroughly reviewed by Paul and George's letter you also have your input.

Chairman Johnson – Okay, thank you, so our professionals are comfortable with the resolution as is.

Engineer Sterbenz – Yes, we are.

Chairman Johnson – Okay, I'll take a motion to approve.

Member Schneider – Motion

Mayor McKay – Second.

Chairman Johnson – I got a second. Any additional comments? All right we'll do roll call.

AYES: Members Correa, Schneider, Woolf, Mayor McKay, Vice-Chairman Olschewski, Chairman Johnson, Alternate Fischbach, Alternate Frank.

NAYS: None

Chairman Johnson – Okay, next item I-78 Commerce Park we have a completeness review and determination for Preliminary and Final Site Plan. Applicant is obviously here.

Attorney Kemm – Good evening Chairman, Board Members, Professionals, my name is Karl Kemm I am the attorney for the applicant. We have received the report from Mr. Sterbenz and from your Planner Mr. Ritter. We are going to go through those reports. We've submitted, since then, we have met with Mr. Sterbenz more than once to go over some of his issues. The issues were raised in his report just as a general overview so, the Board can have an understanding; some of you folks are new. I'm sure you are aware of the project. This is a big issue for both Lopatcong and Phillipsburg. We had come in for a General Development Plan in both towns for the entire site. There was a number of items that were provided at that time and that's why we're asking for waivers so we don't have to resubmit documents and information that was already submitted. There's a few things that we have discussed with the Board and the members who were there on certain items, like for example, there's not going to be sidewalks in the road because it's really not a residential area or there's going to be residential traffic. There's going to be trucks and vehicles so as a general idea that's why there's going to be a few waivers requested but we have again met with Mr. Sterbenz and followed up, submitted a lot of this information that's on here. I know you are probably looking at an 8-page completeness review letter and going why these folks even standing before us, but like I indicated, some of those have been submitted previously. We are looking to get waivers so we don't have to clog up poor Beth's files with more paper. So, with those thoughts in mind we're just going to run through them, Paul is there any way you'd like us to handle this or do you want us

Engineer Sterbenz – Let me just jump in here. Just want to advise the Board what we have here, this is an application for Preliminary and Final Major Site Plan and also a Preliminary and Final Major, actually, Preliminary Major Subdivision Plan approval for the Ingersoll-Rand tract which is located along Route 22 here in the Township. The Site Plan is essentially for the major roadways that will traverse that tract and eventually end up in the Town of Phillipsburg. So, we have major roadways that are needed to allow for the development of this particular site as well as other major infrastructure, your main water mains, your sewer collection lines so on and so forth that will be extended into Lopatcong Township from the Town of Phillipsburg so there is also in addition to that, a proposal to also create the pad site in Lopatcong. The one building parcel that is proposed originally, it was originally proposed for a million square foot to warehouse, high cube warehouse. It has been reduced down to 950,000 square feet. The proposal is actually to grade that area and get it prepared for that type of warehouse to be built in the future including all the drainage facilities on that site. So, that's also part of the application. The applicant is also proposing to subdivide the Lopatcong portion of the property as well to create the open space that was part of the General Development Plan. The building lot that I just talked about that's going to have high cube warehouse at some point in the future as well as various roadway right-of-ways so that's, essentially, the applicants proposal. There's been a very extended completeness review. When I first received back in April what, and there was an extensive amount of documentation that was provided to this Board to support the application, but the documentation that was provided in a way of plans and reports didn't really sync with the description of the application in the narrative that was attached to the application. That precipitated a meeting back in April. I think I might have been April 18th when Mr. Kemm and Mr. McGrath, the applicants engineer where we had a discussion about what this application really was going to be. Initially, there was an indication that the pad portion of the project, the development of the pad was going to be withdrawn, that that was not going to be part of this application and there was going to be some restructuring of the plans. Later on, they withdrew that request and indicated they were going to move forward with the pad and that there was going to be a revised narrative and Mr. Kemm has provided a revised narrative

to the Board indicating that that was part of the application. After we made it through, also what was discussed let me take a step back. Also, what was discussed on April 18th there was never any work done by the applicant to address the plan revisions that were required from the General Development Plan review process back in 2016. There was some plan revisions that were required as a result of that review process. So, I indicated to Mr. Kemm and Mr. McGrath that we really needed to get those plan revisions done and get a signed GDP in place that we, you know, what we would have for record purposes and we would compare it to, during the Site Plan review, so in addition to Mr. Kemm going back and revising the narrative to be in sync, have the application in sync with the plans, Mr. McGrath went back and updated the GDP and took care of the comments that were outstanding from the resolution. I worked with him to get that done and in fact tonight we signed the GDP so, we actually have a signed GDP for the file now that we can work from through this plan review process. Next, I ended up doing a completeness review and I issued my report last week and the Board probably saw from the letter there were a lot of items that I found to be incomplete, but what I also found in the letter was there was, there were many issues that the applicant could have indicated a waiver request for because the scope of this application is very limited. There's not a building in all the associated amenities and improvements around the building so, a lot of the checklist items which were geared around that really don't have to be addressed. There's also a, you know, a probability there that some of these items are not applicable so, I met with Mr. McGrath again yesterday to go over a restructuring of the checklist whereby he would go back and ask for certain waivers that were indicated to be deficiencies in my letter and have the whole thing revamped and resubmitted to the Board and to his credit, he was able to issue a letter sometime this afternoon indicating the waivers and providing some justification for the waiver, indicating some items that he was going to follow up with some additional documentation on. He did resubmit the will serve letters from the utilities. He did submit his letter of interpretation verifying the boundaries of the wetlands on site. He did provide a Geotechnical Report. I think there was indication I believe that you were going to provide a traffic report before the public hearing and withdrawal that waiver request so I think there was a lot of progress as a result of yesterday's meeting and he's submitted it. You haven't seen that letter. I saw it this afternoon by email so I think the long and short of it is, I think a lot of the things that I thought could be done with the application I recommended to Mr. McGrath to do in reformatting the application was done but I do think there was certain things that he couldn't do for today and he was indicating he gonna submit, he's going to have a resubmission so, for that reason, I think we need to deem the application to be incomplete tonight, but I do think that if he does submit these items, there's probably five or six items from his letter that I feel that we could approve these waivers at the next meeting and deem the application to be complete and move into a hearing on June 28th. So, I think the means is there to do that and it was my intention, if you agree with that to, move ahead into a technical review on these plans where the next meeting I believe George has done his technical review for the application as well so that's where we are at. I think that a lot of progress has been made over the series of meetings. I think we got the GDP signed. All the conditions were met and from that resolution the application has been reformatted, the proper waivers have been requested. There is a few other items that Mr. McGrath needs to provide and I trust that he will get it quickly to us and then I think we could have a hearing next meeting because I think we will be in a position to grant waivers and deem the application to be complete so, I think that's where we need to go. So in summary, I think you should deem the application to be incomplete tonight but also indicate to the applicant that we will be willing to hear this case if he submits these missing items and the missing items are detailed in Mr. McGrath's letter from May 31st. He indicated in a number of instances, you don't see it but there is a number of instances that he was going to provide some additional information of plan revisions.

Attorney Sposaro – George, I think if you add a couple of comments with respect to completeness.

Planner Ritter – Yes, I, in addition to everything that Paul covered, which was quite thorough, I had two, really two items that I thought the Board ought to consider. One, in the sign package, for this application, the applicant has included an application included as part of his sign package an advertising sign to be located on, let me get the lot right on it, Lot 1, Block 100 which is not part of the redevelopment area. That's the little triangular piece which is on the opposite side of the road which is never part of the redevelopment area and under our Township regulations an advertising sign is a Conditional Use, it's permitted in the area the applicant has shown it, but as a Conditional Use and my quick review of what he had submitted for that site shows that they did not meet several of the conditions to be located in that location which would mean it would be considered a D-Variance and would have to go to the Board of Adjustment. So, I basically, requested that that sign application for the advertising sign be removed from the package from the redevelopment approval because under the redevelopment plan, we permit signage to be submitted as a package, reviewed by the Board and then if they feel appropriate to grant any waivers to the town sign regulations that they feel is appropriate. Whereas, the advertising sign is specifically not part of the General Development Plan and I believe is at least as proposed today, would trigger a D-Variance and send it to the Zoning Board. So, I think that sign ought to be taken out of the application at this time and if they wish to pursue it, then submit a separate application for a sign permit and go through the process that an individual would have to do to get an advertising sign approved on that site. The second item is if the applicant has asked for the waiver of all the Landscape Plans and I know this will be part of the discussion as we go forward, and the only thing I wanted the Board to think about is that the improvements to Lock Street and the improvements to a detention basin that's, I'll call it a detention basin that's located on Lot 2, it's a three acre parcel that is also going to include the main entrance sign to this development when it finally gets up and started are actually going to be finished. They are going to be part of this plan that will be built and completed today. I would strongly suggest the Board think about requiring a Landscape Plan for Lock Street and for this detention basin area because at least the way I read the plans, this will go in, be improved and technically be finished in this phase, so I think that ought to include the landscaping that, that should come with it and those were my two major comments and I really provided them to give the applicant a heads up so he wasn't surprised at the next meeting or anything like that but those are the two additional comments I would add to the review.

Chairman Johnson – George was, I can't remember, was that a sign or is that a billboard?

Planner Ritter – Well, it's an advertise, you know, in our ordinance, it would be known as an advertising sign. To everybody in the room, it's a billboard.

Chairman Johnson – Okay.

Planner Ritter – It's basically a very large billboard and like I say, I just don't think it's appropriate to include it in the Redevelopment Plan because it is on a lot that was never part of the Redevelopment Plan and I think it should come in under its own application and be reviewed separately.

Attorney Kemm – So, we are going to take Mr. Ritter's advice on the sign package and I think what's best is we'll review that and what we'd like to do at least going forward in four ways to talk with you about potentially revising that to either meet the requirements, therefore, as a separate application again because this falls under the Redevelopment Plan. Maybe a parallel application to this Board for that sign if we can get it to comply with a Conditional Use requirements.

Planner Ritter – Well, if you can get it to comply to stay in front of this Board.

Attorney Kemm – But if not, we'll split it off and go to the Zoning Board, but for this juncture to not to muck things up, we'll withdrawal it. We want to continue conversation with you on that as well as on the Landscaping Plan your point is well taken. Those are going to be final constructed roadways and just for the Board as well, what we're doing is, there's a connector road that's going to go from 22 through Lopatcong down to the intersection of Roseberry and Center that's going to be kind of the main spine road. We're building that in both towns. We have an application also going through the works with Phillipsburg to start doing that. Initially, there'll be a temporary construction access off of 22 Mr. Sterbenz, he asked us to give some more plan detail on that which we've provided and then that's needed to bring equipment and the like in to build this connector road that will also at the intersection of 22 will have a new realigned Lock Street so it's kind of hard to describe that without seeing the plan, but the only way to make the donut hole in where they meet and that's where the detention basin that Mr. Ritter described is located. We call that the DOT detention basin cause one of the requirements to a lot of the volume of water is going to be off of the, off of Rt. 22 into there. We'll certainly like to talk with you ahead of the next meeting to work on the landscaping plan for those two areas; the detention basin and the Lock Street. We just ask if we wouldn't have to put those improvements into later on, because with all the construction work, we don't want to be tearing up plants and equipment but again, we'll work with you on what you'd like to see on there and make sure the plans reflect it and then we can talk with you and the Board about when they'd actually be installed that we probably, towards the later portion of it, so again, we don't have to worry about destroying nice plants that were trees and shrubs and like that were planted so again, we'll reach out to you and continue that conversation.

Planner Ritter – But, that's fine.

Attorney Kemm – Thank you very much.

Chairman Johnson – So, you will supply a Landscaping Plan then?

Attorney Kemm – Yeah, what we, will detail that again, to again we'll work with Mr. Ritter to make sure we're showing him what he wants where and we'll start talking about timing as well.

Engineer Sterbenz – Yeah, the plan shows street trees, but there's no details on the plan, there's no description of what those street trees are so, Mr. McGrath in his letter today agreed to provide more information to supplement what's on the plan right now and over and above that, if I understand Mr. Kemm correctly, he's going to be addressing with George, just talked about and indicated in his letter today.

Attorney Sposaro – Karl, it sounds like you have the position of the Board, I'd like to commend you and the professionals for the hard work you've done and getting a pretty complex application and documentation together on such short notice after receiving Paul's letter. Let's just move forward and hopefully we can get this deemed complete in June and move right into the public hearing.

Chairman Johnson – I have a couple of comments for the applicant, actually, for our professionals too. I guess I'll start off. Looking through the letter, one of the things I've noticed is that there is potential for, to request waivers for some information that was already submitted. I would like to see that we see the information again, if it's possible that it could change from the General Development approval. So, if there is anything that is not set in stone that could possibly change, I'd like to see it again to either

prove to us that it didn't change or show the changes that has happened to it. Whether that's, you know, landscaping or grading, whatever it might be. If it had the potential to change from what we've already seen, let's see it again. So I'd like to see that. The second item that I was not sure how it's going to work, was regarding your Traffic Report. I think I would feel comfortable they have it, DOT's looked at it and given you their comments or DOT's approved it.

Attorney Kemm - I don't know the exact status. We have our traffic expert here. He can answer that for you Mr. Johnson.

Chairman Johnson – Okay.

Attorney Kemm – We, the one thing we were, as I mentioned before in my opening comments, was a lot of things were submitted when we had the General Development Plan and you were sitting here as opposed to there, congratulations on your ascension and we were, nothing has changed I mean we can either resubmit the documents which I brought with me tonight if you would like them or we can just certify that nothing has changed since we submitted them. Again, as Mr. Sterbenz outlines the actual size of the warehouse has been reduced and is actually less traffic that we had anticipated. If you would like the documents again, we can certainly resubmit them. They already submitted on file, so we were hoping to avoid cutting down some trees.

Chairman Johnson – Understood. I guess the way to understand it is that the Township reached out to NJDOT and recommended and asked for an additional study, for additional corridor length on the Traffic Study. Do we have a response from New Jersey DOT on whether or not they agreed with that and are we going to update our traffic?

Attorney Kemm – I don't know. Let me try and find you an answer. Do you want to swear?

Attorney Sposaro – You can just tell us informally

Attorney Kemm – Okay, so this is Mr. Kennel. I'll reintroduce you to Scott.

Scott Kennel – Scott Kennel with McDonough and Rae Associates. As far as NJDOT's concerned, we've made two applications. One is for a temporary, construction access which they've approved and as far as the Lock Street realignment that application's still under review and I have not heard, had any correspondence from them. I'm aware of letters that were submitted by the Municipality. I haven't received any response or other information. I had spoken with the case manager two weeks ago and indicated it was still being reviewed by the various departments down in Trenton.

Chairman Johnson – Okay, so I would suggest that we would want to wait to know what that result is. To me, a Traffic Report that's submitted exactly the same as before when we heard so many concerns that we reached out to New Jersey DOT on, I would want to know their response first before I accept that report. That's my opinion.

Attorney Sposaro – The applicant has no control over when and in what manner the DOT will respond. Just keep in mind you are dealing with completeness now. You are not dealing with the underlying application. We're just trying to get past the completeness hurdle. We can deal with the underlying traffic issues once the hearing begins and we hear testimony and we have the benefit of input not only from our professionals but members of the Board and the public so

Chairman Johnson – Okay I would, I accept your opinion as professionals. In my opinion, I don't think until you get the answer from the New Jersey DOT you don't have a complete and approved Traffic Report. That's my opinion. Until you know what DOT has as a response to that I don't think we have a report. But that's my opinion.

Attorney Sposaro – We're dealing with completeness right now. I don't think we should get bogged down in the minutia of the underlying traffic issues but enough said. Okay.

Chairman Johnson – That's all right. If we feel that we can adjust that when we're having the hearing, if that's how it works, then I accept that and

Attorney Sposaro – I suspect the applicant is acutely aware of your concerns and this Board's concerns about traffic and the impact of this development upon a community and I suspect that they will be ready.

Attorney Kemm – Well yes, as indicated we have submitted everything that's been given to DOT, we submitted to you folks as well as the town directly and a copy on file in the Clerk's Office for you and the public who wants to see that so we've complied with everything' that's requirement under the local ordinance for our traffic studies and the like so I think at this juncture those are ready to go. I'll leave the copies with Beth so you can go, if you want, you can take them home tonight. I made copies for the whole Board and the professionals as well. So that's a complete package as far as it can be complete today. If we hear any response from DOT between now and the next meeting, we'll be sure to submit copies. Again sufficient copies for the Board and copies directly to the professionals by email or however they would like them so that everyone has the most complete current, up-to-date information on traffic as well as everything else in the application. If we hear back from another government agency on something that's Germaine to the application we'll do the same thing; get copies to everybody so everyone is up to speed as to the current status.

Chairman Johnson – Okay.

Engineer Sterbenz – Mr. Kennel, I just have a question for you. Is there a letter from the Department of Transportation indicating that the temporary access road is approved? You mentioned that it was approved.

Mr. Kennel – I have the permit. We received it yesterday and you're going to be getting in the mail. It is not electronic, so you'll be getting it in a day or two.

Engineer Sterbenz – Can it be emailed to me tomorrow so we get that off the list?

Attorney Kemm – Yeah, we would have a chance to get it scanned in and get it to everybody. We just got it in paper form.

Engineer Sterbenz – Okay, thank you very much.

Attorney Kemm – It's on an oversized 11X15 paper so didn't have scanner to handle that at the moment but we will get it to you either tomorrow or shortly thereafter.

Attorney Sposaro – You haven't framed it yet?

Chairman Johnson – Is there any other comments from Board members?

Member Woolf - When we get the General Development Plans, your comment was made about the Lopatcong warehouse was going to be the first one built. Now you're dropping it down to 950,000 square feet. What guarantee do we have that you are going to build that building in Lopatcong Township, because without Lopatcong Township, you have no access to this property.

Attorney Kemm – Right, we have

Member Woolf – We're going to need some kind of guarantee that that one million square foot building is going in.

Attorney Sposaro – I think that's an issue for the public hearing. I don't think it's a completeness issue.

Member Woolf –Okay.

Attorney Sposaro – But your comments I'm sure will be taken into consideration.

Attorney Kemm – Just to expand on Mr. Woolf's comment which is a comment that's on probably everyone's mind in both towns. We, we have advised both towns we are, we are directing people who are interested in the property to look at both towns and to try and build warehouses in both towns in or about the same time so we can't guarantee that one company's going to come to Lopatcong before they come to Phillipsburg but we're telling interested folks is look we want, we want to treat both towns equally. We want to be good neighbors, we are in both towns, this is the way we are and trying to please everybody so that's why as Mr. Sterbenz described is we are, we calling, it's called a pad ready site. So they're grading it, they're not putting in a foundation. People think pad, they think a concrete slab but we're putting in grading and bringing in major infrastructure. We're building this roadway so that way it is and as a matter of practicality, we have to build the roadway from 22 down to into Phillipsburg so the first part to be built is in Lopatcong, so can't guarantee but if someone comes along and saying where's the roadway finished, it's finished there. That's a good place to start the first building so manned up with you folks, we hope we have two coming up at the same time in both towns. That, that, we would love to see happen. Can't guarantee, we can't force, you know, tenants to build but that's the intent. Again we want to treat everybody equally because we're in both towns. It's not easy but we're doing everything we can.

Chairman Johnson – Understood. Any other comments?

Mayor McKay – Yes. It is the developer's objective or his plan to actually be the one who constructs these warehouse buildings or are you selling pads?

Attorney Kemm – I'm sorry sir.

Mayor McKay – I said is it the developer's plan to actually construct the high cube warehouses or are you just selling pads to others who will construct the high?

Attorney Kemm – The answer is we're open to both. We have the approvals, that's why we came for

the General Development approval and then come back for Site Plans. If we have somebody who is interested in building it themselves and occupying the building, we're going to go with that person because we don't want to say well no we want to hold off till we build it we want to get things moving for the town. We want to see development. We want to see you know, jobs. We want the whole thing rolling forward as is envisioned so if it turns out someone comes to us and says yes we're interested build me the building then we'll build the building and put them in there as like a tenant or operator. If they want to build themselves and operate it, then they'll build it and operate it themselves. We'll still coordinate the entire site, but whoever comes to us first with the cash is the deal we're going to make.

Mayor McKay – So, you'll lease the ground to them in other words?

Attorney Sposaro – I want to jump in here if I can, this application hasn't been noticed for a public hearing. The public hearing has not begun yet. There may be members of the public that would like to hear these questions and the answers to these questions. I'm sure all of you have concerns and the applicant attorney's put in sort of an awkward position. He wants to answer the questions but this isn't the time for them. It just isn't the time for them. Everyone will have their opportunity. I want to keep this record as clean as possible and we're not off to a great start. So let's deal if we can, with completeness. You've heard the recommendations from Paul and George. I think the Board; the recommendation was to deem the application incomplete. The applicant knows what it needs to do to get the ball rolling for the next meeting and I think we're done.

Chairman Johnson – And we need a two week notice before the next meeting so we could advertise it Beth?

Attorney Sposaro – They know when they need to get it into the newspaper. It's the applicant's responsibility.

Secretary Dilts – That is nothing to do with this. Our meetings are advertised.

Attorney Sposaro – The applicant will get into the newspaper, complying with the Land Use Act ten days before provide us with an affidavit of publication from the newspaper. They'll also provide us with an affidavit of service that they served everyone within 200 feet of the subject property. They will do that.

Chairman Johnson – Are we 100% sure that we are doing this in June at this point then? I guess my question is?

Attorney Kemm – Yes.

Chairman Johnson – Looks like we're on schedule to do this in June.

Attorney Sposaro – Yes.

Attorney Kemm – Just a follow then on Mr. Sposaro's comment. We had been requested to notice for tonight and that has been provided to the Board Secretary so we have for tonight's hearing we've done the full notice in the newspaper and everyone within 200 feet. The state gets notice due to the size of the application. Everyone has been fully noticed. We would ask that notice be carried to June 28th so we don't have to go through that all over again cause with lists in both towns, it gets rather extensive

and Beth has enough paperwork to move around and about so doesn't need to see anyone of these.

Attorney Sposaro – Understood.

Chairman Johnson – Okay, at this point, do we need a motion to deem it incomplete or are we

Attorney Sposaro – I think we delegate that to our engineer to deem the application complete or incomplete. That's really been the practice has it not Paul.

Engineer Sterbenz – The Board in this case would vote on it. Sometimes I delegate it in a letter but in this case, I didn't have it so I deferring to the Board. So I think the Board should motion to deem

Chairman Johnson – I'm looking for a motion for incomplete.

Member Schneider –Motion.

Vice-Chairman Olschewski – Second.

AYES: Members Correa, Schneider, Woolf, Mayor McKay, Vice-Chairman Olschewski, Chairman Johnson, Alternate Fischbach, Alternate Frank.

NAYS: None

Engineer Sterbenz – I just have one other request Mr. Kemm. Is it possible if Mr. McGrath can have these plan updates and these supplemental plans in by Friday, the 9th just so we can have enough time to our review? Friday, is that possible?

Attorney Kemm – Yes, we will. If we can get them to you earlier by PDF we'll do that as well and again we'll deliver copies directly to the Board professionals and the balance of the copies to the Board Secretary for distribution to the Board and we got to make sure we get those in in time so Mr. Sterbenz has plenty of time to review as well as Mr. Ritter and you know, as Mr. Sterbenz and we had a couple of meetings and phone calls and we appreciate his help in guiding us to get through here in making sure we knock down these items on the completeness. Thanks again Mr. Sterbenz.

Chairman Johnson – Thank you, you said you had a couple things you could drop off.

Attorney Kemm – Yeah, I'll leave them with Beth over in the corner. I have copies of the Traffic Reports and there's extra copies for the Board members. The box will be over next to her.

Chairman Johnson – Great, thank you.

Chairman Johnson – Okay, we will move on to the next item which is approving the minutes for April 6, 2017. Has everybody had a chance to pick them up from Beth and take a look at them?

Member Correa – Yes.

Chairman Johnson – Excellent. I think we might want to go through some comments first so we can. Is there any comments on the minutes? I've got one comment and it might not really be anything. I'll figure out what page it's on. For everybody to reference, on Page 21 there was some jumbled up

conversations regarding Peter's comment and then Schneider's response and laughing and somebody saying I hope. I looked at the video three times at least and tried to read through it and I couldn't make anything out of that video. I think that section of the minutes is gibberish. It doesn't have any meaning to it. If you guys want to keep it in that's fine but I looked at that video three times. I couldn't make out anything of it. It was just so unclear. So we might want to put an inaudible in there also cause there was a lot more than what's shown. Maybe just one members talking inaudible. I don't know. I couldn't figure it.

Member Schneider – And you know as far as the minutes go, its 56 pages. It's not minutes it's a transcript and for us to go through 56 pages and know whether every, their every word is correct is, it's not even in the realm of a possibility and to put in comments that laughter was made. I've never seen that in minutes before. This is all things that just need to be revisited on how minutes are taken because this is no minutes it's transcripts. There's no way every month we can read 50 plus pages and be able to make sure that they're accurate and summary you can make sure they're accurate. The whole verbatim list is not accurate minutes. It's just not.

Chairman Johnson - I recommend just taking out the whole section while we were on break and I don't remember why we even took a break, but we took a break. I would take that whole section out. It's just

Member Schneider – I agree.

Chairman Johnson – It's not part. So is there any other comments? I know, it was a lot of pages to go through so

Mayor McKay –Yeah.

Chairman Johnson- Anybody who took the time to go through it all thank you. I went through much as I could. I went through most of it.

Vice-Chairman Olschewski – Me too. So with the minutes, I would like to know from, if I can ask of Beth, I mean it seems to be a lot of work to type all this up.

Secretary Dilts – Yes it is.

Vice-Chairman Olschewski – I mean you have every, I mean you do a tremendous job getting everything in there. Every word, everything in there, I would like to ask Tony is that the common way to do it? Is this the common way of providing. Are we not providing Beth with relief if we would not have this word for word?

Attorney Sposaro – The term minutes is not defined in the Land Use Act and it's not entirely clear what is required. I would say that the norm is that you get a summary, a capsulized version of the events that transpire at the meeting and that's the purpose behind the minutes. I don't think there is a legal prohibition to in effect to creating transcript. I think it might be easier for Beth and perhaps easier for the Board if a summary was prepared, but Beth how do you feel about it?

Secretary Dilts – Well, we went over this with the last group of people, who sat on the, you know, Planning Board and Mayor McKay brought it up a couple of times with another member who has since resigned and you indicated and many of the Board members felt you know I could go ahead and

summarize but what if you didn't like the words I choose. What if I was accused of cherry-picking my words as I've been in the past by a Councilmember so it is easier for me just to write out what you say and when there is a hearing it is very important to capture everything that is said with an applicant. It has been very important to capture everything that George has said or any of the professionals regarding any application or anything involving the master plan because in the asphalt litigation they had to go back years and take a look at these transcripts and they're really not transcripts, a transcript would be done by a court reporter so they're not really, so you can't refer to them as transcripts cause they are not. So this is the way it's worked for the past board you know was consistent people for all the these years I've sat as secretary since 2004 so this is the way I've done them. I did especially with this one because it talked about your conflicts of interest and everybody wanted to make sure especially tonight to go over just what was said so it would all be accurate.

Vice- Chairman Olschewski – If you would like doing it that way, I'm fine. I

Secretary Dilts –I just think it is the best way I know how because for all the reasons I stated, the importance of what the applicant says. I mean the Land Use Law, you know, does require that I put a much in as I can of the hearings.

Vice-Chairman Olschewski – It's just that specifically me, I seem to be at times searching for the right word and there's a lot of ums in there when I talk it appears so

Secretary Dilts – I don't put the word "um" in. I try not to do that. It's just really a pause on your part.

Vice-Chairman Olschewski - Okay, and I read the portion where we had the break and I can tell you, there was not, the way it sounded in the minutes, there was no ill intent on my part at all. I know you're doing a terrific job there and it sounded like it was something "mean spirited" but there was not

Secretary Dilts – It did to me too.

Vice-Chairman Olschewski – But there was not. There was no ill intent whatsoever. If I have done, I apologize there was not. I turn around and I didn't see you. I said oh she's gone so.

Secretary Dilts – Well

Vice-Chairman Olschewski – You have my apologies. It was no intent of any kind any ill intent so that I would like to say

Secretary Dilts – Well irregardless I filed a grievance with regard to these minutes and that will be heard by the Council and you know, I think there's some education I think that you all need to know about regarding personnel you know, civil service employees, township employees

Vice-Chairman Olschewski - I would be glad

Secretary Dilts – and you know the proper protocol and the proper way to act and the proper way to talk.

Vice-Chairman Olschewski – Okay.

Attorney Sposaro – I have a suggestion. I represent other municipal boards and have appeared and continue to appear before a lot of them. Many Boards have a court stenographer or reporter present at a meeting. They pass the cost of the appearance and the transcript on to the applicant when there's applications being heard and money is placed in escrow for that purpose. Now we may have to amend our application forms but I think it would be a way that we can create complete and accurate record of what transpires before this Board at no real cost to the Board and I think relieve Beth at the same time relieve Beth of the burden of trying to get down every last word and then your summary is your best attempt to do just that; summarize it. It is not the be all and end all. It's your attempt to do so but the transcript will be the final word of what's transpired at that hearing. I think we can solve a lot of problems, not spend any money and move onto the business of the board.

Member Schneider – Yeah and also you know, I whatever this was, I had no, I don't every recall doing this and laughing was probably at something else. I had, I wasn't sitting here making ill intent at anyone so I think putting in there responded and laughed causing other board members to laugh is inappropriate because if you don't know exactly what was said how can you put that in there.

Attorney Sposaro – Once we start this we can't stop it and you all got a memo from me concerning conflicts of interest but what I said in that memo really applies with equal force here. Can someone comment on the suggestion that I made that we revisit our application form and/or requirements for submission including dollars to be submitted to pass on the cost of the court reporter to the applicant for public hearing.

Chairman Johnson – for having hearing

Member Schneider - I agree

Mayor McKay – A meeting without hearings, what do you do then?

Secretary Dilts – Well, I'm going to be here regardless, so I'm going to, you're talking about the fees you can pass a cost; you can pass onto an applicant who appears before the Board. Now mind you, we're Civil Service town so that would be a Civil Service position and that will go through Civil Service procedures.

Attorney Sposaro – Fine, but

Secretary Dilts- I'm just letting you know that.

Attorney Sposaro – Okay, but we can get someone here by and large when boards conduct their completeness in respect to applications

Mayor McKay – It makes real good sense

Attorney Sposaro – The exception is dealing with the master plan, dealing with these conflict of interest issues. Normally boards hear applications or request for completeness as we heard tonight. So the lion's share of this cost and if you work with the court recorder, I don't think necessarily you are going to get charged for the I'll call it board time because they're going to be making it up on the applicants for what they charge per page.

Mayor McKay – Right, but recently we had a member of the board that took an entire meeting to tell us that we had conflicts of interest.

Attorney Sposaro – I can say this Mayor, as long as I'm the Board attorney, that's not going to continue. I just about, you know, like I've just about had it. We need to conduct the business of this Board and what I wrote in my memo and I'll bring it up since you raised it, is this. This is what I wrote. "I do not want to be perceived as lecturing this Board as school children but I wish that for once the Board members would devote their time and attention to the business of the Planning Board and keep their politics parked at the front door." And I will say it publically. It's as aggravating to me as it is to the public. I think it is a disservice to the public. I think we just need to cut it out. We'll talk about conflict of interest in a time schedule and move on and I'm

Mayor McKay – I don't know anyone whose sitting here that brought up anything about conflicts of interest. So I don't know to whom you are addressing that.

Attorney Sposaro – I'm addressing it to everyone.

Mayor McKay – None of these people said anyone had a conflict of interest. One person said it. One person said it about everybody else. Now you know, I think you know, you're, I think you're thought it correct. I think we should only be conducting the business of this Board yeah, I'm all for that and that's the way it's always should have been but I think the way you are expressing it, gives a miss-interpretation or it gives a wrong impression that every member of this Board is accusing each other of having conflicts of interest not true. One person accused several, five/six members of the Board of having bizarre conflicts of interest which in his mind maybe for real exist. I don't know. I don't know why he is doing it and to me it's a loss a waste of time and I don't want to live through it either. So anything that will prevent that nonsense from, you know, poisoning what we are supposed to be doing up here, I'm all for.

Attorney Sposaro – I guess if the shoe fits, then someone's going to have to put it on and I didn't think it was fair for me to single a Board member out in the memo it's addressed to the Board, but again, if the shoe fits then that's the person that's been taking up the time of the Board to raise these issues and then Board members feel constrained so that the record is complete to respond in kind, it's got to stop. If people have complaints about conflicts of interest, they can and my recommendation is let them reduce them to writing and can make that writing part of the record so we don't have to hear it all. If people want to bring those complaints to the next level, they can and if someone wants to respond they can but using the time at these public meetings to discuss this is just nonsense.

Vice-Chairman Olschewski – I would say everybody sitting here today would agree with you.

Mayor McKay – Yes, yeah.

Attorney Sposaro – And, I'm not criticizing anyone here. I'm but we need, we got, this application that's coming in is an important application to this municipality. Revisiting this master plan is an, is one of the most important obligations this Board has. That's what our focus needs to be so, okay.

Chairman Johnson – We kind of hit on a couple, the first two topics there going back to the minutes real quick. I have one question and thinking about our budget and what we could possibly do. Beth with our technology available is there something that can get our video like a voice to text

Secretary Dilts – No and the other thing you have to understand is all this equipment is approved by the court because they court holds there, you know, hearings here every week and you know we can't go buy separate equipment that is an awful lot of money and of course we did check in to it numerous times and it is not.

Chairman Johnson – I'll put it in the budget for you if you need it.

Attorney Sposaro – Let me do this, for the next meeting let me do some, make some inquiries exactly how other municipalities budget for the court reporter and let's see if we can figure out a way of doing it and not costing the town money and at the same time having a court reporter here to capture everything that is said by everyone.

Chairman Johnson – I agree and I have no doubt that this take you know 60 to 100 hours to do Beth I have no doubt. It would take me twice as long and if there's better ways for us all to be spending our time. Especially you Beth, to spend that many hours on it, is

Secretary Dilts – Well like I said, I mean that is what the past Board wanted and they were you know, very and Tony you said there and heard them. They were like well whose words is she going, how is she going to summarize them. What is I don't like who know said it the way I would have said it. So this is the kind crap that I heard and that's what led me to do them the way I do them.

Mayor McKay – Also one other thing we'll keep out of the minutes anything personal. Somebody had a funny tie; somebody came in two minutes late, one second late.

Secretary Dilts- No you have to record when people are coming and going. You have to do that.

Mayor McKay – Well somebody laughed, somebody giggled, somebody coughed.

Secretary Dilts – You can all imagine how I felt when I listened to that.

Mayor McKay – But you, you take it from a perspective it probably wasn't aimed that way

Secretary Dilts – That's what I filed a grievance for and we'll find out

Member Schneider - Hey you know for all I know I could of laughed and said something like "oh that means we have to leave or we can't do the meeting". I mean, I don't, I didn't sit there and do something whatever grievance you filed that's you misinterpreting anything that happened.

Secretary Dilts – I hope so Donna, I really do but past experience has led me to my conclusion

Member Schneider – Same here.

Chairman Johnson – Real quick then Tony I have a question for you. There's been a suggestion that that's not appropriate to be in the minutes

Secretary Dilts – I will not remove it until the grievance is heard and settled so take it or leave it.

Chairman Johnson – Well, my question is to Tony, if the Board votes to remove it obviously this is part of the grievance what is appropriate what should we do on this one?

Attorney Sposaro – It's the Board's prerogative to adopt or not the minutes as written. That's the Board's prerogative. Beth with all due respect to you that's not your decision. You certainly have a record of what was said and that is your absolute right but I don't think it is for you to say that these are the minutes take it or leave it.

Chairman Johnson – Tony is the video record adequate for Beth?

Attorney Sposaro – I don't know what will be adequate Beth has a grievance. She's going to present her case.

Secretary Dilts – I suggest that you all wait till that is heard and settled and may you know that will get taken out and then you can decide whether you want to approve them or you don't want to approve them.

Member Correa – I motion for the part that says somebody's laughing to be taken out of the minutes.

Member Schneider – I second.

Chairman Johnson – Then we have the first and the second then. Any other comments. Roll call please.

Member Fischbach – Was the motion just to take out just the laughter part is that, what was the exact

Member Correa – Yes, if somebody says laughing

Secretary Dilts – He said take out the word laughing.

Vice-Chairman Olschewski – Tony, I think during the break we had I think that's what it is.

Member Correa – Yes, (inaudible).

Chairman Johnson – Majority of Page 21 has to do with when we were on break.

Secretary Dilts – We have a motion and second, I'll call the roll?

Attorney Sposaro – Please

AYES: Members Correa, Schneider, Woolf, Mayor McKay, Chairman Johnson, Alternate Fischbach and Frank.

NAYS: Vice-Chairman Olschewski

Attorney Sposaro – Beth, we have minutes adopted.

Chairman Johnson – All right we move on. We already touched base on this so Tony why don't you just

Attorney Sposaro – Discussion/comment on conflict of interest time frame for letters and response. The Board previously agreed that I would be the gate keeper of the submissions. I would ask all submissions regarding conflicts of interest be emailed to me no later than June 15 and any responses if I could have them by the close of business on or the end of the day on June 30th. I will then submit to the appropriate governmental body and we'll wait for a response.

Chairman Johnson – Excellent. So basically gives two weeks from this point to get the letters in and two weeks after that to respond and that's exactly what we talked about at the last meeting so it goes right in line. This is no surprise.

Attorney Sposaro – Correct. All right the next item discussion of and I don't think we need a motion for that.

Chairman Johnson – Tony, if they don't come in by June 15th, then you don't get um, we'll all bets are off, they're on their own right?

Attorney Sposaro – Then they are free to submit.

Chairman Johnson – On their own.

Attorney Sposaro – On their own, if they choose. Discussion conflict of interest time frame, we did that one.

Chairman Johnson – We've got, if there is any concerns for Planning Board members with anything, I mean you are always welcome to bring it up at any point during the meeting but this is just kind of open forum. I had a couple people bring a couple things up to me on the side. I can't remember what they are but if these things are worth discussing, if they have any concerns they certainly can bring it up now. I don't have any at this point. Will entertain anybody who wants to have a discussion. There's obviously a lot going on with the conflict of interest letter, time of meetings. We're all pretty much stressed out so. If you need to talk this is when we are all gathered. Now you do it. Hearing none, we move on.

Attorney Sposaro – Now, I think we've had enough group therapy sessions.

Chairman Johnson - So, we're up to your memo.

Attorney Sposaro – My memo, I think, speaks for itself. There were two items that were discussed in closed session at Council and I was alerted to it by the fact that there was reference to them in the agenda for the council. I think my memo speaks for itself as to the dealings with Mr. Carbone. Going forward if we are going to hire a professional to perform a specific task that's outside the yearly appointments of the three professionals the Board normally has, that it be either per case or per task, per application. So, if we have an application that carries over from year to year but we need special expertise for instance someone in Mr. Sterbenz office, Mr. Rashad is providing the Board with expertise regarding traffic and the DOT that, if there is an appointment per se that should be for the duration of that particular application.

Mayor McKay – Now, can I ask a couple of questions on that cause I'm not sure I understand this.

Attorney Sposaro – Sure.

Mayor McKay – If we do that, can we go over a one year period because my understanding it couldn't be more than a one year period like the professionals.

Attorney Sposaro – No, it's a fair question because normally appointments by boards are for one year increments because the constituency of a board changes from year to year and people may feel differently about it, but I think the way we can word it is that it is the appointment for the duration of the term unless otherwise determined by the Board at the beginning of the next calendar year. That way it's self-perpetuating unless the Board concludes otherwise. I don't know how else to do it other than to say it's renewable every year. I think that's a fair compromise that it is still up for discussion if someone wants to raise the discussion otherwise we don't have to go through the exercise of reappointing someone every year to perform a particular task if it is an ongoing, ongoing

Mayor McKay – So, you're saying you write the professional service agreement to be to have no term limit end date or whatever cause you have to have a professional service agreement right?

Attorney Sposaro – As it relates to a particular piece of litigation or as it relates to a particular application, yes.

Mayor McKay – Yes, so you have to have that and now we have no end date by virtue of what you're proposing.

Attorney Sposaro – Unless the Board, I think you could always give yourself out that the Board on so many days' notice can terminate but that maybe reciprocal so someone may bail on you too.

Mayor McKay – Yeah, but I think you want to put in there you can only have a duration of so many years at max or something so that it doesn't

Attorney Sposaro – It can be for the duration of the matter, it could not to exceed a certain number of years, it could be terminable on 30 days or 90 days' notice by either party. There's lots of ways you can do it.

Mayor McKay – Okay, now

Attorney Sposaro – And we don't need to decide that tonight but that's just, that's food for thought and when we come to a specific matter, a piece of litigation if I'm not handling it, or whoever your attorney is, is not handling it or a particular application where we need some unique expertise, we can deal with it on a case by case basis.

Mayor McKay – Okay, now

Attorney Sposaro – Different ideas

Mayor McKay – Cause I understood that when you have a trial case and when it goes to appeal that's a different case entirely and then the next time if you go to the supreme court that's a different case. So

Attorney Sposaro – That, that is true. An attorney, normally what happens is they will enter their appearance at each court level. In the situation we had with Mr. Carbone, he had written the brief, he had entered his appearance before the appellate division and by doing so on behalf of this Board all that was left for him to do is go the following week and argue the case.

Mayor McKay – Right, but he had only been appointed by this Board through in 2012 for a one year period.

Attorney Sposaro – And, I don't know what the history of that was however, but my opinion was that to raise that issue one week before the oral argument, it's just too late to try and do something.

Mayor McKay – Well, I don't, we didn't raise it came before us and we were told that we should approve it and it was just like approve what you know.

Vice-Chairman Olschewski – I was under the impression that it is actually fairly spelled out. The gentleman in question was hired by resolution, every resolution expires after one year's term and after which the gentleman should have been rehired as per resolution. I think Beth at one point in time we asked for and I think you actually put a time frame on that producing documentation on how the gentleman was hired or not. If there is a time frame on one year on every resolution, I don't see where, I mean the laws are in place for something like that if people are enforcing for what is currently there, I think I need to come up with that with anything new. All we have to make sure is that after one year whoever is responsible and I do not know who that person is, make sure that the resolution which has expired is being renewed and we're good to go. I don't

Attorney Sposaro – I think it's fair to say that this issue is now on the radar screen and going forward, we are all going to be aware of it and we can deal with it on a case by case basis. I think all you, I can't argue with any of you. I think you are all right in a certain sense. We were just faced with a very awkward situation a week before oral argument raising the issue and trying to deal with it.

Chairman Johnson – The timing of it threw a lot of people and so I think the appropriate thing would have been to see that in January.

Attorney Sposaro – Yes.

Chairman Johnson – and then we would have

Vice-Chairman Olschewski – Now the question I have for you Tony, excuse me Eric, is, you said something and it was kind of like you said that the Board allowed the guy or the gentleman who stayed on because we did not raise the issue every year. I think that was your comment. Because we didn't pay attention that was basically the Board's mistake and we should have paid attention. Is that an accurate statement?

Attorney Sposaro – I think that in fairness to both the Board and Mr. Carbone, he didn't hear anything to the contrary. He assumed that he was going to, he was continuing to represent this Board and the Board did not indicate otherwise. It's easy to look back; hindsight's always 20/20. To look back and say well you should have dealt with that in January. In January you were reorganizing, you had a new chairman that didn't have experience as a chairman. You had a substantial change in the membership of the Board. There was a lot going on so things happen; it happened.

Vice-Chairman Olschewski – How'd it happen years

Mayor McKay – I happened five years in a row. So, I mean

Attorney Sposaro – Yeah that I can't speak to. I think it got to the point where the case kept going on and on and there were different phases of it. Carbone had been hired and he continued to work and the Board didn't raise any exception to it.

Member Woolf – I was ongoing litigation and what we're talking about now on a yearly basis. What is to say a case is not going to end in February for a hearing and you're going to appoint, or we're going to appoint a new attorney in January?

Vice-Chairman Olschewski – No, you don't have to appoint a new

Talking over each other

Member Woolf – I'm not saying we would have to.

Vice-Chairman Olschewski – No, but if, if

Member Woolf – We could agree to carry over.

Vice-Chairman Olschewski – Yes and every

Member Woolf – But we could also agree one month to prior to a hearing, say we're going to replace that attorney

Mayor McKay – But I think Gary what happened is like perhaps you were on the Planning Board then. You knew about the guy being hired. I don't think most of the people here even knew he was even hired. So nobody knew what was going, that he was representing.

Member Woolf – I'm under the impression or the understanding that he was hired to hear this particular case

Mayor McKay – You knew because you were on the Planning Board then. The rest of us didn't.

Member Woolf – to carry it to its end and we still haven't received word that it is at its end.

Mayor McKay – No.

Vice-Chairman Olschewski – If what I just learned and it maybe wrong and Tony may correct me. The normal court case was one part he was hired for. For the appeals part he should have been rehired. Is that correct? Because it was a different case.

Attorney Sposaro – He was hired initially to represent the Board in the trial. There were two trials and then they went up on appeal and they continued to represent the Board on the appeals.

Vice-Chairman Olschewski – But that was a different case right? For which he should have been

Member Woolf – No, still the same case.

Attorney Sposaro – Still the same case.

Vice-Chairman Olschewski – Okay.

Attorney Sposaro – In a different court but still the same case.

Member Woolf – Suppose it would go to the US Supreme Court – it's still the same case.

Mayor McKay – No, it's not. There is a different case each time. It's the same matter but it's a different case right? It has a different case number.

Vice-Olschewski – I think Gary the issue really is and that's for every, any professional the Board or any Board hires for a long durational time, how do you make sure you don't have somebody on the books for five, for six, for seven years without anybody knowing about it? I think that's really what it is.

Nothing to do with Carbone or anybody else

Member Woolf – It should be brought up on a yearly basis.

Vice-Chairman Olschewski – Yes and

Member Woolf – I agree with that 100%.

Vice-Chairman Olschewski – So, and that was overlooked, and it came up but that was really it.

Chairman Johnson – So we can think of ways to make sure that we have a failsafe implemented and will hear your suggestion Tony so it comes up every year.

Attorney Sposaro – I would ask Beth that for reorganization in years to come that the appointment of any and all professionals whether it's the three of us or other professionals hired for particular matters that issue at least be on the agenda so we can revisit it. Sound good to everybody?

Member Schneider – Should that person should we have an RFP process for that person as well. Do you fill out; you do an RFP for Planning Board.

Attorney Sposaro – I don't think it's appropriate if the matter is ongoing. I think that if you got some concerns about the representation you're getting by that professional and the years coming up I think you give the professional a heads up and either we sit down and meet with that professional and air our grievances or we let people know that we're looking around for someone else and solicit proposals.

Chairman Johnson – I think that makes sense. You wouldn't RFP that individual

Attorney Sposaro – No.

Chairman Johnson – or for his position.

Attorney Sposaro – No.

Chairman Johnson – That’s a different category than you’re doing.

Attorney Sposaro – Yes, correct. I’m here for everything. All right. The second part of this memo dealt with the not Carbone, but was again someone brought up before the Council concerns that the Board was, this Board was conducting itself in such a way that there were conflicts of interest that could compromise the decision and business of this Board and ultimately the Council. We beat that horse to death. I don’t think what this Board does is any, really, frankly, any business of the Council. I don’t know why it was brought up. I don’t think it was appropriate to bring it up. I’m just bringing it to everyone’s attention that it occurred and no more no less.

Member Schneider – How do you address that with for it happen again? You know, how do we know that these things are being brought to the Board?

Attorney Sposaro – I cannot prevent it. I’m simply letting the Board know that it happened. I’m expressing my opinion to the Board that it’s inappropriate. I believe that the attorney for the Council expressed the same views and can’t stop people from talking. Again if the shoe fits, it fits.

Chairman Johnson – Well, thank you Tony. I think your memo is completely spot on. It is inappropriate and for me it was disappointing. We had agreed as a group that we were going to go ahead in a certain path and apparently that path wasn’t good enough where somebody felt that we had to get Council involved and it was inappropriate. Thank you for writing the memo. I think we should all take that to heart and hope it will not repeat itself.

Attorney Sposaro – Okay, I think we are back down to Board business.

Chairman Johnson - That was about the longest hour and fifteen minutes. I’m ready to take five and then after five minutes we’re going to start the master plan revaluation with George. Take a five minute break.

Planner Ritter – Sounds good.

Chairman Johnson – We are. All right everybody take their seats we’ll bring the meeting back into order. Before we go onto the next item George you did a, you had a handout for everybody which is what we requested last meeting. Could you just go over it one minute real quick and then we’ll move on.

Planner Ritter – Yeah, at the last meeting we were talking about whether or not the town wanted to consider adopting a P -Public Zone to cover the publically owned properties in the town give them the designation and set certain limits on their use. At the request of the Board members they want to look at what some other towns were doing. So, what I did was to give you an idea at least what some of the towns have done. I put three different town ordinances together that create a P-Public Zone for you to look at and get a feel for what it is. What you’ll see, they run the whole gamut from very very little regulation to very detailed regulation but I think you will get a flavor for the kinds of things that they try to regulate in there and I already handed those out, you and look at it and read it and we can kick it

around at the next meeting once you have a chance to look at it but that's what this little handout was and I just dropped on it. The three towns, as we discussed at the last meeting, I put Chester Township's in there, I put Allamuchy and I put in

Member Fischbach – Greenwich

Planner Ritter – Thank you. For you to look at and there's others scattered around the state but I think these are fairly representative of how different towns have dealt with that issue and so like I say take your time and look at them your questions and we can kick it around at the next meeting to see if there is any merit to going ahead with that in town or not doing it at all.

Chairman Johnson – Okay, thank you. George you can move onto the next

Planner Ritter – I can move on, okay.

Chairman Johnson – Yeah. I don't think we're going to have any questions on that memo since we just got it and we can read it over the next

Planner Ritter – Yeah, I think that's the best way to look at that.

Chairman Johnson – I mean thank you for getting it to us. I appreciate it.

Planner Ritter – The last piece in our Highlands Center review of the ordinance that we haven't discussed at all was the conditions in the R75 and RB Districts and that is to deal with a question that came up several times over the years that I've been here and that is that often times in your R75 District, a lot of the applicants that have come before the Planning Board to add a garage or add an addition to their house or make some improvements to their house end up having to make a formal application to the Zoning Board of Adjustment and this is particularly true in the R75 District and what was happening was that your zoning ordinance for the standards in that zoning ordinance don't tend to match the actual lots sizes in these areas, so that many of the people just simply can't comply. They start with too small a lot and you have a certain side yard well it's in the middle of their house already so how are they going make it an application. So what we looked at and what we found in our analysis is that in terms of lot size and I'll also talk about the RB District and the areas we are talking about is the RB District is a district right next to a medical center on 22 and the R75 District is generally right behind that area and then there is an area actually over on, what is that, Belvidere, behind Belvidere on the road. The RB District has the same standards but to give you an idea, we went through and did an analysis on lot size in terms of whether the lots conform or don't conform to your minimum standards. Well what we found in the R75 District over 16% of the lots were already non-conforming. That is to say they lack sufficient area to meet your code and it gets considerably different when you look at the RB District over 43% of the lots are already non-conforming which pretty much makes a person's chances of making any improvements to their house and not making a formal zoning application pretty remote on these lots. So what we are suggesting the Board consider in the R-75 District, the design standards of which apply to the RB District for residential. They're the same in terms of design standards is that we consider changing the Bulk Standards for the district to pull more of them into consistency and what we're suggesting is that the 9,000 square foot minimum lot be reduced to 5,000 square feet. But the lot width, would be reduced from 75 to 50 feet the building coverage remained same at 25% but the front yard be reduced to 20 feet and the side yard be reduced from 12 to 10 feet and the total combined from 28 to 20 and the rear yard reduced from 30 to 25. We think that would

make it much easier for people to conform and really wouldn't change the quality of the district. In other words, I don't think it would really make the district look particularly dense or more unlivable to adopt the standards but it clearly would allow these people flexibility to make improvements to their houses and hopefully not have to visit us if they can pull their building permits and go from there and that would be the recommendation also for the residential portion of the RB District that the same standards be applied. Now the other aspect of it is that we were looking at the Commercial Standards for the RB District. As many of you know the RB District allows both residential and commercial to take place. The Commercial District or the commercial uses in the RB District have a different set of design standards than the residential and interestingly enough to do commercial development, you can actually do a smaller lot than doing residential. The current code allows you to have 7500 square feet for commercial activities and one of the thoughts we had here is trying to figure out what that district really is, what you want it to be, because right now the district is sort of, it's sort of Jekyll and Hyde in the sense that you're not really encouraging residential development but you're really not encouraging commercial development. It is one of those districts that's very confused and I'm sure to anybody living there, either commercially or otherwise, it's one of those never, never lands where you don't know how serious the town is about doing either. So, what we had suggested there is and now I have a couple of other recommendations, but we thought clearly if you're going to do commercial, we ought to up the lot size so that somebody who decides to do commercial in that district hopefully will have a little room for parking in a little bit of other things that you don't get on the 7500 square foot lot. Today, pretty much, if you come in today for commercial use it's really converting your house and then coming into the Board and telling us you don't have enough parking but I'd like to do commercial. So, if we enlarge the lot a little bit we can get some room for a little parking. It isn't much but I think there's a bigger question that we ought to think about and that is really how much commercial do you want in the RB District and how do you, if you really want commercial, then how do you try and encourage it that you actually get what I would call, better projects, not just home renovation, stick something in one of the houses. So, I thought there was a couple ways we could look at it besides just changing the lot size. Obviously, one thing we could do is say I really meant it to be a Residential District; repeal the Commercial District out and leave it all residential. Of course, you leave a few people; 15 or 20 of them with commercial uses as non-conforming that are currently in there. The other aspect of it though would be to possibly repeal the Commercial Zoning in the sense that if your lot isn't facing on Rt. 22 or you can assemble properties that have frontage on Rt. 22, you can't do commercial. In other words if somebody came in and bought a couple of homes on 22 and then bought four homes behind that they're connected to 22, they could assemble them and have a commercial project. On the other hand, they couldn't jump behind the Rt. 22 lots and do a couple of homes as commercial. So that you'd be encouraging the commercial to sort of be along your business strip and if you aren't going to figure out how to do that as a builder, it will stay residential in the back. So that was the other thought so what we had thought was a good recommendation was first to change the residential lot sizes to make it easier for people to just maintain and improve their houses and then the commercial portion of the RB District, I was leaning towards the fact that we might designate the commercial as having to have frontage on 22 and that you can assemble larger pieces but you always must remain connected to 22. You have to have a front on 22 so if you want to buy up four, five, six homes and make a decent size project, go ahead and do it as long as you have frontage. If you don't though you're not going to go back in the middle of what's remaining of the residential neighborhood and cherry-pick a little business that is scattered through there so that's really what we wanted to talk about. What you think about that district and you know whether or not you think it's fine the way it is or whether or not we should think of proposing some modifications to it to direct at least from my perspective direct more commercial activities associated with 22 and encourage residential if it isn't on 22 that type of thing or if we want to make it all a residential neighborhood, there is no reason to

believe you couldn't, it's just a question of what you want to do. So anyhow that's what I thought we ought to talk about tonight about the changes to the R-75 and the RB District in terms of what we might think is appropriate there.

Mayor McKay – When in facing the residential would be inappropriate in much of that; any new residential. It's loud there; the road is getting more and more use. When these warehouses come, if they come then it will be very, very loud noise, trucks rolling by. I don't think you're going to see developers trying to rush in there and put up new, new homes.

Planner Ritter – Why I don't either, for all purposes, the district is virtually built out anyhow. It's just a mix of old homes, commercial establishments. There is very few actual vacant lots. What I've seen in the years I've been here is just people coming in and picking an individual home and wanting to establish a business.

Vice-Chairman Olschewski – What kind of business would that be?

Planner Ritter – The most recent one that I was involved with and it never got built was a gun shop that came in and actually got a, I think that went before the Board of Adjustment.

Member Fischbach – The one behind the gas, there is one behind there the old Hess.

Member Woolf – The old Hess building.

Talking over each other

Planner Ritter – Yeah, it did happen okay. Well that was the last one I recall.

Vice-Chairman Olschewski – I know that house specifically, that is located in a very commercial, I mean there all commercial buildings all around.

Talking over each other.

Member Fischbach – There are a couple houses across the street. There's probably four or five houses going down towards the diner.

Member Woolf – They built a Morton building behind the gun shop.

Planner Ritter – That's right. That is the one we are talking about.

Vice-Chairman Olschewski – So, were looking at

Talking over each other

Planner Ritter – I'm sorry.

Vice-Chairman Olschewski – Accountants running, we, I mean we have accountants that, that's the type of business we're looking business you can run out of a home right?

Planner Ritter – Well, that’s what these turn out to be because in truth, at least as the ordinance is laid out right now, unless that area is redeveloped, meaning somebody actually comes in and assembles some pieces I really doubt you’re going to see anything with you and I around this table would call modern retail activities occurring because the homes are too small, the lots are too small and chains, national retailers even for like fast food, you could think of but never pick one of those spots just because it’s very difficult to assemble a piece. The, as I say, we can leave the mixtures or my thought was to try and tie it more back to the Rt. 22. If people were willing to assemble and move back into the neighborhood with commercial, I see really no problem in that pushing back in while still trying to give some protection to the residential that’s deeper in the neighborhood but if you look at it as a district where you will let small business enterprise, I mean that’s another way to look at it, give them a spot in town where they don’t have to deal with your shopping center developers. In other words, the small, I hate to call it mom and pop, cause they’re not but I mean its special businesses that you know normally wouldn’t go in a shopping mall for a lot of reasons. They wouldn’t go in it. It does give them places to do it here because they can find a place that probably is more affordable, easier to develop. The only question you have though is you have a residential neighborhood then it can’t make up its mind what it is because you, in some ways, are discouraging investment in residential properties because if I own one, it’s always in the back of your mind like how much money should I put in this house; I’ll probably never get it out or the other side of it is well someday somebody may buy it for a business. You know, I’m not going to fix the house up because it’s going to be sold for a business. So it’s one of those neighborhoods that you almost guarantee that there’s disinvestment; that people don’t want to do things. So, the only thing I was trying to think of is is there a way that we can encourage or try to get some reinvestment in the neighborhood either for homes or for commercial and obviously I agree with you. The 22 strip, the frontage on there clearly I would think would remain some type of office, commercial types of activities.

Vice-Chairman Olschewski – When you say frontage, right, I’m specifically thinking about this, this gun shop right, it’s not right on 22.

Planner Ritter – No it’s not.

Vice-Chairman Olschewski – So this gun shop right, it’s not right on 22?

Planner Ritter – No, it’s not.

Vice-Chairman Olschewski – So, would I want, me personally, I would want this to be a commercial building because I believe that nobody in their right mind would want to live in that place so, if we would zone it residential, that would be probably at one point in time stay empty and fall apart and it cannot, you know, best interest so, I’m using my best interest to have a place like the gun shop so it won’t be the corridor on 22 not frontage on 22, but in a certain vicinity of 22, I would make this commercial and keep the rest of it residential.

Planner Ritter – Well, the other way I guess it could be looked at, is instead of trying to keep the concept of the Mixed Use District, you could always go in and define, I mean we have the records to do it. We could actually define it Commercial District that embodies, looked at the all, but it would embody most of the people that are out there today and the part of the neighborhood that you think is too far gone to be residential. I hate to say it that way and then the rest could be retained as residential. In other words, you create two districts; you have the Commercial District and it may penetrate the neighborhood. It may go back in and pick up the houses that are back in or on the frontage and those

houses that are still in tack and then virtually still a residential neighborhood, we put them like for examples Zone MR 75 which is what they're zoned today, but you can't put commercial next to it and do it that way. Split the zone.

Vice-Chairman Olschewski – Do we have something like that currently? I cannot recall any neighborhood in Lopat where we have a heavy mix of residential and commercial.

Planner Ritter – This RB District is your mixed commercial

Mayor McKay – Between Baltimore and 22.

Planner Ritter – but you could as an example, zone the residential portion R75 which is exactly what it is today and then define a commercial district that maybe you zone HB. So you can't have, so residential is not, in other words, you define it as it relates to 22 and the uses that are out there or you can create one more, if the HB Standards make no sense, which they probably don't, you could create a Neighborhood Business District where you specifically design the standards for the little lots and just cut that out as a Business District and so you separate the two so they aren't just all blended together. So it's really where you want to go with that. I, as a minimum I would tinker with the lot size and get those to be more consistent with what's out there and then the use factor is something that truthfully the Board has to decide what you want, you want to do. You can keep it as a mixed use zone, that's the way it is today.

Chairman Johnson – How awkward would be that cut line between the two?

Planner Ritter – Well, it's like everybody, I can say that we probably can make 90% of the commercial users winners, meaning they stay in a Commercial District but there's going to be that 10% one way or the other. It's going find the most themselves on the wrong side of the line if I draw a hard line.

Mayor McKay – Now are they grandfathered or whatever

Planner Ritter – Well they'd be grandfathered; they could continue. They just wouldn't no longer be a permitted use. In other words, if they came to it's another thing you have to, if they came to expand, let's say they want to add something on to their commercial use, they'd be back in front of the Board of Adjustment making the case for it. It would be a Use Variance.

Chairman Johnson – Well, they wouldn't have a lot of room to do that anyway because of the square footage.

Planner Ritter – Well, I agree most of those uses are tracked. I mean they have very little they can do.

Member Fischbach – Really what you're talking about really is, with the exclusion of probably the diner and the real estate office going a little bit back east, you're really talking about from Fifth Street all the way to First right, and then from 22 to Baltimore Street.

Chairman Johnson – Really, yeah.

Member Fischbach – Really, and that's probably a 50/50 mix so you know, residential

Mayor McKay – And we need to do a field trip.

Member Fischbach – That's really good.

Alternate Frank – My thought exactly. I was going to say

Mayor McKay – I forget exactly which (inaudible) from here.

Member Fischbach – And then, the only thing is the daycare center on the other side of

Planner Ritter – Right, which yeah

Member Fischbach – That's up in that area.

Member Schneider – Right

Member Fischbach – That would be the only one that would be left out, you know.

Member Woolf – (Inaudible) doctor's office.

Member Fischbach – Yeah, the doctor's office those two, that I can remember.

Chairman Johnson – George, you said, so 16 percent of the R75's are non-conforming. If we up'd it, went from 7500 to

Planner Ritter – 5,000

Chairman Johnson – 9,000

Planner Ritter – I'm sorry

Chairman Johnson – 9,000 to 5,000 would that bring them all into conformance?

Planner Ritter – There'd still be a few. I mean there's still a few lots that are just strips. When that part of the town was subdivided, even though you think many of the lots are small out there, many of them were combined from two or three lots that were originally platted so there are a few that are just thin little strips that are out there. You'd still have some, but that's not unusual. All I'll say is to have some that are non-conforming, is not unusual.

Chairman Johnson – Right and for the RB's, you said are there 43 percent were non-conforming. Is that, were you specifically talking about the commercial part of it?

Planner Ritter – No, no that was the residential; 43 percent of the residential lots don't conform to the standards.

Chairman Johnson – Okay, residential okay, but the commercials are mostly conforming?

Planner Ritter – Well, 43 percent of them don't conform as to area. So, you know, there all small.

Chairman Johnson – So, that would help by lowering the square footage; that would help the residential

Planner Ritter – Correct.

Chairman Johnson – but we potentially may actual get more on conforming or more non-conforming if we increase our commercial from 7500 to 10,000.

Planner Ritter – Yes, the only thought there is that it may make it, I hate to say more difficult but it would make people do is start to assemble stuff if they really want to do it. It gives you a little better ability to you know, plan for parking, plan for layouts, plan for buffers. I mean one of the problems you have is as these homes get converted and it's a question we all have to decide one, these small lots you can't do much to protect any of the neighbors. I mean if you gonna approve them, you know, there going to have a couple of parking lots spaces jammed on one side of the house you'll have five feet to try to plant something and if you're the homeowner next to it, well too bad you'd better figure out what you're doing on your side of the line. So that's the only thing I thought, as if we pushed them to larger lots, you might be able to actually get some planting around it and a little bit of layout doesn't have to be that way. So that's sort of the thought on those districts and like I say, the minimum to me would be to play with the lot sizes and the setbacks and then whether or not you want to do everything about the real zoning districts; the actual lot, how we define that district.

Chairman Johnson – And everybody would be grandfathered in, so we wouldn't be really affecting the existing other than in the future if they want to expand which they wouldn't have the size to do it anyway. They really wouldn't have the size to do it.

Planner Ritter – Well, they would be grandfathered for sale if, as an example the gun shop that got built, he can always sell it as a gun shop, I mean it doesn't matter.

Member Woolf – In use.

Alternate Frank – Same use. My other thing is, from where I'm from, is that no one thinks about making it a professional, is that you don't have any signage and stuff like that, it's more for people like well designers and people that are one person thing so you're not going to get traffic and stuff. They can't put their signage out front (inaudible) professional space.

Planner Ritter – Well we have home occupations have that regulation in town but your businessmen, not that they can put up a lot of signage, but they are allowed to put up, we have a set size that they can put out.

Alternate Frank – That's for commercial use though.

Planner Ritter – Yes, but in the, in the RB District, a commercial use I would say, could apply for the commercial sign.

Alternate Frank – Okay.

Planner Ritter – Because we permit commercial as a use, but yeah, your home occupations and your

Residential District are, I think it's four square feet or something I forget, but it's a very small sign they can put up.

Chairman Johnson – I think it makes sense to look at the lot sizes and the setbacks and get more people conforming and (inaudible) district if we find a good line that makes sense. It's going to be better for everyone.

Planner Ritter – Well yeah, your suggestion to take a walk around the neighborhood might be good because you can get a feel for it. We have, I think in the package we gave you, there's a land use map that shows the commercial structures. Yeah, we have a land use map in there that was updated at least through November of 2016 in your package and it indicates, you know, it is at a small scale. I could get you a bigger one obviously, but it does show what lots have commercial uses on them in that district.

Alternate Frank – We should take that on the walk.

Planner Ritter – So you could, actually, if you're walking the neighborhood, you could begin to see the pattern of commercial uses that are listed on your tax roles as commercial uses, but I, what I think you'll begin to see, is that the side toward the diner is more commercial and the side, what's the main street that goes off there, it's almost split in half. The side towards the diner is much more commercial than the side going the other way and I can't think of the street

Chairman Jonson – It's Third or something.

Member Fischbach – Fifth is south, that's where H & K is, that's were all that's happening and really the only thing on opening on Sixth is really the realtor right there

Member Woolf- Key City Diner, the realtor.

Member Fischbach – Realtor, that's it. Other than that

Members talking over each other

Member Schneider – And the roofing company.

Member Woolf – They're on Third Street.

Member Fischbach – On South Third, on the jug handle

Member Woolf – Toby's Cup.

Member Fischbach – Toby's Cup.

Member Schneider – But his frontage is on 22?

Vice- Chairman Olschewski – About the right thing to do, Brian you live there,

Brian Weeks – Live where?

Vice-Chairman Olschewski – In that area.

Brian Weeks – A lot of very nice people that are going to be very upset if you change it. I'm telling you that right now, they're old timers, they love their area, they protect that area. If you look at it and you drive around down in that section of the area meaning this side all right, they manicure their yards, they live better than a lot of people. You know, George is right, if you come down this neck of the woods and my mother-in-law lives on First Street with the open lot, you're looking at okay, which you know, it is what it is, but the houses change all right. Everything changes as you come down. The lots get smaller, they're older all right everything totally changes into what it is, but there is more businesses down there. The ones that are up here are very, very quiet. No traffic; one way road, you know, what I mean so my opinion, if you're asking my opinion

Vice-Chairman Olschewski – Yes.

Brian Weeks – leave the upper alone, that's what (inaudible) my mother-in-law lives down there

Mayor McKay – Are you talking about Baltimore as the divider of the upper and the lower?

Brian Weeks – No, I'm saying look up Fifth Street down

Member Correa – Baltimore is too far out to change

Mayor McKay – Oh, okay, you would go in that direction all right, I see.

Brian Weeks – You know what I mean, you can see the different life styles, you know what I mean, that's there. You know what I mean, treating people as you would want to be treated

Members talking over each other

Brian Weeks – The realtor has what, five cars a day go in there

Member Fischbach – Really, if you look at it, they're all frontages on really, technically 22.

Alternate Frank – On 22

Member Fischbach – (Inaudible) they maybe right on 22 but frontage isn't facing 22.

Brian Weeks – If you take a ride up what you're saying, I mean you should know it, you'll see a totally different area, you know what I mean.

Vice-Chairman Olschewski – Thanks Brian.

Planner Ritter – Well, you're experience in the neighborhood, your general feel though that if we loosen up the setback standards, the lot standards, make it easier for those who are living there to make

Brian Weeks – The people are not happy with some of the businesses we have there.

Planner Ritter – Okay.

Brain Weeks – Okay I'm telling you right now I'm not going to mention which ones okay, I'm not on record to do that. It's not that hard to figure out if you look and take a good smell. All right, I worded it that way for purpose. You know what I mean, so they own their homes. They're older people. They want to retire in their homes, pass away in their homes, you know, my mother-in-law's wants to pass away in her home. You know what I mean, she doesn't, you know want a restaurant sitting right out her back door. You know what I mean, so I honestly think, make the lot bigger not smaller. I know it's a difference from what you're saying, but that to me that is respecting the reason why you bought what you bought. You know what I mean cause when they bought that it wasn't all them businesses and all that. It's just you know crowding around you know what I mean and I don't know how the public is going to take that.

Planner Ritter- Well, that's because we allow mixed use in there. I hear what you're saying. You're saying that the businesses are deteriorating the residential character of the neighborhood.

Brian Weeks – Right. I don't want it to become South Main.

Chairman Johnson – So what we need, so what we're talking about is eliminating the businesses so

Alternate Frank – Yes.

Chairman Johnson – So if we divide this so that residential areas that are set up as residential just have to stay as residential. That would be protecting the residential community.

Brian Weeks – Well, the other thing I think is a problem is, I think I got it right George, maybe I don't, tell me if I'm wrong here, but you mentioned that the gun shop has to stay as a gun shop, be sold as a gun shop if it every gets sold okay. Where (inaudible)

Planner Ritter – What I'm saying is if we, if we, let's say we put the gun shop in a Residential District then the use that replaces it has to be of a similar character obviously, the easiest thing for the Zoning Officer is to put another gun shop in it but I think what would happen is if they sold it to some other retail business, then the evaluation would be is it similar in intensity. If it was, the Board of Adjustment would allow them to occupy it, but it probably would require a trip to the Board of Adjustment to get it approved.

Brian Weeks – Like a one on one basis that's the way I look at it. That's the way I look at where I live. I'm going to live next to a two-story building okay. It is what it is, all right. I said my peace and what the board did it is, we come, but I lost something. I lost value in my house and I've lost my view you know what I mean so, I understand it very well here, but I'm not complaining because I need industry just like you know what I mean, you got to have it some place in your town but you know what I mean, is it the first place you want to go or do you want to start looking down 57? You know what I mean, and redesign that, you know what I mean, and then you know, five years later, redesign you plan around here you know what I mean, when a lot of those people pass away and move on and who know when 20 years from now I don't know, but

Planner Ritter – No, no, no I understand my concern and our concern when we originally looked at it is we felt that the mixing of the commercial and residential was deteriorating the neighborhood for a residential neighborhood and that's what we're talking about here. Just my experience and I got to

admit I've driven through that place once or twice. I probably walked a couple of streets but that was my feeling and the only question is, is there things that this Board could do to basically maintain the quality of life for the people that are down there that actually invested in their residence.

Brian Weeks – I can say that my mother-in-law lives, well, it's okay 110 S. First Street. The very first house as you come across that turn junction all right, they lived there for 60 years or somewhere close to that now living in that half a double, okay. They were there before 22 was dirt lane all right. They've seen so much. They've seen everything changing, okay. You know, there was a feed mill across the turn junction at the time you know what I mean and there's things, they've seen the change, this area has seen it all. All's I ask, is protect the area. Protect your old-timers a little bit. They've treated you well take care of your old timers. If you have to develop it, well that's just the way it works but don't just because we want to develop; do it with respect to them what you accomplish in bringing in.

Chairman Johnson – I think that's a great point so if we look at this as protecting the residents, the residents, we really want to protect the residents more than we want to protect the commercial.

Planner Ritter – The commercial

Chairman Johnson – By decreasing the lot size of the residence, you are protecting the residents because they're getting conforming. By increasing the lot size required for business, you're making it tougher for businesses to expand so; I think we're actually talking about a very similar idea and vision as far as protecting the residents in the area.

Member Woolf – With the zone, we want to relax the setbacks for residential.

Planner Ritter – Yes.

Member Woolf – They'll stay as is but you can also say it can be commercial, but you're going to increase the lot size for commercial use. So, if somebody

Planner Ritter – That's right.

Member Woolf – wants to build a commercial business there, they might have to buy three of the residential lots up.

Planner Ritter – Or not do anything.

Chairman Johnson – Or it's just not feasible.

Members talking over each other

Member Woolf – Senior residents there would let them put their additions and stuff on with a lesser setback

Mayor McKay – Right plus

Talking over each other

Chairman Johnson – It makes it more difficult to expand this thing into a business.

Planner Ritter – The other thing to consider, the ultimate thing, is to confine the commercial to a specific district instead of allowing it to go through the neighborhood.

Chairman Johnson- I like that idea but we have to make sure we

Planner Ritter – No, no I'm just saying that that's the other way to look at it, is you confine it to where it is today or something.

Chairman Johnson – We need to figure out where that line is and come up with you know, certainly I'll take a drive around, walk around, but I think George, I think if you have an idea to share, if you want to draw it up and send it out whatever it is.

Planner Ritter – Yeah, what I think, what I'll do for the Board is, I'll blow up this section of town where we did the land use and we can take a look at how you might draw a line or not draw a line. Then we'll take a shot

Chairman Johnson – I think the splitting of the districts is a good idea but you got to do it with the protection of the residential side of it. That way it's not mixed use.

Planner Ritter – Well, I understand

Chairman Johnson – I think that's the way to go.

Planner Ritter – Because I think the mixed use is what's caused that neighborhood to struggle to be honest with you.

Chairman Johnson – So, if you want to draw up that area and send out that map and we can

Planner Ritter – Yeah, I will

Chairman Johnson – all take a look at it and come up with a suggestion. We'll walk around and see how it looks.

Planner Ritter – Not a problem.

Chairman Johnson – We can talk about it next meeting.

Planner Ritter – It's easy to do.

Chairman Johnson – Might not be next meeting. Next meeting, I think we're booked up.

Jim Mengucci – Obviously, you want to protect the residents, it's just that you know for somebody who's been there and buy up some stuff, it should be made to do that. However, that gun shop that was a residential house, a fairly dilapidated residential house, as I recall between the gas station and the warehouse so, in that particular instance I think the right thing was done there.

Vice-Chairman Olschewski – That’s what I said.

Jim Mengucci – Left it on the tax maps (inaudible) I think really somebody said earlier, Fifth Street down, that’s more residential with the exception of the Budd Agency, Town and Country Pools; that’s more as you start to go down the other way you’ve got Baker Credit Union, you’ve got Toby’s, you’ve got the gas station, you’ve got the liquor store, you go, you know, so

Chairman Johnson – That might actually be where

Jim Mengucci – In that particular instance with that house, I’m telling you, that house was amess. I don’t know that anybody would have bought that as a residential home. It was an absolute

Vice-Chairman Olschewski – I think that house was used by Hess as storage.

Jim Mengucci – It was at one time.

Brian Weeks – There was an old lady in there and she passed. It was an old lady that lived in it. She passed away. Okay, I remember taking her out. Okay and there was another lot behind there that Hess’s used for storage. It is now a big giant garage. Okay. That goes back to what George was saying how they put it together. Okay, now you’ve done exactly what you’re saying by buying more property to create your business. You’ve not encroached on the neighboring people because you created the opening space; you know what I mean, so I agree with you, Jim. I fully agree with

Chairman Johnson- Jim I think you’re right and I think what would happen in a case like that is they would get their use variance and we would allow them to do it.

Vice-Chairman Olschewski – I think what that is Jim, I think that what George said is there’s part of that area which I think your thought was too far gone right? To be residential and I may and I’m not sure if that is what you said with your mother-in-law lives, is that where Deegan is Brian? Is that where Deegan Brother’s is? Deegan Brother’s is that what area?

Brian Weeks – Yeah.

Vice-Chairman Olschewski – And, that area may be too far gone to be

Brian Weeks – That house inside is beautiful. I mean

Vice-Chairman Olschewski – I believe it is.

Brian Weeks – (Inaudible)

Vice-Chairman Olschewski – But they’re sitting right around, this is like right in the center of all this commercial stuff and that maybe

Brian Weeks – (Inaudible) been there forever and they’re happy to stay there.

Jim Mengucci – Even back in the sixty’s, if you go out the back of this building, there is a white house directly across the street. To the left of that is an old two story home. That house was actually moved

from 22 in to that

Member Schneider – Are you kidding?

Chairman Johnson – Like lifted up and they actually moved it?

Jim Mengucci – Yes, they just picked it up and moved it.

Vice-Chairman Olschewski – I mean there's a clear benefit I think the Deegan house where Deegan Brother's is, that they did a nice job there getting that fixed up. The gun shop is a clear example why it makes sense to have in this area where it's too far gone. We just have to find a way where we draw the line around and then

Chairman Johnson – If we can protect at least 50% of the residents in that area that's better than zero. So we would definitely want to

Planner Ritter- Yeah, no I think we walk through the neighborhood is a good way to do it and the way to assure the best protection is to actually split the district. Try to figure out how

Chairman Johnson – So our goal now is to figure out where to split it.

Planner Ritter – Yeah, yeah then that's it.

Chairman Johnson – So, the best interest for the majority of the residents is. It only protects them. We'll protect as many as we can.

Planner Ritter – So, I'll get you a blow up of that area and get it up to you so when you take a walk you can sort of see where the commercial stuff is and we can think about how you might create a line if you decide to in the district where the line might be.

Chairman Johnson – Feel free to give a suggestion too and we can take that map and mark it up move

Planner Ritter – Yeah sure. If you go for a walk and you can take your shot and I'll take mine and then we'll see where it goes. Okay, will do.

Member Schneider – Thank you.

Member Woolf – Mine, I'll google earth.

Planner Ritter – Google earth map – that's true I can print one of those for you too.

Vice-Chairman Olschewski – Well, I think it makes sense though to consult with people like Brian who

Chairman Johnson – I don't know if they have those roads on google earth all the time or google maps. They actually have the 3-D camera on those?

Planner Ritter – I'll send an aerial along with it because under the Highlands we can download the area of the whole area, so I'll just download it and send it up to you.

Alternate Frank – Okay, great.

Planner Ritter – Well, that’s about it for my list staying out of the ROM District so, I think we’ve covered all the issues other than tackling that, so.

Chairman Johnson – Have we hit HB yet?

Planner Ritter – Yes.

Chairman Johnson – We did hit the HB?

Planner Ritter – Well, the HB we had no recommendation for. The only point that obviously, you are all aware of, is that with the potential settlement agreement on COAH, the last large remaining HB section of the town is going to be converted to residential. So that’ll eventually be rezoning into a Multi-Family District with affordable housing. We’ve lost our commercial asset but at the same time you’ve gotten yourself protection from COAH to 2025 and you are carrying a plus going forward, so.

Chairman Johnson – So, the only HB area that we’re looking at is the Piazza tract really there’s nothing else.

Planner Ritter – No there’s nothing else that we were recommending other than at your last meeting we discussed putting the HB District behind the old mall, the old Phillipsburg, putting the Commercial District back there.

Chairman Johnson- Right we had a direction on that one.

Planner Ritter – Yeah.

Chairman Johnson – So, that’s it then, right?

Planner Ritter –That’s it. That’s where we are.

Chairman Johnson – Excellent

Planner Ritter – So, I will get the maps up for your walk and we’re very close.

Chairman Johnson – All right. Any questions or comments from the Board members on George’s so take a motion to go into public then.

Member Schneider – Motion.

Vice-Chairman Olschewski – Second.

Chairman Johnson – Right we’re in public.

John Betz – 225 Red School Lane, Apt. Y-14. It’s not really a comment it’s a question on the Piazza tract. Is anything having to do with the Planning Board coming up on that tract that’s different then

what was last heard in probably around the end of November?

Vice-Chairman Olschewski – We know nothing about it.

Chairman Johnson – I don't know.

John Betz – You don't know.

Chairman Johnson – Tony can you comment on that? I think, I don't think there's anything being shared about that.

John Betz – Nothing being shared about that right now.

Attorney Sposaro – These are on-going discussions with the Council trying to negotiate regarding affordable housing.

Chairman Johnson – It's not at the Planning Board level. It's at the Council level.

John Betz – Okay, and I thank you.

Chairman Johnson – You're welcome thank you. Any other comments? All right close public and assuming there's no comments left from our Planning Board so I'll take a motion to get out of here.

Member Schneider – Motion.

Mayor McKay – Motion.

Chairman Johnson – All in favor.

Respectfully submitted,

Margaret B. Dilts
Secretary