

TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING

February 28, 2018

The meeting of the Planning Board of the Township of Lopatcong was called to order by Chairman VanVliet at 7:00 pm. A silent prayer was offered followed by the Oath of Allegiance.

Chairman VanVliet 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, Johnson, Olschewski, Pryor, Schneider, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Alternate Steinhardt. Also present were Attorney Bryce, Planner Ritter and Engineer Sterbenz.

Chairman VanVliet noted the agenda would begin with New Business and asked Engineer Sterbenz to report on Block 100, Lot 2 amended Site Plan for completeness.

Engineer Sterbenz issued a report on K & S Enterprises dated February 16th for Preliminary and Final Major Site Plan approval and that is for the site on Strykers Road just south of the railroad tracks. There is a trucking operation on this property and there is a proposal to construct some additional buildings and parking areas on that property in accordance with the site plan application. The conclusion in the February 16th letter is that there are a number of deficiencies associated with the application and a recommendation is that the application be deemed incomplete. The most notable deficiency is the lack of a Consistency Determination from the Highlands Council. The application should be deemed to be incomplete.

Motion by Vice-Chairman Fischbach, seconded by Member Johnson to deem the application incomplete. Roll call vote:

AYES: Members Correa, Johnson, Olschewski, Pryor, Schneider, Weeks, Mayor Mengucci, Vice Chairman Fischbach, Chairman VanVliet.

NAYS: None

Chairman VanVliet – Next order of business coming up will be Autumn Ridge at Lopatcong – Block 116, Lots 26.01, 27, 27.02 and 28 for completeness and hearing.

Member Pryor – Mr. Chairman, if I may, I believe I’m likely conflicted out on this one. My daughter has been noticed on this development. I look for some guidance from the attorney.

Attorney Bryce – Yes Mr. Pryor we did take a look at the case law. There seems to be a case on point where a member who has a family member who lives within 200 feet of the application because that family member is an interested member, that case suggests that you as a member have a relationship that is different than other members of the Board and the Appellate Division

suggests that you do.

Member Pryor – All right. I will recuse myself and leave the hearing and I would like to return for the rest of the business. You think 9:30 is a good time?

Chairman VanVliet – I'm going to indicate to the applicant that since we are delaying business of the Board in order to get the applicant going, it will cut off any further presentation at 9:30, if you are in agreement to that, otherwise, we would have to start it here again so, if that is agreeable to you, then we'll set 9:30 as the time, because I think there's some other issues involved also so subdivision and that type of thing.

Attorney Shimanowitz – That's correct. We'll do our best to get rolling and see how far we get.

Chairman VanVliet – Thank you, thank you very much.

Member Correa – Mr. Chairman I'd like to ask the attorney. I bought a house with my wife in 1994 from Larken and I also take out a mortgage that I do believe was a company that Larken owned at the time called Ivy Mortgage, so I don't know for those reasons I should recuse myself

Attorney Bryce - Does the mortgage still exist?

Member Correa – No.

Attorney Bryce – Okay, and how long ago was the transaction?

Member Correa – With Larken, March 95.

Attorney Bryce – I think that that type of business relationship that occurred so long ago, have you had any other interaction with Mr. Larken since 1995 including the

Member Correa – I mean from 95 to 97 we had a couple things that had to be fixed in the house from the punch list so

Attorney Bryce – You're not personally friends with Mr. Larken or have an ongoing relationship?

Member Correa – No, I'm not.

Attorney Bryce – I don't believe that you suffer from disqualification.

Member Olschewski – Full disclosure, I also own a house which was built by Larken which was purchased I believe seven years ago.

Attorney Bryce – Any ongoing type of relationship with Mr. Larken?

Member Olschewski – Mr. Gardner (inaudible) Larken, no.

Attorney Bryce – Any mortgage that subsists?

Member Olschewski – No.

Attorney Bryce – Okay.

Member Schneider – I (Inaudible) same.

Attorney Bryce – Same thing.

Member Schneider – Yep, same thing.

Attorney Bryce – Yeah, I, business relationships, prior business relationships like that, that are arm's length transactions don't necessarily mean that there is a conflict. Simply because you know somebody or met somebody or had some type of interaction, doesn't necessarily create a conflict.

Member Schneider – Perfect.

Attorney Bryce - As long as you guys don't harbor any type of, I guess, ill feelings towards Mr. Larken or any of the applicants

Talking over each other.

Chairman VanVliet – Thank you for your full disclosure. Anyone else buy a house from Larken? Please proceed.

Attorney Shimanowitz – Thank you Mr. Chairman. Members of the Board my name is Ron Shimanowitz. I'm here on behalf of the applicant Larken Associates, LP. We're before you tonight on an application for preliminary and final site plan approval. We also did apply by way of amended application for minor site plan approval which implicated some variances. That part of the application you will not hear about tonight. Perhaps peripherally you'll hear about it, but since we did not notice for it, we are not going to present that part. It is sort of a technical variance to separate out the age-restricted area, but we'll concentrate on that after we give due notice and come back and present the variances, but tonight you'll hear about the site plan. As the Chairman stated the property that the Board's considering tonight is known as lots 26.01, 27, 27.02 and 28 in Block 116. The site has frontage on both Route 57 as well as Baltimore Street. It's about 16 ½ acres in size and the site is located in your Multi-Family Inclusionary II Zone. That zone was created out of the Mt. Laurel litigation with Declaratory Judgment by way of a settlement which was approved by Judge Miller and then we proceeded to the rezoning which put us in a position to make the application for Planning Board which brought us to tonight. The application, or the site plan you will hear about tonight proposes a 198 multi-family rental units in accordance with that settlement. The 190 units are broken down into different product types. There are 58 age-restricted apartments. There's 94 garden apartments and there are 54 garage apartments and of the total 198 units, 158 of those are market rate rental units; 40 of those are affordable housing units. So it is a 20% set aside. Twenty percent of 198. Now of the 40

affordable units, ten of those are in the age-restricted development and the other 40 are within the rental apartments. So, it is all sort of broken down a little bit.

Engineer Sterbenz – You meant 30.

Attorney Shimanowitz – I'm sorry, I did my math wrong. Yeah, 10 and 30 my apologies. The access to the site is from both of our frontages; both Rt. 57 and Baltimore Street. I mentioned the minor subdivision and variances. You'll hear or see that in your consultants review letters, but again, we won't get deep into that tonight. We do have the two review letters; one from Mr. Ritter and one from Mr. Sterbenz and we're prepared to address those after we present. Our presentation tonight is pretty concise. We have our site engineer Mike Ford from VanCleeef, we have our architect and planner Rob Larsen from CPL and we have our traffic engineer Jay Troutman. There are representatives from the applicant here as well; the Gardner's if need be but it's really those three witnesses that would present the case tonight. So, with the Chair's permission, unless there's any other housekeeping.

Engineer Sterbenz – We need to deem it complete first.

Attorney Shimanowitz – That's a great idea. I would appreciate that.

Engineer Sterbenz – Mr. Chairman, in our February 23rd letter, we had made a finding that all the checklist requirements associated with the preliminary and final site plan were addressed so we recommend that you deem that aspect of the application complete so you can move ahead with the hearing tonight on that. The minor subdivision application is incomplete and you should deem that incomplete as Mr. Shimanowitz said he is not going to discuss that tonight anyway because he has to I guess revamp his application somewhat and reissue the notice. So, deem the minor subdivision application incomplete. Deem the preliminary and final site plan application complete so you can move ahead with the hearing.

Chairman VanVliet – Any questions from the Board? Hearing none, seeing none, I'll entertain a motion to deem the site plan application complete.

Motion by Vice-Chairman Fischbach, seconded by Member Weeks. Roll call vote:

AYES: Members Correa, Johnson, Olschewski, Schneider, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet.

NAYS: None

Chairman VanVliet – Moving on I would entertain a motion to deem the subdivision incomplete. Do I hear a motion?

Member Correa- I'll second that motion.

Secretary Dilts – Who made the motion?

Chairman VanVliet – Carlos.

Secretary Dilts – I thought he seconded it.

Mayor Mengucci – He did.

Member Schneider – I'll make a motion.

Roll call vote:

Secretary Dilts – Members Correa

Member Correa – No.

Member Johnson – Uh

Member Schneider – Saying to deem it incomplete.

Member Johnson – To deem it incomplete is yes for me. It's incomplete.

Member Correa – It's yes for me also, sorry.

AYES: Members Correa, Olschewski, Schneider, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Alternate Steinhardt.

NAYS: None

Chairman VanVliet – Would you please continue.

Attorney Shimanowitz – Yes, thank you Mr. Chairman. My first witness is Mike Ford our site engineer. Have Mr. Ford sworn.

Attorney Bryce – You swear and affirm that the testimony that you're about to give this Board is the truth, the whole truth and nothing but the truth.

Engineer Ford – Yes, I do.

Attorney Bryce – Please state your name for the record.

Engineer Ford – Michael Ford – F-o-r-d with VanCleeef Engineering Associates. License professional engineer and planning in the State of New Jersey, appeared before many planning boards and zoning boards throughout the state.

Attorney Bryce – I remember you from Franklin Township where you often appeared.

Attorney Shimanowitz – Mr. Chairman, I don't know if you'd like to hear more of Mr. Ford's qualifications. We're presenting him as an expert in site engineering and planning.

Chairman VanVliet – I believe he is qualifies as an expert witness.

Attorney Shimanowitz – Thank you. Mike, before you get rolling let's get your exhibits marked and then we can get you up for some testimony. Everybody see that all right? Is that a good spot for everyone?

Engineer Ford – Okay, on the left is a description of the exhibits. Is actually a colorized rendition of Sheet 2 that was submitted as part of the application entitled Existing Features Plan last revised 12/20/17 and then on the right is

Attorney Shimanowitz – Mike, before you get to the right, let's mark that exhibit A-1

Engineer Ford – Okay.

Attorney Shimanowitz – with today's date please and the next exhibit if you could describe that and mark it as exhibit A-2.

Engineer Ford – This is the exhibit on the right is Sheet 3 from the set of plans that was submitted as part of the application which has been colorized.

Attorney Shimanowitz – And that's effectively a colorized site plan that (inaudible) description of it.

Engineer Ford – Yes. The, basically it is the existing conditions on the left and the proposed conditions on the right.

Attorney Shimanowitz – Excellent. I'm going to turn it over to you if you could describe the site to the Board, the existing conditions and then roll right into the site plan proposal.

Engineer Ford – Okay. Good evening. This is as was introduced already an application for preliminary and final site plan for 198 units consistent with the recently adopted Multi-Family II Zoning criteria; 16.5 acres consisting of four lots which will be consolidated as part of this application. There is frontage on Baltimore and at the bottom of the page Rt. 57. You can see in the colorized version here we're surrounded by other multi-family projects as well as commercial on Stryker. You might be familiar with the Warren Heights Project; our office actually did the work for the engineering on that in the late 90's as well as the commercial on Stryker; a child care facility at the intersection of Stryker and Baltimore and this one out parcel that's not part of the project was actually I understand the subject of a recent application for a multi-story self-storage project that's actually under construction now. Along the west side or left portion of the property, there is an existing water course; a tributary to Lopatcong Creek. It is also known, I think in some historical literature as the Dry Run. That has associated with it a flood plain. The flood plain was actually delineated as part of the Warren Heights Project so the flood hazard and flood ways are known and delineated and the current regulations that require the 300 foot Riparian Zone have been identified on the project site plans and through our iterations of the project layout through conceptual subdivision or site plan layout, we worked with your staff basically to adhere and not impact those critical areas and actually utilize some of the existing disturbances that are in that area now. There's an agricultural field as well as a pathway that goes

from Rt. 57 to Baltimore, that's within that restricted area, you'll see when I go to the site plan, we intend to convert those disturbed agricultural fields to both passive meadows more, you know, close to the stream as well as immediately adjacent to the residential units some grass areas that can be used as informal play areas. So, providing for some recreational space, as well as converting this existing informal driveway. It's like a dirt road into a pedestrian path that links the western portion of the project from Rt. 57 to Baltimore and provides for, you know, some more substantial circular pedestrian pathways rather than just the internal sidewalks themselves. There's multiple structures on the property; they'll all be removed. That includes greenhouses, commercial building on Rt. 57 as well as residential structures. There is a small portion immediately adjacent to the existing mini-golf that's offsite; it's not part of the application, but there's a portion of the parking lot that services the mini-golf that's within an easement on this property and that portion of the pavement will be maintained and we've identified that on the site plan. Okay. Let me go to the proposed condition. On the proposed condition, you can see we've proposed as was stated in the introduction access ways; one access driveway at Rt. 57 and one access driveway at Baltimore; both accesses will be full movement with regards to Rt. 57. We know we're under the jurisdiction of NJDOT. An application has been filed with NJDOT and it's been deemed complete in January and is into the technical review phase. To enhance that access driveway at Rt. 57, we've provided like a separated boulevard. So, a little landscaped area at that entrance and the site sign will be located at that location as well. They're all apartment units. There is a four story senior apartment building immediately adjacent to that access driveway at Rt. 57; that's the four story 50-unit building that Mr. Shimanowitz described in the introduction. That would be the age-restricted portion of the project and then the unaged-restricted portion of the project is consisting of apartments both with and without garages. That is some of the apartment garages and I'll let, I think our other witness will be the architect who will speak to the specifics of the architecture of those units. Engineering; it is all serviced by public sewer and water. As part of the Warren Heights Project, we brought public sewer and water down Baltimore so that public sewer will be extended to service the entire project. That's all detailed out on our site plans and we're anxious once this Board acts to move onto our next step which would be both, you know, municipal and sewerage authority approval and then onto DEP for treatment works approval for the sewer extension. With regards to public water, it is Aqua. We're in contact with them already; we actually have a process started with that application for the water main extension. Storm water; what we're proposing is one storm water detention basin; it's actually a bio-retention basin. We're aware of the karst conditions that are throughout this area, so it would be a lined basin with implementing to more enhanced NJDEP Best Management Practices that is it's not just a plain grass bottom, this would be a bottom of a basin over top of that liner that would have a planting, a substantial planting thickness mix that would support more, I'll say sophisticated vegetation other than just grass to provide and enhance treatment of the storm water and then once it goes through that filter media, with that vegetation, it is actually collected and part of the discharge, so there's that liner would prevent any opportunities for the water to seep into the ground and potentially cause issues with the karst conditions. We're also proposing a community building. It is approximately 2,000 square feet in size with a pool next to it. That would be to service the non-age restricted portion of the project. There is also a pool proposed immediately to the east of the four story age-restricted building that would primarily service that facility. That would also have some indoor recreation facilities and then immediately adjacent to the 2,000 square foot commercial or community building is the patio area surrounding the pool as well as a tot lot that would include structures and this is

athletic structures that would handle both younger kids and a toddler age and then older youth and at this point I would like to go right to maybe one of the review memos suggesting specifics about those play equipment and their certifications and what they would have to adhere to specifically safety regulations and we'd comply with all those requests that are in your professionals review memorandums. In fact, both the 21st and 23rd review memorandums from Mr. Ritter and Mr. Sterbenz don't pose any issues for this applicant; that is all the suggestions with changes or enhancements to the landscaping. All of the detailed, I'll say gear-head engineering aspects of the multiple pages in Mr. Sterbenz letter will address to his satisfaction including you know, blowup details of all the crosswalks to completely clarify and demonstrate compliance with ADA regulations. With regards to this area that I described a moment ago, immediately adjacent to the stream, I you know, told you that were converting the existing the agricultural fields, it's like a mowed hay field, that really wouldn't be suitable for say play today, but it would need just some minor changes to the lawn area to make it suitable for an informal field. The area is really not large enough for a more formal field, like a soccer field or a baseball field. We don't envision that but it is certainly big enough to provide for outdoor recreational space for this community and then that pathway that we would convert to a pedestrian pathway, we brought up to circle around the detention basin and then link up at various locations with the internal sidewalks that would be at both sides of the driveways that circulate through the community. With regards to tree disturbance, you can see on the existing condition rendering we have some existing trees that are in that critical flood hazard area. We are not proposing to disturb or touch any of those. So those trees would be left alone. Only those trees immediately adjacent to the existing structures would be removed. In fact, there's, just because of regrading over here, we're disturbing some trees immediately to the east of the senior building, but we would be replacing and supplementing that to provide a vegetative buffer between us and our neighbors to the east and again, there was some suggestions to provide some under storing shrubbery. Right now the planting schedule and the landscape plan calls for evergreens and deciduous trees. There has been a suggestion to provide for some understory shrubs to enhance that buffer and we would comply with that suggestion as well. Also with regards to pedestrian linkage, there was a suggestion, this wasn't part of the initial application, but we met with your staff in January and made some substantial changes and enhancements to the project. One of those included a pedestrian linkage to the existing commercial offsite facility that's at the intersection of Stryker and Rt. 57. This would be a pedestrian linkage. There was a suggestion to consider a driveway linkage, but because of the differential in grade, that driveway linkage would be substantially steep and really not suitable but we would comply with the suggestion for the pedestrian linkage and that would be to a facility that's controlled by the applicant so we would be able to provide for the access easements and the construction to make that linkage happen. It's not like we have to go to someone else and get their permission. So what you see on the plan will happen. The apartment buildings include or the first story age-restricted apartment building includes a pretty good share of drop-off area for those residents as well as parking both to the north and south of it to provide for easy access of those residents to the building. Throughout the rest of the community, we have the apartment buildings along the west and north portion of the property that don't have garages and that's where the onsite parking areas are provided and then you'll see on the one driveway that's on the east side of the site where the apartments would have the garages and driveway parking ability, there's also intermittent parking spaces along that driveway to provide for guests parking. We've complied with all your parking requirements. One suggestion by Maser Consulting was although we comply with the required

minimum amount of handicap parking spaces for this number of parking spaces on this site, we're required to have eight handicap parking spaces. We do have eight handicap parking spaces and they're distributed throughout the site but what was pointed out to us is that perhaps they could be additional handicap spaces provided and more closely located to not just in the middle of these three buildings but in front of each building. I've had a discussion with Mr. Sterbenz about how we could do that without losing any parking spaces that we would still have the total number of parking spaces we have now and actually probably take, you know, one of the two handicap parking spaces in front of building five and one of the two handicap parking spaces in front of building three and move it to either in front of building two or four. Move, add a parking, handicap parking space in front of the community building and then add a handicap space in front of building four so and this would be minor adjustments and slight increase in impervious coverage just with the access isle that's associated with handicap parking space. You know, standard space is nine feet wide; handicap parking space is eight plus the access isle of either eight or five feet wide so, but we can, we've actually already since we received the review memorandum, looked at these aspects of the site plan and feel we could comply with that suggestion as well while the existing plan is still compliant, this is an enhancement. There was also in January, subsequent to our meeting, some changes to the configuration of this parking area and I think you may have seen it in Mr. Ritter's memorandum or if he can refer to a site layout that had inefficient parking, parking on one side of an access isle and not on the other which, you know, provide an additional impervious coverage took up more green space and what we've done since that meeting, is come up with a plan you see here this evening which includes both, you know, double loaded parking spaces, more efficient layout on either side of this main parking area and that actually opened up and created some additional green space immediately adjacent to the community building and that's where we expanded that area to include the tot lot. It's somewhat central to the entire facility and brings all that pedestrian linkage to that focus area. Am I boring you guys? That's an overview. Actually, we've actually already been to the Warren County Planning Board. We received a conditional approval from them in December. We went to the Warren County Soil Conservation District and received their approval in February 14th. As I said, we've already got the completeness letter from NJDOT and on February 23rd, we received a compliance letter with conditional items in it from the Highlands Council and that was actually subsequent to not only our meeting with your staff in January, but we met with the Highlands Council, actually walked the site in February and then had a meeting at the Highlands Council offices in Chester. I'll say honestly my impression was they had a hard time finding issues with the plan. They felt that all of our changes and use of that existing green space that's in the flood plain area for recreational space and converting the agricultural to open fields was good. They made some suggestions that I think we're actually consistent with the suggestions made by Mr. Ritter and Mr. Sterbenz regarding enhancements to landscaping and perhaps some supplemental storm water measures and will comply with all those suggestions as well.

Attorney Shimanowitz - The letter Mike from the Highlands Council was a consistency determination. Is that correct?

Engineer Ford – Correct.

Attorney Shimanowitz - Correct and just two quick follow up questions; it's almost one question. With regard to signage, the review letters call out that our proposed sign on Rt. 57 exceeds the

height. Is it the case that the applicants willing to reduce the height of that sign to make it compliant and just speak to that?

Engineer Ford – That's correct, yes. The one variance that was cited in the review memorandum regarding the preliminary and final site plan and this is our only variance with regards to that aspect of the application was the height of the sign. We actually took a sign that was used for the Warren Heights Project and carried it over to this project. Well 20 years later now, the height of the sign is a little more restrictive and the maximum height is five feet and the applicant would be willing to reduce the height of the sign to comply and therefore, the variance would not be required. This would become a variance free application.

Attorney Shimanowitz – A related question, the plans we submitted do not show signage on Baltimore Street.

Engineer Ford – That's correct.

Attorney Shimanowitz – Could you speak to that whether the applicant wishes to propose a sign and whether that sign would be conforming or not.

Engineer Ford – Yes, yeah, there's a, you know the community sign Autumn Ridge at Lopatcong? So our project name and that is on the plan now. We would reduce the height of that to five. We hadn't proposed as part of the initial application a sign at Baltimore but we thought perhaps that would be good as well to identify people looking for the community when they have Warren Heights and other projects nearby so we would like to add a sign at Baltimore as well likely similar to the sign at the one at Rt. 57; a fully compliant sign with the ordinance.

Attorney Shimanowitz – Thank you. I have nothing further of Mr. Ford.

Chairman VanVliet – Okay. Any questions from our professionals; George?

Planner Ritter – I only have one and it has nothing, the presentation I thought was excellent, the, you mentioned that there was only one variance. I believe there's a second which your architect may have to address and that's on the storage. That's my only point.

Engineer Ford – Okay.

Attorney Shimanowitz – Yes.

Planner Ritter – But I will say that the applicant has spent a lot of time and actually made some significant changes to his plan to work out the parking areas, eliminate some of the excess pavement and I think he's come a long ways from the initial sketch. I think we're moving in the right direction.

Chairman VanVliet – Paul.

Engineer Sterbenz – I just have a few minor questions for Mr. Ford. I think he indicated he was

going to address both the review letters that were issued in their entirety. Just a couple items I wanted to review from the letter; just 3.03 you are going to change the radius of that one street to get a 100 foot radius.

Engineer Ford – Yes, right here.

Engineer Sterbenz – Okay, yes.

Engineer Ford – Yeah, we've looked at that already on the computer and that be no substantive change to the plan but we would comply correct.

Engineer Sterbenz – 3.10 you are going to put a raised crosswalk or speed table in?

Engineer Ford – Yes. On this main driveway what was suggested because the length of the street to provide some traffic calming measure and we would comply with that suggestion as well.

Engineer Sterbenz – 3.12 you are going to provide curbing along the Rt. 57 frontage?

Engineer Ford – Yes.

Engineer Sterbenz – Okay.

Engineer Ford – That would be of course subject to DOT. If they say no curb, we would have to acquiesce to them, but it's been our intention would be to comply with that suggestion as well.

Engineer Sterbenz – And then, 3.17 the Board of Education wanted to see some formality to the, if there's going to be busing through this development; you'll provide a bus shelter. We'll probably do some outreach to them.

Engineer Ford – Okay.

Engineer Sterbenz – But, I would assume that you are going to do that based on your previous testimony?

Engineer Ford – Yes and we've actually, one of the requests was to provide, we provide a fire truck turning template as part of the plans. I've been asked to provide a turning template for school buses as well that demonstrate that they concluded they you know, traversed it application site and we've actually already looked at that and will comply with that request as well.

Engineer Sterbenz – Thank you Mr. Chairman. Thank you, Mr. Ford.

Chairman VanVliet – We'll open it to the Board, any Board members

Member Johnson – As one question or clarification, through your presentation I think I heard you mention that both access points are going to allow for full movement

Engineer Ford – Correct.

Member Johnson - which is the Baltimore Street and Rt. 57 but in your Traffic Impact Study Report on Page 4, it actually says that Rt. 57 was analyzed with right hand turn in and right hand turn out only.

Engineer Ford – Yes that is the original concept I'll say and submittal. This was actually another outcome of those discussions with your staff as well as our application to the County. The Warren County suggested that it be unrestricted movement and that's how the application went into DEP, oh excuse me, DOT.

Member Johnson – We would be looking for an updated traffic report to account for that?

Chairman VanVliet – I would think that the DOT approved it, that we really have no control over a state highway and if they approve it right in, right out, you know, or a full movement interchange that's, we're going to go along with it along as it meets their conditions. My only question would be you're planning on putting an island area in that. If it's a full movement, you had said with other instances of this with other projects, Paul you think it would be better to just stripe it off that way or actually have a curb in there?

Engineer Sterbenz – I don't like those islands. I think they inhibit movements. I'd rather not see and island if we could avoid that to be honest with you.

Engineer Ford – No problem.

Engineer Sterbenz – Obviously, it is up to the department. The department regulates the ingress and egress.

Engineer Ford – I would say we probably not have even, it would be just a plain driveway, not a striped island if you will either and the sign that is proposed for the project would be located on either side of the driveway.

Engineer Sterbenz – You get freer access, better site distance, you know, you don't have this object or impediment in the center of the road that you have to work your way around, reduce signage; you have to have signage for the island.

Engineer Ford – Correct, right yeah keep right. Do not enter, correct.

Chairman VanVliet – As long as the DOT goes along with it.

Member Johnson – So I guess a follow up to that question. When DOT received this traffic study were they aware that this was going to be a full movement intersection?

Engineer Ford – Yes.

Chairman VanVliet – That was the application.

Member Johnson- And they approved it knowing that it was only a right hand.

Engineer Ford – We’ve been deemed complete by DOT. It’s going to take some time. It is a major access permit so and what I didn’t say was in our discussion with the County we actually, the County was interested in what was happening at Rt. 57. We submitted the DOT plans to the County and the County would prefer the full movement intersection as well. So, they are in support of the current proposal and if anything, I would think the one municipal road, if this were restricted in some way, which is the way the analysis was done for the traffic study that would potentially cause more traffic at the municipal level by making this unrestricted, the only real I’ll say even change if there were a change in the traffic report would be more traffic at the DOT’s jurisdictional intersection.

Attorney Shimanowitz – And we do have our traffic engineer with us tonight so he can weigh in on that as well. Hopefully, he agrees with all this discussion. I’m confident he will.

Chairman VanVliet – Brian.

Member Weeks – Your detention pond, your new bio. Can you explain to me how you plan on cleaning that and maintain that a little bit?

Engineer Ford – There’s actually, which is kind of new now too, I’ll say in our industry in the last five, ten years, the Best Management Practices not only require a storm water management report by us that demonstrates how the design has been pulled together but we’ve actually also prepared an operation and maintenance manual for the basin. So that was submitted as part of the application that will go on the record and be part of the homeowner’s association’s requirements to maintain that basin. With regards to the vegetation in the basin, it’s now a manicured lawn; it’s not like a low flow channel, concrete channel that you see in some, I’ll say older basins. This is more and this is at the suggestion of DEP was enhance water quality treatment not just the quantity that we’re worried about now but it’s grass that’s only mowed once or twice a year and to some, it’s more esthetically pleasing.

Member Weeks – And you’ll keep records on that?

Engineer Ford – Correct, actually that’s part of the operation and maintenance manual, correct.

Vice-Chairman Fischbach – Yeah the walking path that goes from Baltimore down and then loops back around, I guess it actually comes out in-between those buildings I guess again and links in. Am I correct? Somewhere right in the middle, right

Engineer Ford – Right in the middle here, yes.

Vice-Chairman Fischbach – Right

Engineer Ford – So we have north, south and right in the middle.

Vice-Chairman Fischbach – Okay and that allows everybody to go right around the whole facility. Is that lit? Is there lighting on that?

Engineer Ford – We didn't propose lighting on that.

Vice-Chairman Fischbach – Okay, just a question.

Chairman VanVliet – Any other questions? Thank you very much for your presentation.

Attorney Shimanowitz – Our next witness is our architect, Mr. Rob Larsen.

Chairman VanVliet – I'm sorry. We missing this a hearing, open it up to questions.

Attorney Shimanowitz – You want to go witness by witness?

Chairman VanVliet – Witness by witness would probably be the easiest way.

Attorney Shimanowitz – Okay, Rob. We'll take a minute to go to the public with regard to

Member Olschewski – I have one question which I forgot to ask. The age-restricted unit right, with the handicap parking right. How many of the handicap parking for the age-restricted units?

Engineer Ford – Four. So, half of them are here.

Member Olschewski – Okay, thanks.

Chairman VanVliet – Does the public have any inquiries of this witness? Hearing none, please continue.

Attorney Shimanowitz – Okay, thank you Mr. Chairman. Now, we're going to all Mr. Rob Larsen, our architect.

Attorney Bryce – Good evening, raise your right hand. Do you swear and affirm the testimony you are about to give this Board is the truth, the whole truth and nothing but the truth.

Robert Larsen – I do.

Attorney Bryce – Thank you. Just state your name for the record.

Robert Larsen – Sure. Robert Larsen – L-a-r-s-e-n.

Attorney Shimanowitz – And Rob, your qualifications please.

Robert Larsen – I am a licensed architect and professional planner here in the State of New Jersey. I intend to testify likewise. I believe (inaudible) a little bit of planning testimony. I am a member with the firm Chester, Ploussas, Lisowsky. I have been for the last 20 years

Attorney Shimanowitz – You testified as a licensed architect and expert before many boards is that correct?

Robert Larsen – Many boards including this one.

Chairman VanVliet – Thank you. Except him as an expert witness.

Attorney Shimanowitz – Thank you. Rob, before you get rolling I presume you have some exhibits as well? Let's get those marked. We are going to start with A-3 with your exhibits.

Robert Larsen – Okay, I'm going to mark A-3 with today's date which will be the colorized front and side elevation of the garden apartment product. A-4 will be the colorized elevation of the garage product. A-5 is the colorized elevation, I apologize A-4 has front, side and rear of the garage. A-5 has the front and side of the age-restricted building. A-6 is a bit of a lonely exhibit. Is the front elevation of the, colorized front elevation of the recreation center. So, I will begin, again, describing that we do have, you know, effectively four structure types here. Three residential structure types and one is a stand along recreation center. The first product I'd like to discuss is the garden apartment product. There are these one, two, three, four buildings of what we're calling the garden apartment product. These are effectively garden flats. There are 94 of them and as Mr. Shimanowitz pointed out earlier, 30 of them are set aside for affordable housing and the remaining 64 are market. Of those 64, 24 of them are one bedroom and 40 of them are two bedroom. The affordable housing units that are within this particular product will be of a bedroom mix that is compliant with the Uniform Housing Affordability Controls; that is 20 percent maximum one bedroom or six, 20 percent minimum three bedroom or six and the remaining units will be two bedroom. Again, in compliance with the UHAC Standards. This is a three story structure. It is a wood frame building. It is intended to be sprinkled. It will be required to be sprinkled. There are two main access points to each and every one of these buildings. Of the four structures, three of them have 24 units; one of them has 22 units. That building which I believe is on the site plan building #2 has a remaining space which will be set aside as an additional two thousand square feet of amenity for the market side of the project. The building, as you can see, is applied with a mixture of different materials, different siding colors, some brick and some again, various architectural detailing. These buildings are generally accessed from one side. These points of access are through some common staircases. These common staircases generally have about twelve units in each pod and I will get to the point of the storage question in a little bit but there are some small common areas of storage within each of these stair cores. I'm going to go quickly onto the next type of residential architecture. We have what we call a garaged apartment right. So as you can imagine, that means that each apartments has an attached one car garage and one car driveway so that's each and every one of them there are 54 of this type of apartment on the project. They are in the western buildings here; one, two, three, four, five and six. Again, serviced by a driveway and garage, with each having its own private entry. So, where the garden apartments have some common stairs, these each have their own private door. The private door gets you into a hallway that then has access from the garage. So you are able to come home and go into your garage or come from the outside. Eighteen of these, eighteen of the 54 are one bedroom and the balance are two bedrooms. None of these I've set aside for affordable. The market rate affordable units are all

within the garage apartments. These units are a little bit bigger than the others are meant to be, you know, we're creating a natural variety of what's available on the site. So we have 198 units to try to create some variety. If I can back up, the range on the market square footage for the one and two bedrooms garden apartments is about 960 to 1195 and the garage apartments are 995 to 1295. So these are a little bit larger. Again, they come with a garage attached. They exist in a two story structure; a little bit more private living. Again, we're showing a mixture of siding and brick and different architectural detailing here and as you can see the change of the color scheme. All the architecture will be complimentary throughout the site so we're not making one very starkly different from the other but we will change you know, enough of the detailing and color to make them unique so they'll be identifiable. Again, so we're looking at just more information. When you're going along the drive isle this is what you are going to see here which is called the front elevation. So that's what you're seeing is your circulation along this internal road. What you would see from either the green space if you are on this walkway that we've been discussing or if you are on the backside of these units would be this which is known as the rear elevation. You can see there's some private patios and like that and any windows from the units and this is what you would see at these connectors in-between on all of the ends. If I can move onto the third residential product. I'm pointing now at exhibit A-5. This is the front or the main entrance approach to the age-restricted building and the side; a typical side of that building. As you can see here, we're dealing with now a four story building. What's different about this particular apartment style is it is on a common elevator hallway. Right, so this is four stories all serviced by a common lobby and an elevator getting you to each floor. Each and every unit is a flat and each and every unit is handicap accessible. Again this is a sprinkled building, wood frame, four story. As we look at it, we can see we have an identifiable portico share that is creating that single entrance main entrance point here and a variety materials again similar, you know, we have the here I've actually chosen stone because the building is a different type. Ultimately I'm sure my client will come up with a common marketing plan for all the finishes, but I'm trying to relate a change in the level of architectural treatment to make each building identifiable. Each of these units we have as was mentioned earlier, 40 of these units are market and 10 are set aside for affordable. The Uniform Housing Affordability Control, bedroom mix does not apply to an age-restricted in the same way. We are proposing that half of the ten are one bedroom and half of the ten are two bedrooms. There is no requirement for three bedroom affordable age-restricted unit. The market rate units that are within this structure range in size from 915 sq. feet to 1130. There are 28 of the market units that are one bedroom plus 10 and 12 which are two bedrooms. Again, the affordable units are split 50/50; one and two bedroom. So, if I can just speak to amenities a little bit before I get to the lonely little rendering of my recreation center, the age-restricted building has its own core amenities within the structure, right so there's a convenient room, a lounge, a card room spread throughout the building. I believe they'll probably have a small gym in there that is to be used by the 50 units that are within the structure. They have their own private pool. As will be a topic of discussion. I understand that at a different hearing this has to be cut off as its own separate lot to be legally age-restricted right? So there is an entire package of amenities that are associated with the units that are within here and have been shown in my building level plans. It does have a main lobby with a mail room, management offices that can handle you know, people coming in and out. It has, like I said a community room that will be developed further to meet the needs of these tenants. It is my understanding that they will then, it's a one way street, so the age-restricted people may be able to use some of those common area amenities that we are going to discuss in a minute that are in the other recreation building. The

market rate or the unrestricted people will not be allowed into this building for use of these amenities. So that's sort of an advantage we are trying to create for this particular tenant and user. If I can go now to exhibit A-6; this is the recreation center right dead in the center of the project here adjacent to the common pool and I'm just showing you that main front elevation. Again, grabbing some of that architecture from each of the buildings and is 2000 square feet is not an overly large recreation center. It is meant to serve as a really a space next to the pool. There will be leasing offices within this building and a large community room. So this is one component; 2000 square feet of the recreation that will be available to the un-age-restricted units and as I said, there is an additional 2000 square feet in building #2 here at its end which will have a gym and some other community facilities for management of this development. The matter of storage; so I did note the comment regarding storage from Mr. Ritter and I have done some calculations to verify it so there is a missing component that we had intended to add now I'm getting through my testimony here the basement, we have to put a basement in the age-restricted building. That will meet all the storage needs of the tenants of that particular building. The garaged units have garages that range in depth from about 21 to about 26 feet, right so the unit, 20 feet is a good depth for a garage. I think your professionals would agree so anything beyond that is really okay you can use that for storage so a foot and a half is not really substantial enough so there are 18 units that only about a 21 ½ foot depth. The other two have about 24/25, I think just shy of 26 foot of depth. So they have substantial availability for storage. So again, I'm happy to discuss this to be sure I'm answering Mr. Ritter's concern but of the garage units, only 18 of them seem to suffer from not that 250 cubic feet requirement. In terms of the garden apartments, the way we laid the buildings out is they're all the same right so we have this very buildable yet unique location of units off of those cores and whenever I have some of those affordable units right so an affordable one bedroom is underneath a two bedroom market unit, I'm left with some space now. So we've turned that in various locations, if you're to look at the building plans into opportunities for you for storage for units immediately in that area. As Mr. Ritter did point out there is not enough in there to meet the 250 cubic feet. I believe my calculation is that of the 94, there would be 47 that would not have enough storage. So, it is our intention to give access and this will have to be something that is worked out with Mr. Ford to the basement of the age-restricted building. This would have to be obviously worked out from the outside to create an entry that you're not going to bring everybody who lives in the community through the main lobby of the seniors but it is something that I believe we can do to provide a staircase from the outside down into that basement and for relative terms we could have twice as big of a project and have every single need met in that basement alone so there is more than sufficient space to create enough storage there. That is effectively my presentation. Again, we discussed the sign in terms of planner hat and I'll be back I guess when we have the other meeting about the subdivision.

Attorney Shimanowitz – I just want to clarify and revisit this storage issue so we know what relief if any we're seeking so as to the age-restricted building, it's the applicant's proposal to add a basement that would allow fully compliant storage per the ordinance. Is that correct?

Robert Larsen – Correct.

Attorney Shimanowitz – Okay. As the garden apartments, they're saying certain of the, let me restate that. As to garage apartments, certain of those in and of themselves are compliant by way of space in the garage area.

Robert Larsen – I feel yes.

Attorney Shimanowitz – Okay and certain are not.

Robert Larsen – Correct. So about 2/3 thirds appear to be compliant right now as they're designed and 1/3 is a little, is about half of what would be required.

Attorney Shimanowitz – Okay. So in those instances of the 1/3 that are deficient, a variance is being sought. Is that correct?

Robert Larsen – No but we would propose to provide additional storage available to them in also in the basement of the age-restricted building.

Attorney Shimanowitz – Okay and that's the same condition as to the regular garden apartments. The non-garage garden apartments; 47 of those would be deficient which you're solving that by access to the basement of the age-restricted. Correct?

Robert Larsen – Yes.

Attorney Shimanowitz – Okay. So with that proposal, it is your position that a variance is not needed?

Robert Larsen – Yes. We would seek to not have a variance condition for the storage.

Attorney Shimanowitz – And as to the calculations, you did to come up with what units are compliant and are not compliant; you could provide those calculations to Mr. Ritter and to the Board?

Robert Larsen – Absolutely.

Attorney Shimanowitz – Okay. I have nothing further Mr. Larsen.

Chairman VanVliet – George, any comment?

Mr. Ritter – No, I think the applicant has addressed all of my major concerns as that there would, at least in the initial submission, there was no storage for the seniors at all. Mainly, his proposal will open up significant areas for that type of thing and if he can work out some cooperation that they can share some of that, I think that will solve the problem. The numbers are very close for the garden apartments and for the garage apartments. So a little bit of excess in the seniors I think is fine as long as he can work it out that they can have access to it.

Chairman VanVliet – Paul.

Engineer Sterbenz – I guess my only comment would be, maybe it should be a question. This makes sense to perhaps put a basement or a partial basement in these other apartment areas where those residents could stay in those particular areas from the development to conduct their storage as opposed to going to what's going to be a completely different lot and block and a different population so to speak.

Robert Larsen – There is there's actually something we explored. The unique situation with the age-restricted building is that it does have an elevator and whenever we provided an area for common use, I must provide handicap accessibility so we had looked at was there enough grade to kind of get an open story to get me downstairs without having the elevator and the answer was no it was a very difficult for us to figure out how we can get in that basement and not create a ramp that's 12 feet long, 12 feet wide (inaudible) a ramp with drains. So we further discussed, you know, we actually to meet handicap, as long as I am to, again people who require accessibility down there, which we could have, they, in that case, they could use the lobby, you know, they could be assisted to come in the lobby so there is proper access for someone who requires accessibility so that was the advantage to utilizing that structure versus one of the garden apartments or the garage products.

Engineer Sterbenz- I think that's gonna be awkward people from areas of the development coming into this age-restricted building from time to time with their storage items.

Robert Larsen – It could be. You know, again we could

David Gardner – I could address that one if you want. You want me to do that now?

Attorney Shimanowitz – Why don't you come forward David? You'll need to be sworn. Have Mr. Gardner to be sworn.

Attorney Bryce – Good evening. Do you swear from the testimony you are about give the Board is the truth, the whole truth and nothing but the truth?

David Gardner – I do.

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

David Gardner – David Gardner

Attorney Shimanowitz – And, David, you are a principal with the outfit Larken Associates is that correct?

David Gardner – Correct.

Attorney Shimanowitz – Okay. Feel free to address the storage issue.

David Gardner – We really want to do it all in that building Paul and when you, when we had the meeting, you guys, redesigned that whole parking. I thought we created like a nice area here where we were going to have right, there was going to be access

Engineer Ford - We'll have access there.

David Gardner – And, we said we were going to create a ramp inside the

Engineer Ford – Well, that would be a stairway then

David Gardner – inside the basement. Yeah, we actually thought from an operating management perspective, it would work. I mean I hear what you're saying. I didn't even know about all of those fancy rules with the ADA thing for the storage, but we first, if we're going spend all this money to make that into a full basement, we could put a storage bin for every single unit on the development, unit I think you just said. I mean from our perspective we think it would be a kind of controlled management thing. We could put security cameras down there and there's a big parking lot on the side. So, we actually think it would work nicely for managing the complex as an overflow storage situation for the market units and we don't, and we discussed it, we don't think it would be an issue really. So those people getting, coming in to get to it, a locked storage bin that would be, you know, specific for, you know, unit so and so.

Engineer Sterbenz – So it's not going to be through the lobby, it's going to be through some other arrangements.

David Gardner – No. No, no, no (inaudible) I guess there's some rule of yours (inaudible) ADA.

Engineer Ford – You understand, like to put it under the garden apartments, you could have stairways down to the basement but code requires you'd have to add an elevator. That's not an option for us. So, in the seniors, what we thought was for everybody but those that would require the ADA access, there would be this exterior access to the basement for the storage. So that's the majority of the people that would use that space and they wouldn't have to interact with the senior's in their lobby. It would only be those you know, isolated incidents where we have to have the ADA access where those people would be allowed to go through the, lobby of the senior housing to utilize the elevator and we thought that so

David Gardner – Yeah, we had this exact vision in Whitehall Pennsylvania and we did 100% age-restricted deal and there's four buildings on the site and three of them are on a slab and no, I'm sorry, two of them on slabs and one it has this exact condition and we have all the storage bins in that one basement and it's very controllable and it's worked out pretty well so we talked about it trying to plan all this stuff out.

Member Olschewski – How do you guys anticipate to figure out who can go to the elevator or not?

Engineer Ford – That would only be people that need ADA access.

Member Olschewski – And how do you figure out who does and doesn't?

Engineer Ford – So they would come to the lobby of the senior housing

Member Olschewski – And?

Engineer Ford - And be escorted into the

Member Olschewski – How do they identify that they are or not?

Engineer Ford - The resident would be

David Gardner – We're going to have our management.

Engineer Ford – Right.

David Gardner – We're going to have a super plus probably two

Member Olschewski – If I have to come to you and say I am handicapped, I want to have access.

David Gardner- And they'll lease and we're going to have a leasing office with people in it so that we're going to have staff here.

Member Olschewski – David I'm sure you have but I, maybe I don't want to come to you and tell you that I'm handicapped and I still want to get into my stuff. Do I have to tell them I'm handicapped?

David Gardner - I would say that if somebody was handicapped and needed to have access via the and they were not in the age-restricted building then we would give them access through the card access or those key fobs to give them access to that building through the elevator and that would be an exception to those people, if that situation arose. That's not a problem; it's pretty easy to control it have all these fancy (inaudible) codes and things that with the access and you know

Member Olschewski - I got it but at some point in time I will come to you and say I am handicapped. I would like to have elevator access to my unit right?

Engineer Ford – Right, if you are not in the age-restricted

Member Olschewski – If I'm not in the,

Engineer Ford – Correct.

Member Olschewski - and what happens if I don't want to tell you?

Attorney Shimanowitz – That's also what you have to do in order to get in order to get a handicap sticker if you want to park in a handicap space. You do have to identify your handicap. That's just the way the world works.

Chairman VanVliet – But you will have limited access to all people that would be in need of basement storage.

Attorney Shimanowitz – That's correct.

Chairman VanVliet – You just can't walk in, down, go through the door you have

Attorney Shimanowitz – No there'd be some kind of control.

Chairman VanVliet – to have some kind of key control or card control or something like that.

David Gardner – Yes have security cameras downstairs.

Member Weeks – Would you hand out let's say a key for or whatever. Is that what you looking kind of to do? If you say I'm handicap, I hand out a key fob whatever mechanism you're gonna use

David Gardner – I'm mean you are bringing up (inaudible)

Member Weeks – and then you would be (inaudible)

David Gardner – management thing yeah we would have to do something I mean somebody who needed to use the elevator to get to the storage

Member Weeks – Right, but if you were in the bathroom let's say, I wouldn't have to go and wait for you, I'd have my key. I could go in the elevator because you already pre-approved me to be able to do that if I was a handicapped person?

David Gardner – I think if somebody came into lease a unit

Member Weeks – No, I meant like on a regular basis.

Member Olschewski – I think Brian wants to know if the super is not around and somebody wants to get into their storage unit, are they able to do it on their own.

David Gardner – Yes.

Member Olschewski – So, they have like a key fob and

David Gardner – Yes.

Member Olschewski – they can go up. Okay. That's what you meant Brian.

Member Weeks – Yeah.

Engineer Ford – It would really be no different than the non-handicapped access. It's not like the public; Joe public can just go in there. There would be security to allow people into that storage via the key fob or security access.

Chairman VanVliet – Depends on the level of security you want. You can also have cards

Engineer Ford – Right. We're just talking about the means of getting there is through a different corridor, yeah.

Chairman VanVliet - So.

Member Olschewski – How are we doing on the height on that age-restricted building? Are we within our

Robert Larsen – We are. It's a 55 foot to the max. deed restriction; its 55 feet right now; its four stories permitted; four stories proposed and the most of the other structures are compliant as well. I believe the three story garden apartment is 45 feet and the two story garage apartment is 36 feet and compliant with the height requirements of the zone.

Member Olschewski – And Donna and I were wondering on that one unit, with the garages, we didn't see any entrance doors.

Robert Larsen – Okay, just let me

Member Schneider – Is it only through the garage and then you have the two main entrances? Is that how that works?

Robert Larsen – When my draftsmen forget that we call that a born-in unit, no the, all the doors are not necessarily seen from the front elevation. What I'm holding up here is our flat filing set, Sheet 7 of 13 and you can see here this is the ground floor. There is a door here to the flat on the first floor at the back. His garage is actually the middle one. So when he comes home, he pulls his car in, goes in through the back and arrives in the kitchen or comes through the walkway here and enters through this door. The unit that is at the front above the garages, has a door right here it's on that same pad. He walks in; he walks upstairs and goes home or pulls in his garage and has a door to that same lobby. The person with the flat to the back, use the doors you saw where his doors going in here and also with the door from this so each has an exterior visitor access and inside garage access.

Member Schneider – Okay, got it.

Vice-Chairman Fischbach – So the, so the unit all the way to the right is the longest garage and that's where the difference is, is that correct cause there's no hallway there.

Robert Larsen – So you can see this garage is you know, 25 x 4 deep and this is 23 x 10 deep and this is 21 ft. deep. So this guy which happens to be the one bedroom flat, he's got the most shallow garage but it is allowing me to get this to be sort of integrated and give everybody their own stair but again, 21 feet, I believe your professionals would agree, is sufficient for garage depth but it's just a little short of having extra storage but the other units, of course I believe do. You have more than enough room to put things in front of your car.

Member Schneider – So they have room to park an SUV or pickup truck in there.

Robert Larsen – Yes.

Member Schneider – Okay.

Robert Larsen – And if they have a mini, they get a lot more storage.

Mayor Mengucci – You can get an SUV in but it's going to be tight.

Member Johnson – You'll get the SUV in there but you won't be able to get out of it.

Robert Larsen – Well, actually in terms of width,

Mayor Mengucci – Don't gain any weight.

Robert Larsen - in terms of width we did consider that a one car garage at 10 feet wide is tight. So these are 11 ½ feet wide so they have a little bit more room to open your door and that's an internal dimension.

Engineer Sterbenz – Mr. Larsen I just have a question just going back to the entry way into the age-restricted building and I know on Sheet 10 of your plan set that you have in your hands, that shows the floor layouts for all those doors, is there going to be some change on your plan for that entryway going to the north side of the building to allow other residents to enter that building I guess in a secure manor? I guess to enter that building but keep them out of the rest of the building.

Robert Larsen – That's actually, we are, we've been considering this building further along right in the hope's that we could proceed. I believe they're are going to end up being required doors there right you got, for what's called areas of refuge to be able to have them separated. So the answer to your question is yes, there will be other sets of doors not only for the people coming in from the outside that you don't necessarily want all the private entrances open, so as we develop these corridors, we are going to be you know, adding I guess you'd call it amenities to the corridors, stops along the way, trim and like that to help, but there will also be doors.

Engineer Sterbenz – Okay thank you.

Chairman VanVliet – Any further questions?

Member Schneider – I do have one question. With regards, to the pool, is that pool big enough to like to accommodate all of those apartments; that one pool? Is it going to be big enough to accommodate all those folks that would be moving in there?

Engineer Ford – Yeah, I think we're 40 feet; 120 x 40.

Member Correa – Yes. I remember 20 x 40 feet.

Engineer Ford – You're right correct.

Member Schneider – 20 x 40

Member Correa - For the pool for the not the entrance to the pool, you're talking absent the (inaudible) that's 40; you're talking the

Engineer Ford – Right, we actually

Members talking over each other

Engineer Ford – It's like a straight off of the patio around it versus the pool.

Robert Larsen – And what I was going to say is that we've, we've, I've had the experience of both ways where some people look at it as how much surface of pool do you get and some look at how much space you have to lay on your chaise right, so there's a lot, you know, this has a large area for sunning and again, as Mike has cited it, it has good eastern, southern exposure to be a good deck so I would say that in terms of a pool, area pool, use is sufficient because of how large the deck is for the ability to accommodate people.

Member Schneider – Okay.

Member Johnson – Question; it might even be for our professionals. Did we want to check to see if we were in conformance with Ordinance 217-09? It talks about the percentages regarding the affordable housing. Did we meet our affordable housing obligations and also did we meet our percentages of the open and recreational space. For example; we have to have at least 40% of the area devoted to public or private recreational use. At least 50% of the open space shall be common open space and not more than 20% of the open space must be devoted to the community center. Did we double check these numbers?

Planner Ritter – I went through it and checked them. They appear to be correct. As far as meeting our affordable housing obligation, this is part of a settlement with the court and the applicant is providing all the units that were promised or required as part of a solution so yes it does meet that also.

Member Olschewski - Promised or required?

Planner Ritter – Well, required. The bottom line is they have to provide them and they will. That's what's in the plans.

Member Johnson – Okay, if you think they're meeting all the percentages that they have to meet

Planner Ritter- They do.

Member Johnson – then

Planner Ritter – They do.

Member Johnson – just want to make sure we check the numbers.

Planner Ritter – Yes. There was some things which they've indicated a willingness to adjust that we wanted to look at in a little more detail in the open space and that is, they've indicated what they're going to keep in trees. One of the things that I want to clarify on the site plan, was not the percentages, I think they're fine there, but it's just what portion of the open space is going to be put in meadows, what portion is going to be in grass so that we actually have a plan that sort of shows how that's going to be handled and maintained over the years and they've indicated that they're going to show that on the plans so I think we'll be okay there but they do meet the requirements. I don't have a problem with that.

Member Johnson – Okay.

Chairman VanVliet – Any further questions? Seeing none, I'll open it to the public for questions. No questions, we'll move on. Thank you very much for your presentation.

Attorney Shimanowitz – Thank you Mr. Chairman. Our next and think final witness is our traffic engineer Mr. Jay Troutman.

Mr. Troutman – Good evening.

Attorney Bryce – Just raise your right hand. Do you swear from the testimony you are about to give this Board is the truth, the whole truth and nothing but the truth?

Mr. Troutman – Yes, I do.

Attorney Bryce – Please state your name for the record.

Mr. Troutman – Jay Troutman –t-r-o-u-t-m-a-n.

Attorney Shimanowitz – Jay, your qualifications please.

Mr. Troutman – Yes, I'm a principal with the traffic engineering firm of McDonough and Ray Associates. I've been practicing traffic engineering for 31 years, conducting traffic impact studies for various types of developments as well as reviewing traffic studies on behalf of planning and

zoning boards and I've been accepted as a traffic expert at over 100 hundred planning and zoning boards in the State of New Jersey including Lopatcong Township.

Chairman VanVliet – Thank you. He is acceptable as an expert.

Attorney Shimanowitz – Thank you Mr. Chairman. Jay, I'd like you to accomplish well at least three things tonight. One is a very, very brief overview of your report and then address the traffic comments in the review letter and then if you could just give your opinion regarding the comment about the triangle at Rt. 57; those three items would be helpful to us.

Mr. Troutman – Yes, I did complete a fully detailed traffic impact study; it was reviewed by your professionals. We have comments from both the Township engineer and planner. I can tell you we can comply with all comments and recommendations from your professional reports. As Mr. Ford mentioned, the project has two points of access; one of which is under NJDOT jurisdiction, the other one is under Township jurisdiction. Mr. Ford also indicated that we've already filed a complete application with NJDOT and they've begun their review of the Rt. 57 access design. I can tell you that both access intersections have adequate site distance, site lines for vehicles that are exiting as well as adequate roadway capacity for all the turning movements and in terms of the Rt. 57 access, I heard the discussion about the island. I believe that's a modification that we can bring forth to DOT during the course of the review we can modify the design to not show an island. It will be subject to them agreeing with that. I know they do have some standard island designs for full-movement driveways. It's just a basically a bull-nose island to you can all turning movements and that's what we're showing right now but we will revise that in accordance with the discussion later.

Attorney Shimanowitz – Thank you. Nothing further Mr. Troutman. This is a conforming use so we're not deep into traffic testimony but we did want to present and there were some traffic problems.

Chairman VanVliet – Thank you. Any questions Paul.

Engineer Sterbenz – No.

Chairman VanVliet – George.

Planner Ritter – No, I have none.

Attorney Bryce – No, Mr. Chairman.

Chairman VanVliet – I'll open it to the Board.

Mayor Mengucci – Have we given any consideration to people who may simply want to go out onto Baltimore Street and make the right onto Strykers to come up to a controlled light at that intersection rather than just pulling out onto 57?

Mr. Troutman – Yes, that's actually a good feature of the design. For example, the age-restricted driver would prefer to go around and use the traffic signal. Any resident would have that option.

Mayor Mengucci – And the timing of those lights could be changed because I've been there at 5 o'clock and it gets pretty congested in that area there.

Mr. Troutman – Yes, I have too and the state tends to favor their highway; they go with the philosophy of we want to try to keep traffic moving on our highway. You might wait a while to get out there, but once you get out there, we want to keep you moving. So, they kind of get protected of how much green time they give the highway versus the side street, but, you know, we could review that timing.

Mayor Mengucci- How many parking spaces do we have in those lots total, do we know?

Mr. Troutman – Yes. I believe in my report, at the time I did my report, we were showing 386 parking spaces on site. That's

Engineer Ford – It's actually broken up probably senior housing has 95 parking spaces; where 94 is required and then the non-age-restricted apartment section of the project requires 287 and has 288 or two in excess of what is required.

Mayor Mengucci – Thank you.

Chairman VanVliet – Any further questions?

Member Weeks - I have one for Mr. (inaudible) coming in.

Chairman VanVliet – Would you hold on a second? I'm just going to open up this to the public to see if, we have no public basically so hearing none, thank you very much.

Mr. Troutman – Thank you.

Chairman VanVliet – Any questions? John

John Betz – Just some basic questions. John Betz –B-e-t-z. With all of this, is apartments going up

Secretary Dilts – John, do you want to come up to the microphone please?

John Betz – Yeah, okay with all these apartments going up in this area, in our area, there is quite a few and traffic wise and transportation wise, what is the actual targeted time that you would expect to put in these and the transportation of that tenant, where do you expect that tenant to transport oneself to or do you think they'll all be telecommuting from their apartments? Maybe some other place. That is just the basic things. Doesn't have to do with the traffic so much but I just wanted that on the floor. Okay, where does the source in a country where there is

165 million people who live in families that make under \$30,000. What can we expect in the year as a tenant in this high population area of apartments? That's just an open question.

Attorney Shimanowitz – That was a very generic question. I'm not sure we can answer it.

Chairman VanVliet – Answer that. They need a sociologist.

Attorney Shimanowitz – Yeah, I think so. I mean the market is going to govern who's going to live here. That's the best we can do with that question.

Member Olschewski – With that said though, Warren Height, right how are you rented out there currently?

David Gardner – Good.

Member Olschewski – Full huh?

David Gardner – Never full but between about 95%

Member Olschewski – Super

David Gardner – to 98%.

Member Olschewski – Awesome.

David Gardner – Yeah.

Chairman VanVliet – Okay any further questions?

Attorney Shimanowitz – Mr. Chairman, that's the end of our witnesses. As I said in my introduction we wanted to present the site plan to you tonight. I think we've done that. My experts have basically said that we will comply with the review letters. We do know we haven't received things on the minor subdivision. I need to renote for the subdivision and the variances that are implicated by that. So it sounds like we need a new date at least for the subdivision. I leave it in the Board's hands. I mean from the applicant's point of view, we would love for the Board if the Board is comfortable, to approve the site plan so we could move forward with our sewer applications, you know, going to get our applications endorsed to Phillipsburg and then down to DEP, but in any event, we need a new date to present the minor and the variances. I would leave that, those issues in the Board's hands.

Chairman VanVliet – I don't feel comfortable with taking a vote on anything tonight yet, but you establish a new date or when do you think you will be ready?

Engineer Sterbenz – Yeah, I think what should happen here, obviously, it's the Board's call. If you were to vote tonight you'd have a significant number of conditions. What I think would be better since we have a lot of revisions to the plans is to get those revisions done so that when

George and I issue our new review letters for the next meeting, there's virtually no comments left at that point and there would be virtually no conditions related to revising the plans and doing things of that nature in the resolution so Mr. Ford would have to have his plans revised and Mr. Larsen to a lesser extent before I would say no later than March 14th. That would give, if you prefer Mr. Wisniewski and I about nine days to get our review done and get our report out to the Board and get our report out about five days in advance under that scenario. That will give, he's only going to have 13 days because when he walks out of here, it's going to be tomorrow almost so he has 13 days to get everything organized here but and then we have, you know, a little less time to go through a review and get a report out but I think that's the better scenario here.

Chairman VanVliet – And clean up the application quite a bit.

Engineer Sterbenz – I think there is a Council Meeting a week after the March 28th Planning Board meeting on April 4th and, you know, I think the applicant can get a letter in and the Township Clerk's here listening to this right now, a letter can be provided, you know for that

Council Meeting to have that approval of the TWA concerned at that meeting and I'll be at the meeting myself. So the plans should be relatively clean at that point.

Attorney Shimanowitz – Did you say that Council Meeting was April 4th?

Engineer Sterbenz – April 4th; it's the first Wednesday.

Attorney Shimanowitz – And if we were able to submit revised plans, which is effectively two weeks, March 14th, your next Planning Board meeting is

Chairman VanVliet – The 28th

Attorney Shimanowitz – The

Engineer Sterbenz – Four weeks from tonight.

Attorney Shimanowitz – The 28th okay gotcha.

Chairman VanVliet – We'll put you on the agenda for that.

Attorney Shimanowitz – That would be great and we'll renounce for that.

Chairman VanVliet – You'll have to renounce for the subdivision.

Attorney Shimanowitz – We will do so yup. Is that acceptable my consultants, we can get the revisions in by the 14th.

Engineer Ford – Yes.

Attorney Shimanowitz – We can. We will do so; we will see you on March 28th.

Chairman VanVliet – 28th. Thank you very much.

Engineer Sterbenz – Mr. Ford, if you can hand deliver or use a delivery service to get the drawings directly to our office and to Mr. Ritter so.

Attorney Shimanowitz – Thank you very much.

Chairman VanVliet – Thank you very much. May I have the attention of the Board please? We'll make a motion to carry this forward then. Do I hear a motion?

Member Schneider – Motion.

Vice-Chairman Fischbach – Second.

Chairman VanVliet – Beth roll call vote please. Motion to carry forward to the 28th.

AYES: Members Correa, Johnson, Olschewski, Schneider, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Alternate Steinhardt.

NAYS: None

Chairman VanVliet – We'll take a five-minute break. All right we're back in session. We'll continue on with further business. First order of business is minutes November 29, 2017 revisions. We had had some discussion, some of us couldn't vote on it because we weren't members at that point, but Beth did you have the point where we refer to a hand gesture. Secretary Dilts asked for further clarification with regard to the corrections made to the minutes of November 29, 2017 by Members Johnson and Schneider. Members of the Board discussed further those corrections and a motion by the Chairman was put forth regarding the corrections and was rescinded as the members voting to make the changes affirmed the minutes would remain as corrected. Attorney Bryce stated as a general proposition minutes reflect the discussion of what occurred and what the business was before the body. It's the body that actually took that action and only the people that were present that vote on their minutes. It's their minutes or it's the boards minutes who's ever eligible to vote they get to set their minutes so they'll either approve it or they'll modify them. To the extent that there is another record out there that may have an implication on some type of other issue that record will still subsist.

Chairman VanVliet – Asked to approve the January 24, 2018 minutes. Asked if everyone received a copy and if there were any additional, corrections? Member Olschewski asked about a point he had made about Council's position to retain an exiting attorney rather than train a new one possibly representing a savings to the Township and his statement was not included in the minutes. Secretary Dilts explained she summarized and if he wanted to add that statement he was welcome to do so. Secretary Dilts reminded members of the Board that last year a discussion was held and she stated any testimony of an applicant, matters regarding the Township's master plan would be as verbatim as they could be but all other matters would be summarized.

Member Pryor – Added he had no objection to adding Peter's comments but wanted to add the following. "Member Olschewski asked if we knew anything about these attorney's. Upon questioning from Member Pryor he acknowledged he never came in to read the submissions". I would ask to add "Member Pryor added that he's known David Ruitenber, one of the partners at Murphy and McKeon for over 25 years and has a lot of respect for him" and then I have a comment I don't know how we address this maybe we just address it now that I'm here. Member Johnson suggested the Board reconsider extension to the RFP process. He indicated that his rates, Tony's rates are lower \$125 an hour, \$250 per meeting. That's not correct. Tony charged \$150.00 per hour for Township work. It was \$250.00 per month not per meeting and we got billed for anything outside of the meeting. So he said what he said but it's not correct and their argument seems to be based on the cost here. Member Johnson said he I agreed and said "I said what I said. I said what I said based on his contract that the Township had". A discussed ensued with Board members and Chairman VanVliet asked if there was any further discussion. Member Pryor stated "And \$125 it doesn't even say that in the contract. That's for work that's handled under escrow". Member Johnson said "All I had was the contract in front of me. That's all I had". Chairman VanVliet asked if there were any further corrections.

Secretary Dilts – I had a correction on Page 2 under the annual meeting calendar asked to remove the second sentence just needs to be removed that was a cut and paste error.

Chairman VanVliet entertained a motion to approve the minutes.

Member Johnson – Do we need and we might not have to, I'm not worried about it one way or the other except if we have to include that the engineer had another application or we had another proposal in. That wasn't mentioned on the minutes. Members discussed and Chairman VanVliet indicated that correction to add that there were two proposals and asked for a motion to approve the minutes.

Motion by Vice-Chairman Fischbach, seconded by Member Pryor. All in favor.
No opposed, no abstentions.

Chairman VanVliet – Okay Beth you have the Pay to Play Law.

Secretary Dilts – Let everybody know that the Pay to Play Law was enacted in 2004 and amended in 2005 and became effective in 2006. Since that time, the Township has requested RFP's under the Fair and Open Process with regard to the appointment of the professionals.

Member Pryor asked for verbatim on the following discussion.

Member Pryor – Maybe I can add to that Mr. Chairman. Obviously, there was debate over the last procurement and whether it should be extended. He pointed out that there were lots of conversations with Mr. Sposaro following procurement. Calls by Tony to Katrina, he called Beth, he called Gary, he said it might have been an oversight by his secretary. Evidently he had a conversation with Eric and Eric said he didn't have to because there was nobody else in. That

made no sense because if there was nobody else in, how does he know he was the only one. I don't know it makes no sense. He had conversation with Donna. Donna questioned you about a conversation; she said why would Mr. Sposaro tell a boldface lie. I don't know, I'm not saying anybody did, but if we go back to March 9th Chairman Johnson, at the time, I questioned the propriety of having a meeting without our attorney present while we're in the middle of litigation, he said our attorney gave his opinion that he did not need to be here for this workshop meeting. Following the meeting, I got an email from Tony and he mentioned he says "I was not at the last planning board meeting. The one I was asked not to attend," and he followed up with a statement in the minutes repeating that again. So obviously, there is a problem there. I'm not saying anybody's lying but people get into a conversation, I think sometimes they hear what they want to hear and then when that gets relayed a second time, it gets worse. So, sometimes we hear what we want to hear and sometimes, we simply don't remember. Ms. Schneider couldn't remember if she left the first meeting once or twice. Tonight she doesn't remember why she raised her hand.

Member Schneider – That's not true.

Member Pryor –So, can she really remember- what? You just said it

Member Schneider- No, I didn't. I said, I don't know, I would have to go back and look at it to see what I did four months ago.

Member Pryor – All right.

Member Schneider – Okay. Do you remember everything you said at every single meeting Joe? Probably not and the first meeting let's get that straight too. Okay.

Member Pryor- Let's get it straight – did you leave once or twice?

Member Schneider – Yeah. I, he left his iPad on the seat. He was leaving. I grabbed it and handed it to him and came back in.

Member Pryor – You were out in the hall and you were absent for testimony. He was qualifying a witness. If you were in the jury box, would you get up and chase an attorney out in the hall?

Member Schneider – Really Joe. It's an iPad that I had to give him. Okay. They left it here.

Member Pryor – He's got an audience full of people.

Member Schneider – They left it.

Member Pryor - If that's your story that, that chasing an attorney out in the hallway with an iPad is more important than listening to testimony,

Member Schneider – That's not true Joe.

Member Pryor – is that what you're saying

Member Schneider – You made it, no Joe that is not what I'm saying okay.

Member Pryor – Then what are you saying:

Member Schneider – Let's just forget it. All right. No because I'm not going to go into this with you because

Member Pyro – All right we'll all forget it and want this verbatim in the minutes.

Member Schneider – Yes, verbatim in the minutes. Let's go. Let's do it.

Member Pryor – And I invite any of you

Member Schneider – You know what Joe,

Member Pryor - I invite all of you

Member Schneider - Hold on. Question

Member Pryor - To get the tape of that meeting. To OPRA it

Member Schneider - Yes cause

Member Pryor - And watch what she did

Member Schneider - that's so important

Member Pryor - and you make your own decision

Member Schneider - It is. You already did that. You had your friends do that. But let's, let's

Member Pryor - No. I did it myself

Member Schneider – Yeah, you had your friend,

Member Pryor - And I watched it myself

Member Schneider - No you said, no if you recall you said you had a member of the public came to you because they OPRAed it.

Member Pryor - I didn't have a member, I said a member contacted me

Member Schneider - right

Member Pryor - and I did it myself

Member Schneider - No that's not what you said. But let's go okay. This was my first meeting

Member Pryor - Did you leave once or twice?

Member Schneider - No, no hold on. It was my first meeting. I had no training yet. I had no idea that by getting up and giving a man an iPad he left on the chair was cause for you to lecture me at the next meeting.

Member Pryor – Why didn't you say that at the time?

Member Schneider - I did not remember I got up two times.

Member Pryor – We had a chairman here – do you let somebody walk out of the meeting and not say anything?

Member Schneider – Whatever. Whatever Joe. Just, you know, go ahead.

Member Pryor – Okay, then whatever

Member Schneider – Go ahead. I'll make sure I do verbatim too.

Member talking over each other

Chairman VanVliet – Carlos.

Member Olschewski – Is that going to be summarized?

Member Correa – I just wanted to know if it's okay for a member and Mr. Pryor to ask that these be verbatim.

Member Pryor – Ask what?

Member Correa – To ask that these would be taken word by word or is something that has to be put to a vote.

Member Pryor – I want this discussion because it's been like the fourth

Member Correa – Cause we just said these discussions would be just summarized

Member Pryor – discussion on it.

Member Correa – And now

Member Pryor – We just had a debate, Peter wanted things added in, I want this added in.

Member Olschewski – Peter doesn't want anything

Member Schneider – We didn't ask that in

Member Olschewski – Number one I would like to get to what we're supposed to be here. Everybody's spending the time. You may have nothing better to do but why can we not go and move on and do (inaudible).

Member Pryor – Tony explained this to you in depth.

Member Olschewski – I know it's important to you but really it's only important to you.

Member Pryor – Tony explained this to you in depth. He said if you don't take verbatim minutes, there is a summary involved and a summary involves judgment and every time a summary comes up, somebody questions Beth's judgment or everybody else's judgment.

Secretary Dilts – Back in 2016, I think it was, 15 or 16 Tony

Member Pryor – I'm requesting this discussion be in there

Secretary Dilts - You remember Gary you were the Chairman of the Board and Attorney Sposaro said that the minutes should contain as much as they can because of, you know, they were easy for you to go back and recall, you know what happened.

Chairman VanVliet – There were numerous items that we had to go back to indicate what happened with who said what and especially testimony.

Secretary Dilts – Yeah it's in the minutes too.

Mayor Mengucci – Let me ask the attorney a question. Minutes? Tape? If we go to court for some reason, we have the tape. It's all there.

Attorney Murphy – Yeah, there are times when the tapes actually fail and the courts can actually rely on minutes if they're comprehensive enough

Mayor Mengucci - Okay

Attorney Bryce – And, it settle the record. So, I can understand why there would be guidance to suggest that when you have some time of application before the Board, where you are taking testimony and evidence, you would like your minutes to be as comprehensive and as accurate as possible. When it comes to other business of the Board, it makes sense to me from a qualitative perspective, if its routine business that there could be a summary of what the Board's discussion or actions was at that point in time.

Member Johnson- Mr. Chairman real quick, I have to jump in on that one because there was some false information that was told about me. Yes Joe, I did talk to Anthony, I talked to him in January and I called him up, I said, Tony you didn't submit a proposal. What's going on here? He said, I missed the deadline. That was my mistake and he said well I didn't have to submit it last year because I was the only one. I just had to submit a letter because all my rates stayed the same. I didn't actually submit a package and I said well okay, you'll, you know, is there a possibility of an extension and then I was informed that no he was informed by somebody else that an extension would not be granted. But yes, I did talk to Tony but never once did I tell him don't submit an RFP because you're going to be the only applicant. Never once did that happened.

Member Pryor – Well yeah nobody's proven that anybody else has either.

Member Johnson – I don't know how you got that information.

Member Pryor - I didn't say that.

Member Johnson - I just I thought that's what you just said

Member Pryor - No what'd I just say? I read what came from the last minutes. It was a different; he said that he didn't have to submit one.

Member Schneider – So did he submit one last year?

Secretary Dilts – You reviewed them yourself, you came into review them.

Member Pryor – That's my point. We're relying on conversations sometimes second generation conversations and they're all over the place.

Member Johnson - Right, so yes but you're right I did talk to Tony. I said yes. I flat out forgot to submit it and he told me did because last year he didn't have to submit it.

Member Pryor – And what you said about him not submitting, you said that last meeting.

Member Johnson – Yeah I did.

Member Pryor – Yeah all right and that's all I said.

Member Johnson – And he said it was his fault.

Member Pryor – That's all I said.

Member Johnson- I missed it, it's my fault.

Member Pryor – So he's got five calls after the deadline, it's almost like my granddaughter asking her mom or dad

Member Schneider – I didn't call him

Member Pryor – You know whatever.

Member Schneider – I didn't call him.

Member Pryor – making the rounds. He called you.

Member Schneider – No he didn't

Member Pryor – Is that not a conflict

Member Schneider – No he didn't.

Member Pryor – I thought you said you talked to him?

Member Schneider – No. I saw something.

Member Pryor – Where'd you get your information?

Member Schneider – Through an email. I didn't talk to him.

Member Pryor – Pardon me.

Member Schneider – So don't do that.

Member Pryor – An email with Tony?

Member Schneider – Yeah.

Member Pryor – All right. You had a communication.

Member Schneider – Well, it wasn't from me.

Member Pryor – Would it come from him?

Member Schneider – Yeah.

Member Pryor – All right. So that's. I'm okay with that. He reached out. Did he call you Eric or did you call him.

Member Johnson – Oh, I called him cause I was kind of curious why he didn't submit the

Member Pryor – All right so there's four, he called four people and he had a conversation with Eric; all after procurement was over. I mean that's a problem; what's the common denominator there?

Member Schneider – I didn't talk to him.

Member Pryor - Us? I don't think so.

Member Weeks – I think we did right. I think we stay where we're at.

Member Johnson – Yeah, but I know you, but I thought you had said. I never told him not to submit.

Member Pryor – No I didn't say that.

Member Weeks – Okay.

Chairman VanVliet – We got a he said, she said so. Moving on, we have to execute the contracts for the engineer, planner and attorney to be approved. We'll approve those. Beth do we need a motion?

Attorney Murphy – I (inaudible) you already did it by resolution.

Secretary Dilts – Yes, we did.

Chairman VanVliet – Oh okay. I've signed the resolutions Beth. Okay a few suggested Planning Board procedures. We've had some difficulties that I can observe and I had discussions with our attorney about putting together procedures to be incorporated with the ordinance that basically created the Planning Board, what we can do, what we can't do and he indicates to me that he can write up a comprehensive guide book so that we all have the same information coming up to indicate what we are allowed to do, what we shouldn't be doing, procedures to follow when we're doing other things and he indicated that he could possibly have that available by the next meeting we're having here for us to review and go over so I think that's the best way to proceed here to get things cause as you

Member Pryor thought it was a terrific idea and Attorney Murphy shall do this work under his retainer and made a motion to request our new attorney to do this, seconded by Member Olschewski.

Secretary Dilts - All in favor. Nays none.

Member Schneider asked to include something for new board members regarding the training required.

Member Correa – Asked to include the Financial Disclosure requirements.

Chairman VanVliet – Public Comment - asked John if he had anything.

John Betz – He said he had the same problem with all corporations and with all the email and many corporate agreements go through email to make agreements with you and he has had three situations with emails and corporations. It's a way of doing business.

Chairman VanVliet – Entertained a motion to adjourn. Motion by Member Schneider, seconded by Member Pryor. All in favor.

Respectfully submitted,

Margaret B. Dilts
Board Secretary