

TOWNSHIP OF LOPATCONG  
Planning Board Meeting

May 23, 2018

Chairman VanVliet called the Planning Board Meeting to order. The meeting was held in the Municipal Building located at 232 S. Third Street, Phillipsburg, New Jersey.

Prayer was offered followed by the Oath of Allegiance

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, Johnson, Pryor, Schneider (arrived 7:09), Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Alternate Steinhardt and Alternate Clymer. Also present were Attorney Bryce, Engineer Sterbenz and Planner Ritter.

**Old Business:**

**Minutes** – Member Johnson asked to correct the date to April 25<sup>th</sup>. Motion to approve the minutes by Member Pryor, seconded by Member Johnson. All in favor. None opposed. Mayor Mengucci abstained.

**K & S Enterprises, LLC** – Block 100, Lot 2 – Hearing. Attorney Santini was present to represent the applicant Ken Schaffer. Engineer Stires was sworn in by Attorney Bryce.

Attorney Bryce – Please state your whole name for the record.

Craig Stires – Craig Stires - S-t-i-r-e-s.

Attorney Santini – Mr. Stires will you state your professional qualifications.

Engineer Stires – I’m a professional engineer in the State of New Jersey, Pennsylvania and Massachusetts. I’ve been practicing more or less 25 years primarily; our office is in Somerville, so primarily in that New Jersey location. I have done three, four previous applications for this site. So they did originally a garage, then an addition, one subdivision and now Phase I of this and now Phase II.

Attorney Santini – And have you qualified for any other boards, before any other boards as an engineer.

Engineer Stires – Yes, as I said primarily through central New Jersey, you know, from here all the way down to the shore so; similar projects.

Attorney Santini – I ask that he be qualified.

Chairman VanVliet – He is qualified. Thank you.

Attorney Santini – Okay, why don't you give the Board an overview of this project?

Engineer Stires – Okay. I do have a number of colored renderings. I can mark them as exhibits. The first colored rendering is back in, well back up a little bit further, the K & S bought the property in 1997 and came in as outlined in the application they are a trucking operation that delivers materials to; for example, a construction site in Manhattan so they would have materials in Manhattan that they don't have a place for until the 20<sup>th</sup> but they need the infrastructure delivered so they could build it. So, this is basically trucking the materials, but also staging the materials until they need it at the time.

Member Pryor – What materials are we talking about Mr. Stires?

Engineer Stires – It could be a variety of things

Member Pryor – Any building material.

Engineer Stires – Right. I mean, it could be forms, it could be transformers, it could be tanks; it all depends on the ultimate customer I guess you could say so, and you've been by there especially, over time, over the years. If you go down Strykers Road, you know, they're just south of Rt. 57 on the west side of Strykers Road. When they first bought the facility, there was a, it used to be an old lumber yard; Wicks Lumber and the rear of the building is a larger warehouse; 21,000 square feet. The front half was office space and if you could recall, the basically concrete pads with open roofs there. So, when they came in, you saw everything they did. I mean they brought materials in, you drove by, you saw it. The first project that they did was to construct a maintenance garage for their, to do repairs on their trucks. That was approved in 1999 and like I said, built shortly thereafter. After that point, they moved onto, they did also purchase additional lands; the original property was just this location here and then they bought the property basically surrounding it which allowed them to build the garage.

Attorney Santino- It's part of the Curtis Christmas Tree area.

Engineer Stires – Well, that was actually before that. After a number of years

Attorney Santini – Okay, we marked the one A-1 right?

Engineer Stires – A-1 correct.

Attorney Santini – And now we're going to A-2.

Engineer Stires – In 2009 they brought an application in for a new building; 35,000 square feet of what we're calling now Phase I. That was approved in 2009. This is a colored rendering of that approval. So you have Strykers Road on the left hand side or on the right hand side. You can see the new garage that they've constructed; the existing warehouse, the office space, the parking and now where those two concrete roofed areas where, we are now doing a 35,000 square foot building. When you go by there now, you can see that it's virtually a finished product. Shortly thereafter, in 2011, that's where they bought again additional lands from the Christmas Tree Farm. So that, the line used to be here and if you think about it or know, there's power lines that run in direction; northwest, southeast. They bought up to the easement line. So they added additional properties to the again, to their property so now almost 22 acres worth of property. So that's kind of a lead in up to this point. Obviously, as they came in, you know, at first they wanted to get their foot in the door. They got a nice piece of property in Lopatcong. They then added their garage. Their business grew and grew and grew and again, like I said, when you first went by here, everything was outside. It was going back, it's a trucking facility. When materials, they store their materials they wanted to try and get some of these materials inside to protect their client's inventory. Hence, the reason for the first building and then going into the current application, which I can switch to now and this would be A-3 is to have additional storage so instead of having to orient yourself now, Strykers Road is now on the top here. Phase I is the slightly lighter brown and then Phase II which is the application before you, is the darker brown which is a 66,000 square foot building and a 5,000 square foot office in the front of it. So what this building would do was, would replace or replace and enhance the existing building and then the office space. What this allows for them to do again, is that keep more of their product or the client's product inside protected from the weather but also allow them to bring their trucks into the building to load and unload. So not only are they protecting the materials but kind of protecting their employees from the elements now too. So now the trucks would come in, be able to come inside the building, load and unload so, you know, a lot of times what they do now is they load the truck they get in a snow storm and all of a sudden you have to get all of snow off before they even leave the facility. With this, they don't have to worry about that, you know, the trucks are ready to go the following morning and out they go.

Member Pryor – Mr. Stires I have a quick question just for clarification. You said they bought the property right up to the power easement?

Engineer Stires – Yes.

Member Pryor – I don't know the drawings I have shown about a 50 ft. gap. Do I have dated drawings or

Engineer Stires – This line right here now, this is the new property line. This is the easterly edge of the power lines. So they kind of coincide I believe.

Member Pryor – There is a lot of drawings floating around here; a couple sets. Do I have dated drawings? Is that

Engineer Stires – You should have the most current ones.

Member Pryor – I don't know. It shows a 50 foot gap here.

Engineer Stires – Oh, maybe it is. I'm sorry. I thought it went up to the easement but maybe it didn't. Maybe it's just away from it, but it basically parallels the power line easement.

Member Pryor – Okay, if that's the case, that's all right as long as I understand it.

Member Johnson – I just have a quick question. On the slide before that, maybe it was, go back to the original, yeah, that old railroad track; that's been demolished?

Engineer Stires – Yes, that's been removed to the property line, yes. The easement stays because they don't want to give up a potential option of maybe putting the rail back at some point. So the easement that's here is still in place. It's just that physical rails been taken out.

Member Johnson – Okay, thank you.

Engineer Stires – So, the additional improvements that they are looking to install is again, going back to, if you look at it, you see the trucks all over the place. What they are going to do is put a truck parking lot in the rear of the facility; 43 spaces for the trailers and the trucks, employee parking lot in the rear; more for the truckers than anything else and then obviously, if they have any, you know, employee parking that would be in the front. Lastly, would be a stone or gravel area for the larger material. So, this would be outside storage for the larger materials that they have if they may not, they can't store it inside. They have the ability to store the materials outside and then obviously, lastly, would be a detention basin in the southwesterly corner of the facility. I think that kind of encompasses, the other thing is that with the original approval of Phase I, we did not have any loading capabilities, loading dock capabilities so we did allocate some loading docks on the back of Phase I as well as a few on the southerly side of Phase II. So that's kind of the overview of the project itself and really the crux behind why and what they're, why we're here before you so.

Attorney Santini – There is, you are going to comments, comments from Maser Consulting correct?

Engineer Stires – Yes.

Attorney Santini – Why don't we go through those comments?

Engineer Stires – Sure.

Attorney Santini – The comments actually start on Page 5 through 12.

Chairman VanVliet – Are you referring to the May 18<sup>th</sup>, 2018 (inaudible).

Attorney Santini – As we discussed earlier we have no issues with it (inaudible) to the engineer's comments, we could move on.

Engineer Stires – Yeah I mean for the most part, we have no issues with any of the comments. We've been working with Maser's office from the beginning. We kind of gone through really two iterations with them and there's some additional comments and really just nuances of landscaping and things like that, but there are some elements that they asked for some testimony on that we can run through just to kind of put it on the record and I think one of them starts with a comment 2.02

Attorney Santini – 2.02, yes.

Engineer Stires – which talks about kind of the operations of the business. As far as the hours of operation, it is 6 am to 7 pm. The anticipated number of employees; again although this seems like a vast expansion of the facility, it really isn't. It's the crux of the application, is to get materials from outside to inside.

Member Pryor – It's open six day a week?

Engineer Stires – Yes. So the number of employees is currently 57 and probably will not change. Like I said to keep things more protected and I think even driving by on Strykers Road, I think you're going to see a significant improvement because you're going to see a nice new building now as opposed to the materials, you know, distributed out, outside. The number of trucks entering and exiting, we took it at more of an average per week, so it would be 45 to 50 trucks per week which is again, not going to change. So it's going to be consistent from what you see now as to what you're going to see in the future. Types of vehicles anticipated on the site

obviously would be trailers coming in and out and then employee vehicles. Obviously you would have the usual UPS trucks for the other type of deliveries.

Member Weeks – Are you expecting more vehicles you work on since you are expecting more vehicles that your things going on?

Engineer Stires – I don't believe so no. Like I said it's, the operations themselves are going to stay the same. It's just the ability to put things inside. As far as the storage, I did mention before that the stone area is anticipated for outside storage. We can go on and talk about that because there is a couple more comments. Mr. Ritter has a comment about that so we can address it at that point. As far as the location where the vehicles are being maintained, that's the reason they put the maintenance garage up. Any maintenance and repairs of the vehicles are inside that building.

Attorney Santini – That's not going to change. That's existing.

Engineer Stires – Correct. Going back again, the purpose of the gravel area is for outside storage. So to move on the rest of comments in 2, the rest of the comments in 3 will again work with Maser's office.

Engineer Wisniewski – Mr. Stires just to address comment 3.01, there are some items that you might want to request design waivers from so one of them was the driveway on the north side of the Phase I building that's being reconstructed. Right that's currently being constructed in excess of the standard four driveways' and exits right; 6% so it's proposed at 8% right now.

Engineer Stires – Right. There's a proposed driveway that's coming in to Phase I that is graded to 8%. You're right. We would like a waiver of that. It's really not going to be a full access driveway. It's more just the ability if needed to get in and out of the building. It is 8% but I don't see that as any type of detriment.

Engineer Wisniewski – And it's not going to be, my concern I guess, was the loading docks because if it was going to serve as a loading dock you probably don't want a truck backed up on an egress but if it is not going to serve as a loading dock, then there wouldn't be an issue with, you know, potentially granting a waiver.

Engineer Stires – No. Correct. Yeah, all the loading would be on the back, the westerly side of Phase I and like I said four spaces over behind Phase II. So yes, we'll ask for a waiver of that item.

Attorney Santini – Anything further with 3?

Engineer Stires – Just checking over them. A clarification of 3.06 talks about the roof leader. You're looking to extend that to the basin right?

Engineer Wisniewski – Correct. Our concern is just to maintain discharge at the base of the basin rather than have any kind of potential future issues.

Engineer Stires- Yep, okay, that's not a problem.

Engineer Wisniewski – Okay.

Attorney Santini – On the bio-retention basin, anything there?

Engineer Stires – No, that's just a correlation between plans.

Attorney Santini – Next one is 3.07. I understand you have some comments on that.

Engineer Stires – Yeah. Obviously, this is a significant project for the applicant. We did do basically a man-made liner in the smaller basin back in 99. That small basin cost him about \$70,000. So, you can see that this basin is close to 10 times that and what we're looking to do is trying to use soil to line the basin rather than a man-made liner. It's the position of Mr. Sterbenz that they would want a man-made liner. I talked to our GO-Tech who did the work and they believe that and they've done probably dozens of projects not only in this area; more specifically, the Lopatcong school and then projects out in Pennsylvania where they've done soil as for the liner so we're just trying to save some cost on the project so that's one of the things we did want to discuss you know, if it's

Attorney Santini – Do you see any drawback by using the existing soils on site?

Engineer Stires – Well even if it's, if the soils on site aren't acceptable, importing soil material would still be cheaper than putting in a man-made liner.

Attorney Santini – So you'd be willing, if there is not enough soils there do not fit the requirements, you'd be willing to bring in the soils does that work?

Engineer Stires – Yes. So, I mean, that's something they said, you know, that's what we would prefer to do just to try and save some costs on the project.

Engineer Wisniewski – I mean the Township's, you know, Mr. Sterbenz obviously, has experience in the municipality; there have been multiple basins in the Township that have failed

with soil liners cause there is a lot of variability with how the soils are placed and compacted and over time, sometimes those layers can fail and then you end up with sink holes in basement which ends up being expensive than lining the basin up front. So the last years, however long Mr. Sterbenz has been in the Township, he's required that those be lined with a geomembrane or type of plastic type liner. So we would still maintain that position that you know, we wouldn't recommend importing and in the end, the onsite soils would have to be tested and monitored in placement and there is a lot of variability with the onsite soils because you really never know what you're digging up on the ground. So if you end up importing soil you might end up spending more in monitoring, compaction placement testing, importing material then you would just be putting a liner down and not having to worry about all that control in the work. So, that might still be something that has to be discussed maybe. Has to be left open right now but I would say that, you know, our position is still that it should be lined.

Engineer Stires – Okay.

Chairman VanVliet – I think we're looking at a position in our Township right now with the amount of sink holes that we been experiencing in the area and since we are the entire Township's is designated basically a karst area we've would prefer to have the liner than come in with a clay style

Engineer Stires – I mean it's, the issue is not challenge, it's just the type of how it's going to be addressed and like I said, we just did a project in the Town of Clinton where there was actual sinkholes on the property and the method that we used was with soil. So again, it's just trying to save some costs and you know if that's your stance, you know we made our argument.

Chairman VanVliet -I can appreciate you trying to do it with the most cost effective method but we're looking at it since we are basically in the Highlands area. I don't know if Clinton the area you're working in is in the part of the Highlands area but

Engineer Stires – Yeah it is but

Chairman VanVliet – you know we're looking at Best Practices especially for the zone that you are in and I think we would almost insist on having the liner coming in from the Township's standpoint.

Engineer Stires – Okay.

Attorney Santini – Okay I guess we've been (inaudible).



Engineer Stires – 3.08 and 3.09 as far as 3.08, yes we did use the standards for dam safety and we can make sure of that and review it again but, you know, at this point, we did use those standards. As far as 3.09, the requirement is to have a jute mesh protection for the swales in excess of 3% and what we are showing is the use of sod so we technically I guess need a waiver from that requirement.

Engineer Wisniewski – Right and we would be supportive of that.

Engineer Stires – Okay

Attorney Santini – And then will move onto the lining

Member Pryor – Just before you move onto the lining, I not really not familiar with that reg. they quoted on the dam. Is there any kind of periodic inspection associated with that?

Engineer Stires – This would be a Class 4 dam. No formal inspections but it should be you know monitored periodically.

Member Pryor – But you don't have to prepare a periodic report?

Engineer Stires – No.

Member Pryor – Okay.

Engineer Stires – It's almost a permit by rule type thing. Going into landscaping 4.01 we did show a landscape buffer but it is a little bit, you know, engineering planted it a little too formal and I think both Mr. Ritter and Paul's office just want a little more natural so we're going to modify that and we'll work with them to get that satisfied as well. 4.02 talks about the street trees along Strykers Road and due to the driveways, and actually in the past two applications, we received a waiver for the additional plantings and it's just more so with the site distance than anything else. So, we would ask for that waiver again in this application.

Attorney Santini- And the reason for that waiver is because of the cars and tractor trailers coming out of the

Engineer Stires – Yeah, just to allow for proper site distance coming from the site yes.

Attorney Santini – The trees, we were afraid if we put more trees in there other than the six that are already there, then it's going to create more of an obstacle for the vehicles coming out onto the road you know.

Chairman VanVliet – I would defer to Mr. Ritter on that if he has no objections to that.

Planner Ritter – Well obviously, we have to maintain self, safe site distance. I have no trouble with that. I do have some comments about further into the site.

Chairman VanVliet – Oh, yeah. Okay. Thank you.

Engineer Stires – 4.03 talked again talked about the 25-foot buffer which we'll work with both their offices. 4.04 they mentioned that they would like more landscaping on the north and west side which be the north side on this and the west. I would say if we can get away with not doing that because as far as the traveling public, you won't see this side and you definitely won't see this side. We do have trees shown along the edge of the driveway but I think you are looking for more than just the trees there.

Engineer Wisniewski – Yeah it was a recommendation for additional foundation plantings, but, you know, it's at the Board's pleasure how they feel. There is no ordinance requirement per say.

Chairman VanVliet – George you

Planner Ritter – I didn't comment on it there.

Chairman VanVliet – Oh, okay.

Planner Ritter – satisfied.

Chairman VanVliet – Okay.

Attorney Santini – Okay, further update with design

Engineer Stires – No, again like I said, we'll work with them and make it to their satisfaction besides that. 4.05 talks about the ordinance requirements for one-foot candle and were at 1.5. Again, with storage of some of the materials, we just like to, you know, have a little bit higher lighting intensity safety

Chairman VanVliet- For safety reasons

Engineer Stires – Right. The traffic it looks like that's more of a comment than a review and it's basically, just a statement if this were ever a warehouse, as opposed to a trucking facility, it shows the impact of what it could be as far as traffic which is minimal.

Chairman VanVliet – And you basically, have the same amount of traffic going there now.

Engineer Stires – Yeah, exactly, yep. The Geotech we will again work with Maser's office on this. Again, if you've been out there a couple of spots were due to the existing building and not being able to get some of the tests for the building and the same with the parking areas, there's a lot of castings out there so, we can come up with a plan and get it to, get it to their office and then do any additional testing if necessary. So, that would be all of 6.01 to 6.03. As far as the fire official, we tried to reach out to them. I tried to email the fire official and then the fire chief,

but we just haven't connected at this point. If the application is approved, we'll be glad to sit down with them and do any necessary marking.

Chairman VanVliet – Yes, I like to, you know, make you aware of the fact that in our Township we don't use a standard thread. I don't know if you are proposing any kind of a sprinkling system in the buildings or have stand pipes that are there that are going to be connected to them but I'd like you to coordinate with the fire department to indicate, you know, I know they have adaptors that they use, but whether they want standard threading on the hydrants or they want

Engineer Stires – Okay.

Chairman VanVliet – the Lopat threading so, there's been some confusion in the town like you know, in the past

Engineer Stires – Yeah, everybody's got a different

Chairman VanVliet – everybody's got a different thread

Engineer Stires – Okay, yeah, that's not a problem. I mean that's just miscellaneous details are you know, they what they are. One of the things we did want to bring up, is if we could, they've recommended that they use the HMA paving, again, that's kind of, it gets a little more costly. We'd like to keep the standard that, the specification that we have proposed I mean it's even been my experience and the DOT's even getting away from the HMA paving. You know, they proposed it a number of years ago and now they put it down and you know, again, they're going back to the old stuff because it's just, you know, not living up to their standards, I guess, and again, it is more of a costly paving specification and like I said we would prefer to leave what we have proposed; again, to try and save a little bit of money for the project.

Chairman VanVliet – Again, I'll defer to Paul's office.

Engineer Wisniewski – I think generally, I don't know, I finds and I two's, the Marshall mixes there still available readily.

Engineer Stires – I believe so, yeah.

Engineer Wisniewski – Okay. That was my concern that they're not you know they're not going to be readily available and if you have to start trucking them in from a plant that is far away, poor pavement being placed on a high traffic site. My concern is just that you get good paving on the site and, you know, you're going to be running heavy trucks out there so have good paving down.

Engineer Stires – Yeah. Okay.

Engineer Wisniewski – So, yeah, we can definitely coordinate on that.

Engineer Stires – Okay. The rest of the details are fine. As far as the outside approvals, we have Warren County Soil Conservation District approval, we have I guess, you know, usually with the County it is a little bit of a back and forth. Once you get your approval here, you finalize with them so that's, we essentially have conditional approval from the County now. The Health Department has approved the septic system which is right in front of the new office building so that will be. It will be installed at any point but just because the coordination of running the facility, that will be done in part of Phase II and then the, obviously we worked out a conditional approval with the Highlands Council. D- again, we'll work with the Fire Departments; sit down with them and if they need anything else, but all the other things are like I said, we'll work with the offices and get that coordinated.

Engineer Wisniewski – Were, excuse me, were there any major items from the Highlands? I guess I didn't see.

Engineer Stires – Landscaping

Engineer Wisniewski – Just landscaping no major storm water issues that they came up with?

Engineer Stires – No. nope.

Engineer Wisniewski – Okay. Usually they ask for like pocket rain gardens, all this.

Engineer Stires – No, no it's actually they liked what we did. We, you know, it was more they gave us the, they were, you know, as everybody probably knows with the disturbance in the back they were kind of taking aback by that, but once we got the soil erosions approval, that seemed to get everything moving along again, but they gave me a copy of their landscaping

Engineer Wisniewski – Standards

Engineer Stires – standards right

Engineer Wisniewski – Yeah, because they want native species

Engineer Stires – Right, okay

Engineer Wisniewski – Okay.

Engineer Stires – So, that was Maser's review. I guess we can go to George's review. Start's on Page 3 the review comments at the bottom. One, we will comply with. Yeah, and one of the things was what Paul did was issue a review at the end of last month and in order to try and get as many comments as possible before you, we made another set of revisions to the best we could, so we didn't quite accomplish all of them, so George's kind of slipped through the cracks but we will comply with his comments as well as we go through it. I think really unless I miss something, the one thing really discussed is the outside storage. I think everything else is really standard and we have no problem again, working with him to satisfy, but with the outside

storage, what he has mentioned, well the standard is 40 feet from the property line and 14-foot-high and you also have the railroad back here which is right next to it and what he suggested was if we can go to 25 feet, to pull it back to 51

Planner Ritter – Yeah, that’s what it would have to be to comply with the ordinance.

Engineer Stires – Right and I think to try and maximize their storage space and again, with keeping in mind the railroad right next to it, if we can keep it at 40 feet and be able to go to 25 and ask for a waiver of the height of it.

Planner Ritter- Well, the only thing; there’s two things that we have to talk about then this evening. One is a variance. Did you notice for variances? That’s the first question.

Attorney Santini- Any needed variances, yes, the normal wording.

Planner Ritter – That was added to

Attorney Santini – but that wasn’t yes

Planner Ritter – Okay

Attorney Santini – Not the specific, no.

Planner Ritter – Well then, the Board can consider it. I understand what the applicant is saying. The way the ordinance is structured, it is a minimum of 40 feet plus one foot of setback for every foot of height up to 25 feet. So, in other words, if you wanted to do the maximum as indicated, you’d have to go to a setback of 51 feet and clearly, I also agree with the applicant that obviously the railroad right-of-way right now is heavily wooded. There’s heavy screens in place along there, but it is really a call for the Board. I think it would be considered a variance if we actual did it.

Engineer Stires – Now, additionally, you have a parcel right here that’s also wooded. So, you have that additional screening.

Planner Ritter – Right, well then you also added some landscaping up there and I had some comments to put a few more shrubs and stuff in that area but yes, it is in a well screened portion of the site if that weighs into the Board’s decision on the matter but clearly, I think it would be appropriate to get it back to the minimum of 40 feet as required by the ordinance.

Engineer Stires – Yeah, I think we have shown it’s probably along this side it’s probably 35 and I think it should have been 40 I think something

Planner Ritter – Yeah, no, it’s okay. I think you’re right, I think it is roughly 35.

Engineer Stires- Right and the rear here is actually 80 feet so it’s really just what we’re discussing now is just the side that abuts the railroad.

Attorney Bryce – So, it brings it back to 40 feet; they won't even need a variance.

Planner Ritter – Well it, yes, if he wants to go to 25 feet he will need the variance.

Engineer Stires – And the only reason we're asking for the 25, is cause now and then you have a larger piece. I mean for the most part, I talked to him before, we came over and they can live with the 14 but now and then you would get that 25-foot piece or something there about and then, you know, is it an enforcement issue. Do you need, I mean all this stuff is temporary storage? So, it's just the kind of just in case scenario. I mean for the most part you probably have stuff that would be 15 feet or less.

Planner Ritter- I will agree with the applicant that that area is heavily screened with the growth that's in the railroad right-of-way itself and if I recall it correctly, you are also proposing additional plantings along that edge even as we, yes, you're proposing to put some planting in there now, in addition to the buffer that exists. So, it's probably one of the most heavily screened areas on the property right now; that corner.

Chairman VanVliet – What kind of materials are we talking about; is this a bulk storage area for bulk material or just individual pieces of whatever the material is coming in?

Engineer Stires – Yeah and it depends on the ultimate, I mean like I said, most of, they will try and keep most of the materials inside but anything that is larger, you know, say it is a transformer; you've seen those things and they may not be able to put them inside so they would have to store them out in the yard. So, it may be

Chairman VanVliet – How long would they be on site? I know that's a tough question. What is needed (inaudible).

Engineer Stires – And again, if it's shipped early, it could be there a few months. If it's temporary and it may stay on the trailer, and then just get shipped right after that so.

Member Pryor – I'm just a little bit confused here. The storage area is down in the lower left there?

Engineer Stires – Yeah, the light gray area.

Member Pryor – Right, and, and what are you asking for along the railroad?

Engineer Stires – So, the required setback is 40 feet which we will agree to.

Member Pryor– Forty feet from the property line.

Engineer Stires – Yep, so it be, this is approximately the location

Member Pryor – Right.

Engineer Stires – but if we had materials that were up to 25 feet, we would need to pull it back to 51 feet. So, we would lose storage space, but we would be allowed to go higher.

Member Pryor – Yeah.

Engineer Stires – So what we're just trying to do is maximize the ground space

Member Pryor – And this other part there, that's already 51 feet.

Engineer Stires – Down here is 80

Member Pryor – 80. I don't see, I'm showing 51 on here.

Engineer Stires – That should hit the setback line – 81

Member Pryor – 81 all right. So, you should have 51 and you're asking for 25 along the railroad.

Engineer Stires – No. We're asking, we will agree, the requirement is 40

Member Pryor – But if you go over 25, height wise

Engineer Stires – You need to pull in

Member Pryor – Yeah, pull it back to 51 and I'm assuming you want that flexibility, right?

Engineer Stires – Right, just in case.

Member Pryor – All right I mean so we're talking 51 versus 25.

Engineer Stires – No. 51 versus 40.

Member Pryor – 51 versus 40.

Engineer Stires – Correct.

Chairman VanVliet – With the railroad there abutting to the highway there really not

Engineer Stires – And as you come down, we just can't, as you come down 57 it just keeps getting higher.

Chairman VanVliet – Higher.

Engineer Stires – So, I mean down here you probably 25 feet high from the road.

Member Pryor – So one more time, our ordinance requirement is 40?

Chairman VanVliet – Forty feet

Talking over each other

Member Pryor – So you're agreeing to 40?

Engineer Stires- Well, we're not necessarily agreeing to 40. We would like; the variance would be to go up to 25 feet.

Member Pryor – And not, all right.

Member Clymer – What's the distance from your property line to Rt. 57?

Engineer Stires – About 180 feet roughly so I believe, yeah, this is the right of way so, 200 feet or so.

Member Clymer – And the railroad is not going anywhere.

Engineer Stires – Right, exactly.

Member Clymer – And, the trees in there, have been there for 100 years.

Engineer Stires – Yeah, you have a buffer actually on both sides.

Member Clymer – I don't see a problem.

Attorney Bryce – Counsel can I just see your notice real fast? Okay Chairman just taking a look at the notice, it does indicate that the applicant in the association with the site plan. There's also seeking waivers or variances from the requirement of the zoning ordinance that may be found to be necessary during the hearing. While it is not with specificity, it does indicate that a variance may be required. This is kind of a minor variance; it's a technical variance, very technical. I think this notice would probably be sufficient to put any type of property owner or the public on notice that a variance may be required and waivers may be required in the course of the proceedings. I agree that the Board has that jurisdiction.

Chairman VanVliet – Okay, thank you.

Member Pryor - Chairman, I think I heard Jim. I'm still back to the questions; is this a waiver or is this a variance? If it is a variance should we be having some testimony on type of variance and the benefits and proofs?

Planner Ritter – Well, I believe it is a variance. I don't believe it's a waiver. The applicant's engineer did supply some logic for why he thinks this

Member Pryor – Said it was cheaper. Said it was cheaper or whatever.

Planner Ritter – Okay. The answer is yeah said to a certain extent but I will say that the applicant has put forth a case why this variance should not raise this as a substantial detriment on the town's zoning.



Member Pryor – Does his testimony satisfy the Municipal Land Use Law in your opinion?

Planner Ritter – I, I think it does and I agree with the applicant that I don't think he can get a better buffer than the railroad track that's in there today (inaudible) and also, as I say, he didn't emphasize it enough but they are proposing their own landscaping in that space as well so, and in all honesty, given the thickness of the buffer, whether he said it back before he even agreed to go 11 more feet has probably no real impact on the buffering involved; the 11 more feet against that railroad track will make you know, significant; it isn't like they have a violent neighbor who sits specifically in the back, so I'm very comfortable with it. I think he's met burden if the Board feels likewise.

Member Pryor – Okay, thank you for the explanation George.

Attorney Santini – Is there anything else (inaudible).

Engineer Stires – I don't think so. The last thing as far as the water's concerned; the garage is serviced by public water. The existing building in this area did have a well, but they are, as you can see, the blue line right here they are bringing public water into the new building so, it's actually part of Phase I so it will all be serviced by public water.

Planner Ritter – Yeah, I'll add to that. I missed the fact that they were bringing hydro on site. My comment was that the back of the building wasn't within 500 feet of a hydrant. They should take care of the water problems (inaudible).

Engineer Stires – Yeah, what we had originally was bringing in with the Phase I approval it was to put a hydrant in this corner but to kind of incorporate into Phase II and the loop road we moved both the FDC and the hydrant out closer to the loop road for better access for the fire departments.

Planner Ritter – Do you have any problem with my comments about extending the curbing across the front where you have that 31 parking stalls or so? Your plans don't show the curbing to be continued. Yeah, the plans show it just to basically I guess there's a piece of curbing in today and then there's I don't know 15/20 car parking area there that you're not proposing to add new curbing on?

Engineer Stires – Yeah, well we had this area right here was part of the garage I believe. So, that's the reason the curbs stop there and what they're looking to do is just have curbing along the front there and I think you also mentioned putting in a couple islands.

Planner Ritter – Well it's 31 cars; I'd love to see one cut out for something, you know, break it up a little bit with a tree planting in there cause it is on the frontage of Stryker's Road.

Engineer Stires – Cause I think the other thing is we kind of justified I think we have more than enough parking based on the operations. So if we did lose a spot or two, we would be it 102 or

10, but we'd still be over what is required for a trucking facility and I think I testified that it's not warehouses, it's a trucking facility.

Planner Ritter – Okay, cause that was one of my other questions in here is whether or not the Board feels comfortable with the continuing classify this as a trucking versus warehouse. If the applicant complies with the parking requirements under either of those today, it is not an issue but, in the resolution, how you refer to it will effect if they come in in the future for other things, what we call this. If we call it a warehouse, parking has to be 1.5 per employee. If we call it a trucking terminal, it has to be one. So, it's really just a question of what the Board thinks this is and how it's changed over the years whether they consider this to be a trucking firm or a warehouse going forward.

Engineer Stires – And I think, one of the things is and I kind of talked it out before this, is that it's a type of facility we call cross docking which is probably similar to for you guys, is be like a UPS where they bring in they cross dock over to another truck. So, this is the same type of thing which is consistent with the definition of a trucking terminal as opposed to warehouse

Member Pryor – So except that it may sit there until it's needed.

Engineer Stires – Yeah, but it, yes

Member Pryor – It's not that it goes in and it's out.

Engineer Stires – Right, the timing of things, it's just a matter of if it's one day or one month or six months, but it all depends on the ultimate clients. But, I think that would still be storage as opposed to warehousing.

Member Johnson – Is there anything else that would matter whether we called it a trucking facility or a warehouse. It's only the parking that gets affected?

Planner Ritter – Yeah, it would only be the question of going forward. As I said the applicant regardless of how it is classified, they comply and that is not an issue for this application. It's just a question that came up in reading the resolutions as to whether the Board still feels comfortable that this remains a trucking terminal or by adding all this additional square footage that it is now more or less become a warehouse going forward and it's more a call then anything. Clearly it doesn't affect what they have before you tonight. They comply and I obviously don't have any problem with the parking ratios you're showing based on the testimony. It's just a fact thing and to me whether it goes in the resolution would just guide those who look at it later if there's more changes and there may not be, I don't know but it would help to guide those who read the resolution in the future as to what this is cause our code actually has parking standards for trucking and for warehousing; we made that distinction.

Attorney Bryce – George, just a question. On your review, did you see any definitions for warehousing, trucking in the code that, the only reason why I bring that up is that there was a state law there are statutes that govern warehousing and there's been significance in the state law

Member Pryor – And a trucking terminal too.

Attorney Bryce – as to what a warehouse is and what constitutes

Planner Pryor – If there are, there not in our code.

Attorney Bryce – No, that's what I was wondering because our code would supersede that

Member Pryor – Yeah

Engineer Stires – Fortunately, I did an application in Branchburg similar to what you are talking about and unfortunately, I thought of it half way here otherwise, I would have had the definition with me but it was the exact same thing. Is it a trucking terminal or is it a warehouse and we went through the same discussion and you know, in Branchburg it would have been a variance if it was a trucking terminal and not a warehouse so it's interesting you bring that up, but I think after talking to them it is consistent with like I said a trucking terminal more than the warehouse.

Attorney Bryce – (Inaudible) railroads do this as well with transloading and things. I don't have it in front of me I just have a feeling that this doesn't technically meet what the state would consider it to be a warehouse and in absence of a specific definition here, I think we would have to default to what the state calls that and most likely it probably be in my analysis when we go back and look a trucking firm for purposes of going forward just because that's what we would do.

Chairman VanVliet – And you would prefer it to be a trucking terminal?

Engineer Stires – Yes.

Attorney Santini – That's always been his business; he's into trucking and this is just something that people don't have room to store their own stuff like the city of New York, they ask him to bring it in until it's needed and bring it to the city.

Member Weeks – Is that what the purpose and that's where I was trying to go with the garage all right is that what that purpose is and for the parking lot for all the trucks down below I can't see how many are there but compared to what you used to have is that an equal or more? So if it's more, my question would be is it for growth or is it to store more or is it to be equal to what you have?

Engineer Stires – It's I mean I can't, if you go out there, they're parked all over the place down here.

Member Weeks – Right that’s why I was asking. They’re all over now.

Engineer Stires – Right this will be a more organized. I mean that’s the thing

Member Weeks – Your figuring it’s about the same then.

Engineer Stires – Yeah, like I said, they’re really not looking

Member Weeks – Just cleaning it up.

Engineer Stires – Right.

Chairman VanVliet – Any further presentation?

Attorney Santini – That’s all we have.

Chairman VanVliet – Board members is there anyone that has further questions or comments on it?

Member Schneider – The only thing, I agree with having the tree, like a section between the parking spaces to have some kind of an island or something like that as George specified I kind of agree with (inaudible) that to break up that whole front section.

Planner Ritter – Mr. Chairman can I just call qualify; other than what we discussed here then, you have no trouble with the other comments I made; fine that’s all I wanted to be sure of.

Chairman VanVliet – Adam you have further comment on it?

Engineer Wisniewski – I think we covered all the issues that we had highlighted.

Chairman VanVliet – All right at this point I’ll open it to the audience, the public here if they have any comments or questions of this applicant and expert engineer if there’s anything you folks want to know, now’s the time to ask it. Okay no further public participation we’ll

Member Schneider – I have one other quick question sorry, so the only stone area will be there, everything else will be.

Engineer Stires – This is stone right now

Member Schneider – Okay.

Engineer Stires – We intend to leave that so we’re going kind of tie it in I mean if he ultimately paves it, it’s not really a change in any of the storm water or anything like that but, you know, it kind of leaves the option at this point.

Member Schneider – Okay, but everything on the front there, that’s green is all, it’s all grass and okay.

Engineer Stires – Yes.

Member Schneider – Okay great. Thank you.

Member Johnson – Question more for Adam. Adam, do you agree that there is not enough room to put trees between those 30 parking spots and Stryker’s Road from a site distance issue? Looking at it from plan perspective, it looks like adding 40 to 50 feet to the road, I would think that there’s plantings there and it wouldn’t interfere with the site distance.

Member Weeks – I can tell you being on that road, that’s a bad area. All right.

Engineer Stires – There is also a low area here that’s kind of a swale that picks up the run-off from Stryker’s Road and then ultimately goes around so, you don’t want to really mess with that either because it’s picking up the run-off.

Member Johnson – So, our professional agrees.

Engineer Wisniewski – Ultimately, it is a safety concern. I mean obviously of course, you can put as much material along the right away as possible to maintain the minimum site triangles, but I think the volume of trucks that are going through there and the volume of passenger vehicles that go through there, I’ve sat there plenty of times at the light in four cycles so, I mean I would want to see as much site distance as possible.

Engineer Stires – Yeah and you got about seven or eight there now. It’s just a little hard to see on the rendering but there’s about seven or eight there now.

Planner Ritter – I mean just so you know the applicant has proposed to put in plantings along the base of the parking area. Shrubbery will block the view of the bumpers and that kind of thing and if he gives us one or two little cut outs over there and drops one or two trees in there, that will be clear of the site distance. I think that will do it. I mentioned before

Member Johnson - Okay.

Engineer Stires – Yeah, cause what he’s saying instead of the parking space we’ll have a couple grass islands that we could put trees in there which would add to the buffering along the frontage.

Member Johnson – Okay.

Chairman VanVliet – That’s it. Okay, any further comments from the Board? If not, I’ll entertain a motion to grant final, Preliminary and Final Site Plan approval.

Member Schneider – I’ll second.

Attorney Bryce – With the appropriate waivers that were requested. I can identify them if you want. I do have a record of them.

Member Pryor – I think it would be worthwhile.

Attorney Bryce – There is a driveway waiver for a small portion on the western portion of the property for 8% where 6 is provided, the buffer work will be done to the satisfaction of the board engineer and attorney, street trees – site distance is the same thing, foot candles 1.5-foot candle for security reasons is a waiver, paving material will be a waiver, coordination with the board engineer. We have the 25 foot at the 40-foot mark for outdoor storage.

Engineer Wisniewski – Swale stabilization waiver.

Attorney Bryce – Swale stabilization waiver.

Engineer Wisniewski – Also to provide sod or a mesh.

Attorney Bryce – So that's it. Those are the waivers.

Member Pryor – I do have a question for Adam on the waivers. The lights spillage, I mean I have no problem with the intensity on the site but I think these will be shielded and directed so on site you don't get

Engineer Wisniewski – They should be maintained to the property line, cut off to the property line.

Member Pryor – We could verify that in the final plan submissions.

Brian Weeks – I think if I remember correctly the same lights were up at Coordinated Health close to it and you know they actually keep it to that line. All right its perfect. They don't have shields. They didn't put the right size light there and the angle on it (inaudible) it was one of the things I looked at.

Engineer Stires – The LED, they're very specific these days so there

Brian Weeks – Yeah, and they brought it right to their line and that was it.

Engineer Stires – And, also keep in mind that this parking lot is lower than Strykers so.

Member Pryor – So, it won't exceed the standard at the property though.

Chairman VanVliet – Okay. I'll entertain a motion with those waivers and variances and

Member Pryor – And the original; they amending the original motion to include all the waivers?

Chairman VanVliet – No, I don't think we are we haven't

Mayor Mengucci – Donna seconded the motion.

Member Pryor – There's the original motion and include all those waivers.

Chairman VanVliet – Okay, I didn't hear the second on the motion, I'm sorry.

Attorney Bryce – No, I just added that in. That was technically wasn't just Preliminary and Site Plan approval it also included those waivers and that variance. So, who was the original moving could say I amend it to include the

Member Pryor – That's what I'm suggesting. You can amend your motion.

Member Schneider – I guess we'll amend it to include the waivers and any changes that were discussed.

Chairman VanVliet – We got a motion now. Okay, do I hear a second on it?

Secretary Dilts – Who made the motion?

Chairman VanVliet – Donna made the motion.

Secretary Dilts – No she seconded it.

Member Schneider – He made the motion.

Secretary Dilts – No he asked for a motion.

Member Schneider – You asked for a motion, I seconded it so nobody. All right so that was me, that was me to make the first, sorry.

Secretary Dilts – So, you're going make the motion?

Member Schneider – Yes, I'm going to make the motion.

Chairman VanVliet – Okay, do I hear a second.

Mayor Mengucci – Second.

Chairman VanVliet – Okay. Roll call vote, Beth.

AYES: Members Correa, Johnson, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet, Member Steinhardt, Member Clymer.

Member Schneider – Beth, you didn't call my name.

Secretary Dilts – You came in late and I had it crossed off. Member Schneider?

Member Schneider – Yes.

NAYS: None

Chairman VanVliet – Would anyone like to take a 5-minute recess. All right the next order of business is the Planning Board's Rules and Regulations. We had discussed the last time and there was some comments that we had. I think we addressed Mr. Johnson and the requests to see about the rules and ethics laws of New Jersey and each one of you should have received a copy of that now this evening from Mr. Bryce. Any comments on it or

Member Johnson – I had one question; is this the same print that you showed me after the meeting? There was a version of the book that was not available to the average person; you had to be a member of the society.

Attorney Bryce – Let me just explain what the package is because last meeting there was a question about well what is the Local Government Ethics Law; where is it, how can find it. How can I (inaudible). There is also a questioned raised last meeting about what other boards do and how many of the other boards have rules and regulations. I think the guys up here can tell you most boards do. Whether it be in an ordinance for it actually rules and regulations that they adopt year to year as they move forward. So, what I did was I went to the website at the DCA Local Government Services website and they, on the website; it is actually on the front of this package, you can actually see the website there. I just downloaded Local Government Ethics Law from that website provided by the state and I printed that out for our benefits so everybody knows what the Local Government Ethics Law says, does and what the Local Government Services does and the Finance Board does with respect to. With that, what I didn't print out but I did print a small portion of, is that they do have public advisory opinions. There's a website for that as well and there's actually an index here of various local opinions that they have come through from 1991 through present day. Those are just public advisory ones; not personal or private ones. These are just regular published. If you want further reading, you can go to that website and actually see what Local Finance Board did as to the specific cases; so that's the second document. Now, getting to the later part of the document, the first, documents I should say, the first section is actually the model rules taken from I'm sorry from Cox which is the land use book that's just for model rules. Subsequent to that, and after that, I just literally through googling various towns and I think it Planning Board Rules and Regulations, I came up with these and I vetted them to there, I think there's an additional four and you can see that they're in various formats; some of them follow the model rules, some don't and every municipality planning board is different. How people work, they're your rules, how you adopt them, what you want to do with them; your call. So, I provided you now multiple I guess, models and specimens to look at. The specimen that I've produced for you just to look at and consider is really an amalgamation of the model rules taken from Cox, from other things that I got in other towns; just looking at them and putting them together and somewhat of an organized group. I guess it was early in the week Mr. Johnson, you were good enough to actually get me some comments, you know, again it's not my decision. It's everybody's on this Board's decision.



Member Johnson – Gary has those as well. The comments I sent in.

Chairman VanVliet – Yes. On the second try yes.

Attorney Bryce – You know, it seems to be, and I'm just saying that most of it seems to focusing on conflict of interest; difficult subject matter, difficult subject area and generally every model rule that I see does indicate remedy of the Board for addressing it because somebody has to at some point and it's not just Board attorney. The board has to act. So, that's the information I provided and the guidance that I can give you guys, it's really your choice how you move forward with your Rules and Regulations.

Chairman VanVliet – The, your original draft copy more or less encompasses a lot of this of all of what's in here.

Attorney Bryce – It does. It may not be verbatim to the model rules there's, I took some authorship and did my own thing with it and put a little bit of unique touches to it but again, that's just my work that was just my suggestion. It doesn't mean that it is the Boards.

Member Johnson – And then in the context you talking that that was, that's where you have to be a member to access it so you were able to get a copy of that correct?

Attorney Bryce – You know what, it's funny. When I did it for the purpose of my set, I actually have a log in and get it. Surprisingly, when I was putting this package together today, I was going to do that but when I googled it, it came right up. So, the public can actually go to it right now, google New Jersey Planning Board Rules and Procedures. One of the links is to Gann Law Books for this.

Member Pryor – Jim, the last thing I have in mind, is Hopewell; where are the model rules are they in order here.

Attorney Bryce – Yeah, the first set of model rules comes out of Cox and I don't, it's not in page number but I have the header, it says Appendix Three at the top of the page

Member Steinhardt – It's right after the public advisory. There's a public advisory and then it's Appendix Three.

Member Pryor – After the public advisory opinions there's something that's not labeled. Is that what we're talking about? Appendix Three, oh I see it. Okay.

Attorney Bryce – So, that's the beginning of the Cox model rules as put together and provided in the book. Then I think we go into Highland Park, there's one that I pulled from different towns and one was from Bedminster and Bernardsville. There's Morristown, south Jersey, Hopewell and Hunterdon. So, those are just samples that I just choose from (inaudible).

Member Johnson – Is that C-o-x – Cox?

Attorney Bryce – Yeah.

Member Johnson – I don't want to google the wrong Cox; don't know what would come up.

Member Pryor – Is it, I have seen that reference in case law.

Attorney Bryce – Yes. It's the go to resource for

Member Pryor– He seems to be kind of the go to yeah

Attorney Bryce – judges,

Member Pryor – Courts actual use it in there (inaudible).

Chairman VanVliet – So, how would the Board like to proceed? If you want to take another month or so to go through the referenced material here, kind of look at it and come back next month and we'll try and come up with a short abbreviated unless you want to adopt this.

Member Schneider – No. no.

Member Johnson – I think it's going to take some time to go through it.

Chairman VanVliet – Especially the case law. I think if we come back and there is a consensus that we should probably look at adopting a draft proposal that our attorney's given to us beforehand unless there's any glaring areas that need to (inaudible) at least get that in place for us to operate under so other boards, it seems there is a lot of boards in the State of New Jersey that have it. Almost depend on it and get us on the list.

Member Steinhardt – I would just that the matter that came, that was a conflict was a section in the Ethics Law provided by Attorney Bryce about the Board's ability to be able to vote to remove someone if they refuse to by themselves and if you want to know where that is, it is Section 4:3-6 under remedies and it explicitly states that the Board has that right to do so and largely it's to (inaudible) respect of the Board and the only difference is that in our drafted Rules and Regulations it's not explicitly stated as a remedy to be incorporated in to the whole of the conflict.

Chairman VanVliet – So do we give it another month to digest and look through this (inaudible) be aware of it and next opportunity we have

Member Schneider – I just have a quick question. I didn't, I wanted to ask the rough draft that you had given us all, where did you, where was your starting point with that? Like how did, where did you know to look for certain areas, you know, how did you start and how did you get all the sections that you did, and what, how you choose to word it and what you choose to do with it?

Attorney Bryce – I started, what I did generally in Little Falls as a basis and I looked at model rules and those are just models so I literally just kind of wrote.

Member Schneider – Okay. So, did you touch on all the ones that you did in Little Falls in ours or did you

Attorney Bryce – No, no because that was an ordinance. That was a different, that, in Lopatcong you have ordinance that touches on various things that the model rules would suggest that you don't need to because it's in an ordinance so it was kind taken from here and here, cutting, pasting, moving this

Member Schneider – So the sections that we already have ordinances on, you just didn't do those but you did all the other ones?

Attorney Bryce – I tried to but I can't say that I did perfectly; it's just a starting point.

Member Schneider – Okay and pretty much what you gave to us is what you did in Little Falls and that they've adopted it.

Attorney Bryce – It's different from what I did in Little Falls because they didn't, Little Falls did not have a, they had a zoning ordinance, they didn't have a sub-division, site plan and land use procedures ordinance so I just wrapped it all up into one so if you look at that ordinance which they did adopt. It gets into things about sub-division, site plans and things of that nature, but it has various provisions with planning board stuff.

Member Schneider – Right. Okay I'm getting to the point that we're (inaudible) which was the conflicts and the secretary situation and those sorts of things, were those things that were adopted in any of your others or was that, where did you get the wording for those?

Attorney Bryce – I think the wording in here I actually, even, I actually cobbled it together from the model ordinances and drafted it. That's what I do.

Member Schneider – The model ordinances from Lopatcong?

Attorney Bryce – Cox

Member Schneider – From Cox.

Attorney Bryce – From what I provided

Member Steinhardt – If you look at Cox (inaudible) the whole entire section is just condensed into one is our

Member Schneider – Yes.

Attorney Bryce – So, you know, it's just by way of organization of what we're trying to do is all pretty much standard. One of the issues that you brought up was educational requirements, so I put that in there, financial disclosure, you brought that up. I put that in there because you asked me to. Ethics, conflict of interest and disqualification from the first meeting I was here that was talked about and addressed it, I addressed it to the best that I could that I thought it would be amenable to everybody on this Board so that it would not end up having huge fights where there is some authority here to resolve the issues. That's where that came from. If that's what you're asking me I actually drafted that specification myself out of models. Okay. Attendance -there was something that was brought up about attendance. It was just basically I cut and pasted that. Alternates - all cut and pasted, Rights and Privileges - cut and pasted, Participation in discussions, Voting - that's cut and pasted because that goes to alternates and when they should be there, Rule and Necessity – cut and pasted. All of these things were cut and pasted generally you're gonna see that order of business and I kind of tweaked this a little bit because it says open to the public; you are going to see that I underlined that. It's not a requirement under the Local Public Meetings Act that this Board generally opens it to the public for general comments outside of a hearing. So, I put that in there to say maybe you guys don't want to do that, maybe you do. It was an option there. Time limitations – I said 10:00. I think there was a change - testimony beyond 10:30 that has to get changed. Appearance by party's testimony under oath, order of presentation; that I think I kind of actually did. Reports of professionals just because through my experience with other boards, kind of typing it in there because that's what attorneys do. (Inaudible) by boards personal knowledge, that I think was cut and pasted, testimony from Board employee and other professional witness – cut and pasted, Evidence, Effective Judgment – cut and pasted, voting procedures – cut and pasted. Most of it is cut and pasted. There are parts of it that I did tweak so, a lot of it was kind of feedback from what I actually got from the Board publically within the first two meetings I was here, so.

Member Schneider – Okay.

Attorney Bryce – All right.

Member Johnson – So, I guess the next meeting Mr. Chairman if anybody has a comment we can go over the comments. I don't want to scan in my comment at this point.

Attorney Bryce – You are the only one I received an email from.

Member Johnson – So, by next meeting hopefully everybody can get their comments in so we can go over them.

Attorney Bryce – Amendments to rules - I did that in person so.

Chairman VanVliet – Okay. Anything further? Seeing nothing, hearing nothing, I will entertain a motion to adjourn.

Member Pryor – Motion to adjourn.

Chairman VanVliet – Oh, I'm sorry. Joe, I didn't mean to cut you short, I forgot to open it to the public. Any public comment? Hearing no comment, we will now proceed to adjourn.

Motion to adjourn by Member Pryor, seconded by Member Schneider. All in favor.

Respectfully submitted,

Margaret B. Dilts  
Secretary