

TOWNSHP OF LOPATCONG
PLANNING BOARD MEETING

October 23, 2019

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

Prayer was offered followed by the Oath of Allegiance

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

Present: Members Clymer, Coyle, Devos, Pryor, Weeks, Vice-Chairman Fischbach, Chairman VanVliet. Also present was Attorney Bryce, Engineer Wisniewski and Planner Ritter.

Old Business:

Minutes – Approve September 25, 2019 minutes by Vice-Chairman Fischbach, seconded by Member Devos. All in favor; no opposed, no abstentions.

Samson Enterprises, LLC – Block 95, Lot 11.03. – Preliminary and Final Site Plan.

Chairman VanVliet – We’ll move on to Old Business. The first applicant tonight is Samson Enterprises, LLC – Block 95, Lot 11.03 for preliminary and final site plan approval. Is the applicant here?

Attorney Mandry – Yes, we are Mr. VanVliet.

Chairman VanVliet – Please approach the podium.

Attorney Mandry – Yes, thank you very much Mr. Chairman. I’m Bill Mandry and I represent Mr. Samson in connection with this application. We’ve been through the details of this before; it is a 7200 square foot Morton Building. We were before the Zoning Board two weeks ago and they made a determination that the use is primary as an office so they returned jurisdiction back to this Board for us to precede on the issue of the site plan application. I am sure that all of you folks have the application; all of the relative studies that we did and I suggest to you that everything is in compliance. We are seeking a parking variance which I suggest is a C-2 variance. We have in connection with that issue, you’ll hear from our planner, but we’ve

suggested that there be a more esthetic approach for the southern parking spaces from 10 to 7 which the ordinance requires so and also, it's a practical part of the application. It's compliance really, substantially with your ordinance which is what we really want to do. Compliance with the ordinance is what we need to do on an application such as this and Mr. Gloede our planner, our engineer, will explain everything to you and just for the record, I'm sure you know that 40:55D-46.1 is the starting point for everything and if we satisfy all the requirements of the ordinance, then, you know, the site plan must be approved if it is in accordance so, that's in your discretion, your sound discretion. We thank you for your time and with that, I'll let Mr. Gloede make that presentation.

Member Pryor – Can I ask a question Mr. Mandry before you start and Mr. Bryce if you could explain this to me? Just for my own information, the Board of Adjustments ruling, did they rule that the office was primary or did they simply rule that the whole thing did not need a use variance?

Attorney Bryce – They ruled that the use as proposed is a conforming use within the ROM Zone District.

Member Pryor – Period, yeah, okay.

Attorney Bryce – The letter, I think that came from the Chairman said specifically that the Zoning Board of Adjustment interpreted Section 243-75A:4 and determined that the proposed excavation and septic business use with office is a prime (inaudible) bulk storage is a permitted use within the ROM Zone.

Member Pryor – Okay, thank you.

Attorney Mandry – Does that answer your question? All right, so

Member Pryor – Yeah, it does.

Attorney Mandry – we're here, we're here on a planning issue for a site plan is what it boils down to ladies and gentlemen. So that, Mr. Chairman shall we have him qualified as an expert or

Chairman VanVliet –Please, swear him in.

Attorney Bryce – Do you swear and affirm that the testimony you are about to give this Board is the truth, the whole truth and nothing but the truth?

Engineer Gloede – I do.

Attorney Bryce- Okay, please states your full name for the record.

Engineer Gloede – The name is George Gloede – G-l-o-e-d-e.

Attorney Bryce – Thank you.

Attorney Mandry – Mr. Gloede could you just give the Board a brief summary of your educational background please?

Engineer Gloede – I’m graduated from New Jersey Institute of Technology. I’ve been in my own practice for 23 years. Prior to that, I was with a firm called the Chester Partnership’s. I started with them in 85 and I have testified before this Board before; actually, for, quite a while ago for the Stryker Golf Course when that was first brought to the Board.

Attorney Mandry – And, in your opinion, you were accepted as an expert at that time?

Engineer Gloede – Yes, I was.

Attorney Mandry – And, have you appeared before the boards before the Boards in the State of New Jersey?

Engineer Gloede - Yes, I have pretty much all over the State of New Jersey.

Attorney Mandry – And, um, in terms of your expertise, could you just elaborate on what your expertise is please, in which you render opinions?

Engineer Gloede - I am a licensed professional engineer and also a license professional planner in the State of New Jersey. I am also a licensed professional engineer in the State of New York and my expertise is in civil engineering, site design and storm water management and

Attorney Mandry – And, you currently hold a New Jersey license as a professional engineer, correct?

Engineer Gloede – Yes, I do.

Attorney Mandry – All right. (Inaudible).

Chairman VanVliet – I think he is eminently qualified.

Engineer Gloede - Is that okay in that location or should I bring it a little closer?

Member Pryor - Can you bring that a little closer, if you don't mind?

Engineer Gloede – Sure, let me know when.

Member Pryor – Yeah, both, can you see it Jeff? How about some place in the center?

Engineer Gloede - In the center – podium

Attorney Mandry – Should we move the podium?

Member Pryor - Yeah, just a little bit.

Attorney Mandry - We're multi-tasking. My partner here is wounded (inaudible)

Engineer Gloede - Carpel tunnel; too much work. Okay, as we,

Attorney Mandry - Maybe up here George, even better, then you folks can see

Chairman VanVliet – I'd like the audience to see where you're pointing at also; they can't see a thing from here. How about by the door, you know, I'm just concerned that we're going to be talking about things that you cannot see. Do the two members here want to move in?

Member Pryor – And, we invite anybody who wants to see it, to move up; there's plenty of seats up front.

Engineer Gloede – All right then I'm going to move over here cause – is there a microphone here

Chairman VanVliet – You have a mic right there up above on the ceiling.

Engineer Gloede – Okay, I'm sure I'll be loud; I've told so I shouldn't have any problems with that. First thing I'd like to do is just go right to the Existing Conditions Plan and by the way, these plans you have in front of you there are no new plans here other than what has been submitted.

Attorney Mandry – And, just for the record Counsel could we have a motion to accept Mr. Gloede as an expert witness?

Chairman VanVliet – We acknowledged it already.

Attorney Mandry - My apologies.

Engineer Gloede – Okay, what I am referring to is under 2 of 11; it's called the Existing Conditions Plan and what this shows is the existing conditions of the property. It contains five points, almost 5.7 acres of property. It's located in the Research, Office and Manufacturing District; the ROM. It has 300 feet of frontage on Belview Road. The site is mostly wooded and there's an existing structure that's in the back to be removed if the project gets approved. The site slopes from south to north basically all down towards Belview Road. Again, the site is wooded. The surrounding properties to the west of the site is residential properties as well as to the south. To the west side is commercial property and to the north across from Belview is pretty much an open field but all in the same district as this property.

Member Pryor – It's zoned commercial; the undeveloped area?

Engineer Gloede - I believe it is, yes. I could check that on the plans. Yes, yes, it's in the same zone as we are; the ROM. With that I'd like to just go right to the proposed plan. After that, I would like to bring you the Utility Plan which is Sheet 4 of 11 and what this plan shows is the front portion of the property because the remainder of the property to the south of the developed area is to be left in its wooded condition. What this shows is the proposed building which is a 7200 square foot building; of that 4800 square feet of it is garage and 2400 feet is to be the office area. We have a driveway coming in off of Belview. We're also required to put curbing and widening of the road. Driveway comes in for approximately 200 feet where it is a paved driveway and the remainder of the area around the building is to be left as gravel except for the area where the seven parking places will be in front of the building. The site will also have a 30 X 80 covered; open air which means is open on the sides. It will be a proposed future building in the back-property area and that's in this back here location. It will also have the gravel base such as the area around the building as well. The building will be serviced by an on-site well and septic system. The septic system is shown in this location over here and for storm water management on the property; the storm water will be conveyed through a series of pipes along the side of the building here so there'll be swales as well as the detention basin designed as a bio-detention basin which means that it will be planted to absorb, filter out any materials. It will have a sand filter underneath this which will have perforated pipes and will also be accepting water. This particular detention basin will also have a liner in it and the reason there's a liner in it is because this area is located in the karst topography which means there's limestone issues so we're really are trying to prevent actually recharging into the ground to create any kind of opening, so, therefore, the detention basin instead of being a recharge basin is a detention which will allow everything to flow out and not go into the ground. Again, the detention basin is designed to handle the storms for the two, ten- and hundred-year storm. We've reduced it to

predevelopment conditions. There is some areas that will have direct flow off the site that's not contained in the detention basin but that all gets kind of added in and worked out so and that's pretty much it. Of course, there will also be lighting, landscaping on the property; quite extensive landscaping and this what I have now is Sheet 5 of 11 and this is the Lighting and Landscaping Plan and this plan shows an extensive buffer along the west side of the property. It's all new plantings. There's also plantings along the east side as well as in front of the detention basin around the (inaudible) around the driveway. Again, as I said before, the detention basin will also be planted with bio-type materials that will absorb the water. There will also be lighting and the lighting will be on timers; the majority of the lights except for; there'll be some security lights that will remain on through the night. That's all I have.

Member Pryor – Did you go through the engineer's letter? I mean you don't have to (inaudible) but you've read it and you agree with it?

Engineer Gloede – We received, well we went through first letter, we received the second letter. There were a couple of minor, technical issues that we agreed to take care of.

Member Pryor - There was an issue about the grading in the back and that's going to be taken care of?

Engineer Gloede – That will be taken care of and exactly what the letter had stated.

Engineer Wisniewski - Yeah, we had discussed that previously just reviewing the final remaining comments addressing some of the storm water design and detailing really just so it all gets built correctly and yes, you know, it's all memorialized on the plans what's being proposed.

Engineer Gloede - There was another issue with the overflow but the overflow of the detention basin

Engineer Wisniewski – the structure. Yeah, we want to make sure that you know, there's no issues with erosion; sure so just address that, the potential for that and with that there were a few, just related to the site layout specifically, there were a few waivers that you were seeking design waivers; one was the providing of paving and curbing throughout the entire site, typical of commercial uses or curbed and paved, required to be curbed and paved per the ordinance, so, you know, the intention, the proposal of the applicant was to be a very low volume traffic study and the first 200 feet of the driveway would be paved cause there'd be, you know, less concern about gravel being carried out into the roadway so, you know, generally, we were supportive of that waiver and let me know if I'm speaking out of school or you had some other comment to make on that.

Engineer Gloede – Yeah, we agree with that. I think we talked about the fact that the type of business that it is, the gravel will, actually, work better for the type of business with the construction equipment

Engineer Wisniewski – Without damaging the pavement

Engineer Gloede – Right.

Engineer Wisniewski – but on the other end, there was waiver request having following our discussions was the grading of the driveway in that it exceeds the four percent maximum grade permitted within the first 100 feet

Engineer Gloede – Right.

Engineer Wisniewski – and my point of just bringing that up understanding it's a low-volume driveway is that there are going to be any low trailers that will impede Mr. Samson's entering and exiting the site and you know, cause him problems over time so, as long as you've looked at that and reviewed that and he understands that, the driveway will be a little steeper coming in, not that it won't be excessively steep, but

Engineer Gloede – Right, it's just in the one area actually where it gets a little steeper and then starts to flatten over time so yeah.

Engineer Wisniewski – It flattens out right, so, it's just a design thing that we kind of flagged, so, those were kind of the only things design wise

Engineer Gloede – And, I think the other one was with the whole thing with the parking; 10 spaces are required

Engineer Wisniewski – Right, well that was a variance

Member Pryor - What about the waiver about the landscape architect?

Planner Ritter – Well, if you're getting to my letter, I have a series of questions. As far as the landscaping goes, the real question is, does the applicant agree to the questions I raised regarding landscaping increasing the size of the plants so that they're more substantial when they go in and if he has no problem with that and my recommendation to eliminate some of the plants that are considered invasive species, and replace these

Member Pryor – I don't mean to interrupt but maybe I feel more intense about that the screening here is very important and I'm a little reluctant to waive that

Planner Ritter – Well, I'm not asking him to waive the screening; I'm telling him to make them bigger.

Member Pryor – No, I'm saying the landscape architect.

Planner Ritter – Well, no, I'm saying I

Member Pryor – I want to see the best screening job here.

Planner Ritter – Yeah, well I reviewed it, if he is comfortable with those recommendations, I'm comfortable with waiving it. I have to

Attorney Mandry – We're fine with whatever recommendations the Planner wants to make.

Member Pryor – I don't know, you know, maybe it could be better I don't know. I've seen some great work from landscape architects.

Planner Ritter – Well, it's up to you, I, I

Member Pryor – Well, that's my opinion. Personally, I'd rather not waive that one.

Chairman VanVliet – George, you had a comment on one of your earlier reviews about a conservation easement.

Planner Ritter – Yes, well there's several issues I think that has to be described. One of these is a conservation easement. The rear, I don't know I'm going to eyeball it, the back half of the property is supposed to be left in its natural state. That was one of the conditions I think the Highlands had

Engineer Gloede – Correct, yes.

Planner Ritter - and I would think that it would be appropriate since they see that as an area to be protected and, quite frankly, there is no development being proposed in that area that an actual conservation easement be placed on that.

Engineer Gloede – It was actually their recommendation.

Planner Ritter – Well, I understand that, but I do think it makes a lot of sense to actually strike a conservation easement line across the property and properly deed restrict the back portion of the property against further development on that. The other aspect of this that we need further discussion on is the applicant is proposing outdoor storage which is permitted in the district but how it's defined on the plan I think is a little unclear. Our ordinance provides that you can't have outdoor storage above a certain height and if it goes above that, then the setbacks have to be increased, so, I think it's important that the applicant describe what type of outdoor storage he intends to have there, how high he thinks it's going to be, and then also to define where it's going to be on the plan; an actual defined area and also, we require that that area be protected in a sense that it's in curbing that doesn't allow it to be expanded beyond the area that he's indicated and I think we need some more discussion on that of where it is going to be and how it is going to be done. There's also another issue, the applicant is proposing a future site for a building or structure; I'm not sure what it is. There's been no detail provided on that. They've graded a space for it, but there's been no detail to show what's really involved in that and if the Board, well first of all, I think that in order for the Board to consider that, you should know what it is, so, lacking any detail on what that future structure is going to be, I'm going to recommend at this time, that any reference to another building or another type of structure be removed from the approval. If he wants to do it later, he can come back and ask the Board and bring it in and everybody can look at it but I am a little uncomfortable that a future building is going to sit in a certain spot and you have no details of it at this time, so, I would say that it's all right that he graded the pad site for it; it's part of the review, but I do think that any reference to the building should be removed from the drawings at this time and like I say, I think we need further discussion of the storage area to make sure we all understand what the intent of that is. I will also bring up in terms of how the business is going to be conducted at the hearing before the Board of Adjustment, there was a general discussion of business, types of practice that would go on there and I just want to be clear in our minds what exactly is going to be done because at that meeting it was pointed out that in addition to the septic installation business, the trucks, the types of stuff that's involved in that he also provides that service to the State in the winter for salting of roads and I think I heard that he also provides that service to other private like shopping centers or other places. We ought to understand what the business is that's going in there to make sure we have a sense of what's going to be conducted on the site. Clearly, we all understand it, he runs his septic business out of there, he has equipment, but just if there is other activities that he intends to do, that ought to be considered tonight as part of the application. As it stands, I have that the plan currently needs three variances and several design waivers and two of the three variances which were not mentioned, deals with the outdoor storage area that, essentially, because they haven't defined it on the plan, it triggers the need for variances in terms of enclosing it and also in terms of setback, because on the drawings, he sort of has a note on there that says that the whole back of the building is outdoor storage and it just happens that the one side of the area is too close to the property line so if the storage area fills that whole back area, he would need a variance. So, he has to define where that's going to be out back.

Engineer Gloede – So, you want to see the limits of the outdoor storage area for instance, you know

Attorney Mandry – Were 32 feet on that, versus 40.

Planner Ritter – Well, that's the question though, are you going to really store things or the driveway comes around the corner of the building. That's why I'm asking whether you're going to define the outdoor storage area.

Engineer Gloede – We wouldn't store anything in here because we wouldn't be able to get access to the back, so

Planner Ritter – I don't disagree with you

Engineer Gloede - that's our access point to the back of the building.

Planner Ritter – All I'm saying is, is that let's say from where, if I remember the architecture right, there's some roll up doors on the back of the building. To the right of the roll up doors, you're going to do storage; to the left you aren't. That's all I'm saying is that you define the area

Engineer Gloede – You just want an area shown on the plan that is to be designated as outdoor storage.

Planner Ritter – Right.

Engineer Gloede – We agree to do that.

Planner Ritter – And, then also that it be properly defined as per ordinance either by curbing or by some type of guard rail or something that keeps it from expanding beyond the areas that are shown.

Engineer Gloede – If I could address that just that for just one second. There's really no place for it really to go, this back slope is fairly steep coming down to the back of our property, so, he's not going to be able to push this thing up the hill to store more materials so it is going to be limited to here. Now, if you want, we could put a posted rail fence at the bottom of the slope or something in there but, you know,

Planner Ritter – Well, I think something should be defined because, and I'm not saying this gentleman's business practices, but I've seen outdoor storage crawl up on banks. I mean just by

piling stuff up, so, I'm just saying that our code requires that area to be defined by a fence or something. I agree that it's below grade; it's cut in, but something to keep it on the surface that you say it is going to be. That's all I'm looking for; to define that area and I think there's no curbing back there so something low across there, something that says you don't go beyond that point is there, I think useful.

Member Pryor – George, I think those are all good recommendations and how do we incorporate that into the record here? I mean, I know you said it, but the idea came up about a decorative fence or something. I'd rather see that then, you know, curbing or

Planner Ritter – Yeah, well that's fine.

Member Pryor – Things like that, I don't know if he could agree in general and clean it up for the engineer.

Planner Ritter – Well, I think it could become a condition of approval if the Board so agrees and does the applicant agrees to put a conservation easement on the back? I think that's one of the big concerns.

Mr. Samson – Yeah, I wouldn't necessarily say that I would agree with that, you know, if I'm going to be paying taxes on that whole property there, you know,

Planner Ritter – Well, understand the condition of the Highlands is that back area not be disturbed or developed, so, I

Mr. Samson - I believe that was a recommendation, not a condition.

Engineer Wisniewski – Just to clarify or add to this discussion, the Highlands conditions as part of the Township's implementation of the Highlands and the approved position the Township has, we're required to enforce all these conditions that the Highlands has outlined for the site. So, the way that the conditions is written, just to clarify, is that a conservation easement shall be drafted to provide protection for the portions of the property proposed to remain undeveloped. A copy shall be provided to the Highlands Council. So, shall is a positive, so it is not a suggestion, just to clarify that. They also have some other conditions regarding landscaping, geotechnical report which has been satisfied and then, you know, low impact green infrastructure strategy. So, with this the bio-retention basin and swales and other features that are being added to the site, vegetation, you are addressing those conditions as well. So, that's the one condition that they did; it is not a recommendation, they are requiring it.

Engineer Gloede - Probably we could put maybe come in 100 feet and strike a line across the back of the property that would be, you know, a conservation easement.

Engineer Wisniewski - I mean that would be subject to the Highlands approval as well. I mean they are strictly stating the area proposed to remain undeveloped. So, that would be up to the slope area and next to the future storage area. So, whatever they saw when they issued this approval, that's what they are going to expect to see conserved on the site.

Member Pryor – I guess the difference, I mean, do you want it recorded in the deed or are you content on letting it just be part of the approval, site plan approval?

Attorney Bryce – Well, usually if it is on a plan, that plan is enforceable once it's approved, however, conservation easements are better when they're in a recorded form

Talking over each other.

Engineer Wisniewski – to be filed which would require a metes and bounds description and legal description to be filed at the county, so

Vice-Chairman Fischbach – And, they're not stating where that easement needs to be

Engineer Wisniewski – They're stating the areas proposed not to be developed is part of the plan they saw, so anything that's not going to be touched as part of this development, they want conserved.

Vice-Chairman Fischbach – So, I would say as close to that, I would say as close to that

Engineer Wisniewski – Wherever their limit of disturbance, anything past that

Vice-Chairman Fischbach – Right, so, that's what you got to go by, you got to go by whatever they stated as their line that has to

Engineer Wisniewski – So, it can't just be like the back 5 feet

Vice-Chairman Fischbach – Right

Engineer Wisniewski – the back 100 feet.

Engineer Gloede – Then my suggestion would be if we cut it in maybe to where we show the clearing limits of

Engineer Wisniewski – Sure, yeah, the limits of disturbance currently shown on the plan.

Engineer Gloede – Draw something straight across the property; descriptions too, a straight line.

Engineer Wisniewski - I would agree.

Attorney Bryce - I don't disagree.

Member Weeks – If you're not disrupting anything past that line and it's been there for how many years, why are we putting in a 25-foot buffer, why are we putting bushes back in there? If it's not supposed to be touched, it's a Highlands; it's supposed to stay as is.

Engineer Wisniewski - But the bushes are a screening feature for the adjacent properties. I mean it is part of our ordinance that

Member Weeks – But you didn't have them on the end one.

Planner Ritter – Well, basically the tree, if I remember right, the trees actually are depicted as coming out and that back piece

Member Weeks – Right

Planner Ritter – The old barn is in there, so, I asked them to extend the buffer up along the backs of the residential properties up to where the old barn is supposed to be removed.

Member Weeks – Okay.

Planner Ritter – and thicken, just thicken the edge.

Member Weeks – Thicken it up,

Planner Ritter – That's all I was trying to do.

Engineer Gloede – It's up the Board's

Engineer Wisniewski – Right, because whenever you have these wood stands, they're pretty thin, you can see through them. They're not full trees

Member Weeks – If you look at 1, 2, 3, 4, the fourth one, three quarters of the way over, the 5th one, all right, stop right there go up to where the shed is, all right, there's an opening right there. Are you telling me that that is thick enough for right now and that's going to stay thick enough for the future?

Planner Ritter – Well, my, I picked the end of where the barn was as roughly where they should need to stop assuming that they were putting a conservation easement on the back roughly, the back half of the property

Member Weeks – Well, that's what I was trying to get

Planner Ritter – They will look into woods, yes, they'll be looking into essentially what's there today. That's what they're going to see.

Engineer Gloede - We're trying to make it look somewhat natural too without have showing, you know, a line of trees that look like a bunch of

Talking over each other.

Engineer Gloede – In this area totally agree, the buffer is (inaudible) block this but in this area, here happen to block the trees.

Member Weeks – Okay, right, that was what I was trying to say. Now my, the other question was, in the beginning here, you talked about storm water collection and into the basin all right, the detention basin and then you said there's going to be some runoff. Where's that runoff and where does that runoff plan on going and how much runoff is there?

Engineer Gloede – Well, there's a couple of areas that don't get included into the detention basin. I mean, if you look at this area back in here, the grading kind of goes in this direction so I mean anything that's say from this point here going back this way, all of this is going to get caught in here and go into the detention system. This will remain in its natural condition and will just continue flowing where it does not.

Member Weeks – So, the front doesn't affect the back at all?

Engineer Gloede – No.

Member Weeks – The flow didn't come through

Engineer Gloede – Right, this it just goes just the way it's been going for ever and ever. Yeah, I think there's just a little, just a little piece right up in the front here that kind of drains out onto the road, but other than that, we've got pretty much everything included in.

Member Weeks – Okay.

Member Coyle - You said that the basin was designed not to go into the ground but to flow out.

Engineer Gloede – Yes.

Member Coyle - Where exactly is it going to flow out and how is it going to flow out?

Engineer Gloede – Well, there's an outlet structure that's located as part of the berm here. That outlet structure has a number of different orifices. The orifices at the surface area are used to control the amount of water flowing out. There is a smaller one in the bottom to allow it to go out slowly and then there's one a little bit higher, so, if the water does get too high, it can go through there and there's also an emergency spillway, but also underneath the ground, underneath the detention basin, is a perforated pipe in a sand filter, so, what happens is, anything water can seep down through the sand, get absorbed by the plants that are in there, go into the perforated pipe and will also go out into that outlet structure and what we've provided at the end of this outlet structure, is a head wall which will allow the water to sheet flow again, the way it's always gone before but at a much slower rate.

Member Weeks - If the driveway comes up on a hill, have you put any storm drains; a catch, there's two of them there?

Engineer Gloede – Right, it comes down here, catches it in, puts it into the detention basin. We're trying to control it as much as possible.

Member Weeks – Yes (inaudible).

Member Pryor - Mr. Mandry

Planner Ritter – Well, I guess there was one other question that goes with the drainage, and this goes back to my question of how the garage space is going to be used. There is no plans for any drains or floor drains in the garage itself; it's going to be a solid floor, so that if there's any spills or anything like that, they don't end up draining out

Engineer Gloede – Right, there's no floor drains

Planner Ritter – So, there's no intention that any drains in the building itself?

Engineer Gloede – No, because we really don't want to have any kind of oils or anything mixing in with the storm water and getting into the detention basin because that'll mess things up.

Planner Ritter – Okay.

Member Coyle - Where is the well?

Engineer Gloede - The well will probably be somewhere over in this area here in the back because you want to be at least 100 feet away from the septic system, so it probably somewhere; we haven't actually spotted it yet. We haven't done the septic design yet for the property either.

Planner Ritter – That brings up one question in my letter. This deals with your septic field, it's located about 50 feet on the property line. Have you checked and I'm just asking, cause I don't know the answer to this? Are you sure that there's no abutting homes that have wells within 100 feet of your septic field?

Engineer Gloede - As part of the requirements of the County Health Department we have to do that, we have to show all wells and septic systems within 150 feet of our proposed septic field.

Planner Ritter – I'm just asking. Are there any there? Because I asked if there was a note on the drawing; there isn't.

Engineer Gloede - Not that we're aware of.

Member Coyle - Do you know where the closest well is to that septic system in the neighborhood?

Engineer Gloede – I do not. I am assuming it would be probably on one of these residential properties again, I don't know exactly.

Member Pryor – Do we know if they are on water or are, they on wells? Those residential properties.

Engineer Gloede – I don't know that.

Resident Kathy Decker - All wells are in the back.

Engineer Gloede – Wells are all in the back yards?

Resident Kathy Decker – Yes.

Engineer Gloede – Okay, then we know they're all in the back, so, one of the criteria's if we have to relocate this septic system so that it's further away to meet the requirements of 150 feet from a well, then that's what we do, but that's why we haven't gone to that point yet.

Planner Ritter – Okay.

Attorney Mandry – But at the end of the day, you have to comply with the County's requirements.

Chairman VanVliet - I was going to say that comes up with the County Health Department

Engineer Gloede – We do plenty of septic system designs in the County and elsewhere, so, we know exactly what they require.

Attorney Mandry – The biggest problem is trying to find somebody to put the septic system in, oh.

Member Pryor – Hard to get good help these days.

Member Weeks - We've talked about this side of the property and the other side, tell me a little bit of what the other side has going on, in that side.

Engineer Gloede – Over here? It is a commercial; from what I understand it's not very well maintained. Other than that, I can't tell you too much about what they have in terms of septic's and wells but, you know, we have to be concerned about what they're doing over there, where our well is

Mr. Samson – He might contaminate my well.

Member Pryor – Well, that's what I was trying to get at. I wanted to make sure you were telling me you might put a well over there (inaudible) address the public in that perspective.

Engineer Gloede – And again, we'll find out where everything is too. Again, we have to do it for properties within 150 feet, so, that is a requirement.

Member Pryor - I did have a question on the variances. Is anybody going to go through the proofs for the variances or?

Attorney Mandry – Oh, the C-2's

Engineer Wisniewski – Mr. Pryor, before we do that, just for the record, I don't know that, this is now the formal hearing presentation, I think it would be helpful if Mr. Samson also gave an overview of his operation before, you know.

Attorney Mandry – Want to have him sworn in or he has been sworn.

Chairman VanVliet - Before we get to that point, the engineer, have you finished your testimony?

Engineer Gloede – Yes, sir.

Chairman VanVliet – Okay, at this point, I'll open up to the public if they'd like to ask the engineer any questions, please rise, come to the podium, state your name, address and ask your questions.

Jeff Decker - Will we have a chance to give statements or residential impact statements or concerns outside of questions for the engineer?

Chairman VanVliet - At the end of the presentations. We can't right now. I'm just asking if you have any questions of the engineer.

John Betz – Gary, does this have to do with the engineer where questions about taxes on that Highlands controlled property?

Chairman VanVliet – No, it wouldn't be the engineers. Please stand.

Bill Kowalchuk - Want me to come up?

Chairman VanVliet – Yes, please state your name and your address.

Bill Kowalchuk – Bill Kowalchuk 1286 Strykers Road. You need the block and lot too?

Chairman VanVliet – No.

Bill Kowalchuk – Okay. Building heights; what are the building heights?

Engineer Gloede – The requirements are 45 feet or three stories and our proposed building is 40 feet. So, we're under the requirement.

Bill Kowalchuk – So that's the office and the

Engineer Gloede – Yes, that's the full building.

Engineer Wisniewski – Just to qualify Mr. Kowalchuk's question, I have the, these were part of the submittal to the Board. So, the Board should also have these exhibits. The elevations of the building. It shows the office portion of the building at 26'8 inches and the garage portion of the building at 40 feet. So, that is the most recent made to the Board and in the file, so, the portion to the west will be a shorter portion for the first 40 feet and then it will step up to a full 40' height at that dividing line which where the office splits.

Engineer Gloede – This area here, sir. This is the office area

Bill Kowalchuk – Well, that will be 25 and whatever

Engineer Wisniewski – 26 and change.

Engineer Gloede - And this is also cut down from the property in this area here sir, you're really, what minimal visual

Bill Kowalchuk- Okay, can I ask another question.

Chairman VanVliet – Certainly, sure.

Bill Kowalchuk – Okay, first of all, I am confused about the primary use. I know that Mr. Mandry introduced himself and he said about the Zoning Board approved the primary use as a build which I was under the assumption that's what it was and then Mr. Bryce brought up that the Zoning Board it was like a just carte blanche approval. I don't know how to state that because if you don't have a primary use how can you go by your codes that you set up. The primary use is the office correct?

Attorney Bryce - What the Zoning Board determined is that the use, that's proposed, which is this business use that has the office and the business and the associated garage and outdoor storage is permitted in the ROM Zone District.

Bill Kowalchuk – Okay, so, how do you determine what is accessory then?

Attorney Bryce – Well, it's the business and the office is primary. That's the

Bill Kowalchuk – It's not the garage then accessory?

Attorney Bryce – The garage is accessory use, theoretically, under our zoning

Bill Kowalchuk – All right. Then Zoning Ordinance 243-64A – Height of Accessory Buildings and Structures – no accessory building or structure shall exceed a height of 20 feet except as follows. And, it's a farm structure, silos can go up to 85 feet, and property south of the railroad tracks down on the, I guess industrial part of the ROM is 40, 45 foot or whatever, but your code 243-64 - I don't know if you have the code book with you, it says accessory buildings shall not exceed 20 feet.

Engineer Wisniewski - Just as further clarification, I guess the question comes to accessory use or accessory structure. So, it's a principle structure which houses a principle use and an accessory use, so, that's something that is defined in it as well. So, it's a principle structure so the accessory structure is the outdoor covered building whatever is being proposed as the other building that would be the accessory structure. The principle structure is the main building.

Bill Kowalchuk – The main building, the permitted use is the business, is 26 foot and change

Engineer Kwasniewski – That's one building.

Bill Kowalchuk - The auxiliary part of this is the garage. I said auxiliary, I'm sorry; I should have said accessory should be 20 feet per the codes. I don't know if I'm right, I just try to decipher them. Permitted accessory uses, this is 243-74B:1 – Private garage space for storage of business vehicles used in conjunction with a permitted business use.

Planner Ritter - This isn't an accessory building.

Bill Kowalchuk - Accessory building or structure

Engineer Wisniewski - So just to read the definition from the ordinance. Accessory building or structure is a subordinate building or structure, the use of which is customarily incidental to that of the main building which is located in the same lot as occupied by the main building and the main building is

Bill Kowalchuk - Business use. Is the business.

Engineer Wisniewski – Yeah, I’m just reading the definitions. Principle building, main building within which is conducted the main or principle use of the lot on which said building is situated, so

Planner Ritter – So, there is also a section in the code that says that anything that’s attached to the principle structure is part of the principle structure. So, if you attach your garage to the house in a residential case, the garage is not the accessory structure. The principle structure is your house and the garage because they are attached. If you separated your garage off, we would then call it an accessory structure and then the different heights would apply. So, you may have 35 feet on your house including the garage, if you separated it off, you could only be 20-foot-high for the garage. So, that’s what’s going on here. The office and the garage are considered the principle structure on the lot. The garage is an accessory use to the office interior to the building.

Bill Kowalchuk – Right, but Mr. Ritter, it is an accessory, it’s an accessory structure or building. The code says 20 feet, all right, you know, you determined it one way, interpret one way, I interpret it another.

Engineer Wisniewski – Well, here’s another definition for structure and use. That’s all trying to clarify, that’s all.

Planner Ritter – That’s all.

Engineer Wisniewski – So, like we wouldn’t call it a resident, like Mr. Ritter said, a residential garage attached to your house, we wouldn’t limit the height of your house because that is where you’re storing your cars. You can build an addition over your garage in your house and that could be up to 35 feet. But you wouldn’t, you know, just because your garage is attached, you wouldn’t be forced to lower the height.

Bill Kowalchuk – All right, thank you.

Chairman VanVliet - Would you state your name, sir?

Fred France – Fred France 1280 Strykers Road, one of the properties right to the west of what’s being proposed here. So, a few things I’d like to kind of talk about. I know there was some discussion about having it curbed and the paved area, you know, as the driveway comes up around the building and you’re looking at putting gravel in. So, I guess a couple of concerns like with all the vehicles I mean accidents happen, oil can be leaking. If it’s on a paved area which is, you know, basically impervious surface, if oil leaks if there is anything like, that would stop it from going into the ground and can be cleaned up; that’s one advantage. Advantage of a paved area is easy for snow removal and things like that. In the case here, typically the ROM, any of

the stuff that has been approved in the town has been curbed and paved. I don't think it's worth trying to set a precedence for one applicant who have a gravel area and not curbed and paved per the ordinance. I think it's something that should be followed. The ordinance is there for a reason and once you set a precedence for one specific application, than other applicants can come in and say hey you didn't make me, this applicant do the curb and paving's, so, just food for thought, you know, for that part of, it I think that is something to be considered, you know, for the Board. Then there was some discussion of what's stored and there was some questions that were asked as what's is being stored in the equipment storage yard and how high

Chairman VanVliet - I hate to interrupt you but it's more like you're directing the questions to us. At this portion, please direct your questions to the engineer?

Fred France – Okay, so, what is being stored in the equipment, storage yard? This was questioned before and they were never answered, and what the height is.

Attorney Mandry - Mr. Chairman I would be glad to have the witness sworn and ask those questions when I do my questioning.

Attorney Bryce - These are questions really directed at the engineer's testimony. What this, you are going to have a chance just so you know, at the end, to give your opinion, your thoughts, your testimony. Right now, as witnesses come up, in order so the transcript stays clear, the engineer for example gave his testimony, we get to question it and now you guys get to question, the public gets to question that engineer. So, right now, as witnesses come up, you get a chance to question them. Once that witness is done, the next one comes up, we have our dialog, people get to question that witness. At the end, when they are done with all of their witnesses, you have every right and ability to come up and tell us whatever you like and I'll swear you and get all of those points across to the Board.

Fred France – Okay that's fine. So, a couple of questions, if I have to come back later, I'll come back later. So, you talked about the slopes and the grades and being in excess of, you know, with that. Have you gone to the Fire Department to get their input on this application with the grades and all coming into the building?

Engineer Gloede - It's been submitted.

Fred France – So, have you received their comments back?

Engineer Gloede – No, not yet. It is not an excessive grade as far as the driveway goes, I think that's what you are referring to.

Fred France – Yes.

Engineer Gloede – It's not excessive. It's a lot less than some of the residential properties for instance and it's plenty wide and paved that the fire truck could get into this property without any problem what-so-ever.

Fred France – But they haven't submitted their opinion on the entire

Engineer Gloede – We have not received anything yet.

Fred France – Okay, so, you have to wait for that to get those results. So, you mentioned about the exterior lights, what time are they going to be on?

Engineer Gloede – I think that you can, that will also be addressed by the owner.

Fred France – Okay.

Attorney Mandry - You could explain; have we selected the type of lights that we're using yet George? They're going to be

Engineer Gloede – Yeah, they're the shoe box type light but they're going to be the LED's. They won't, you know, light the driveway and so on; they'll be on a limited time. There will be some lighting around the building that will be for security purposes which will stay on. So, again, the hours could be

Fred France – Okay, so, then I'll wait for some of the other discussions then.

Chairman VanVliet – Okay. Is there anyone else that has a question for the engineer? Yes sir, please come forward.

Steve Gandell – I live at 251 Belview Road. You, I have a couple of questions as part of runoff, storage of equipment and storage of salt. All in relation to the gravel. The, a, the winter time operations as so been stated, the equipment is going to be there.

Chairman VanVliet - Again, that's going to be a question that

Steve Gandell – Okay, the question is, in the winter time snow, rain, sleet washes everything off the trucks; salt, grease

Chairman VanVliet - This is not testimony that was gone into by the engineer. If you have any specific questions on what he testified on.

Steve Gandell - I thought this was specific. My concern is that the trout stream that is lower than his property is going to receive that runoff. Are you going to mitigate that, in any way?

Engineer Gloede – Yes, that’s again, what we were talking about with the bio-retention basin.

Steve Gandell – Okay, what if that overflow’s; what happens?

Engineer Gloede - Well, it shouldn’t overflow unless we have an extreme storm.

Steve Gandell - We had them.

Engineer Gloede – Well, I’m talking Sandy issues. I mean,

Steve Gandell – We’ve had them.

Engineer Gloede – Yeah, I know we had them, but nobody can design for that kind of storm. We have to design for the 100-year storm which is what we designed this for.

Steve Gandell - You said there is runoff going off the property; where’s that going?

Engineer Gloede – It’s going off down to Belview Road.

Steve Gandell – Right and it’s going to end up in the trout stream.

Engineer Gloede - That’s where it goes now, but it’s going to be filtered before it gets out of our site because it’s not going to be runoff. You know, your commercial site that’s to us over here, has nothing and they’re closer, so

Steve Gandell – Yeah, but they’re not storing equipment like he is.

Engineer Gloede - He’s going to be storing equipment inside the building, that’s the whole point of the garage.

Steve Gandell – That was not what I was led to believe by previous testimony.

Engineer Gloede – Again, we’ll let the owner

Steve Gandell - What about the salt? Where's that being stored?

Mr. Samson - There is no salt storage.

Steve Gandell – Well, your winter time operations for the State don't involve salt?

Mr. Samson – We don't bring the salt back with us. The State makes up empty out so that we're not stealing from the State.

Steve Gandell – Okay, I understand that, but what about the residual stuff that the rain washes off?

Mr. Samson - It gets washed off before we bring it back to the site.

Steve Gandell – All right, fair enough. That was my concern, thank you.

Chairman VanVliet - Your welcome. Anyone else? All right, we'll close this portion of the public participation. Would you like to bring the next witness up?

Attorney Mandry – Bob, you want to come up? Mr. Bryce you previously sworn him, do you want to have him sworn him again?

Attorney Bryce – Yeah, just as a matter of order, do you swear from the testimony that you are about to give, is the truth, the whole truth and nothing but the truth?

Mr. Samson – I do.

Attorney Bryce – Please state your name for the record.

Mr. Samson – Robert Samson.

Attorney Mandry – Bob, I'm going to ask you some questions, but when you provide your response, if you provide address the Board (inaudible). Could you explain your business to the Board?

Mr. Samson – So, I have a business, you know, we build septic systems. You know, maybe we do 20 or 30 septic systems a year. There're dump trucks involved; heavy equipment. You know, like I've said previously the equipment, you know, the only time that it really stays on site is during the winter time where we're working on stuff that's got broke over the summer time and, you know, stuff of that kind of nature.

Attorney Mandry – So, it goes from site to site and isn't necessarily stored on your property. Is that correct?

Mr. Samson – Yeah, that's correct. That's correct. It goes from job to job to job. It never really stays, you know, on that property.

Attorney Mandry – So, is it fair to

Chairman VanVliet – Except when you have it parked for the winter.

Mr. Samson – Correct.

Attorney Mandry – So, is it fair to say, that as a matter of clarity that as a general practice, you don't truck the heavy equipment back on site during the time that you are in operation?

Mr. Samson – Very rarely, very rarely.

Attorney Mandry – And, what are the months of your operation, if you could tell the Board please?

Mr. Samson – So, we go about nine months out of the year. I guess we stop probably the middle of December perhaps. Maybe eight months; December, January, February and then we get going in like in March again, when it warms up

Attorney Mandry - And, Bob how many years have you been in business?

Mr. Samson – Fifteen.

Attorney Mandry – And, how many operators do you employ?

Mr. Samson – It's myself and another operator.

Attorney Mandry – Okay, would he normally come to the office on a regular basis or would he go to onsite locations to do the work?

Mr. Samson - No, he drives directly, directly to the job. And, you know he goes back and forth to the job; he's not.

Attorney Mandry – Now, you're currently on South Main Street where your office is located, is that correct?

Mr. Samson – That's correct.

Attorney Mandry – And, could you describe how many employees are there on a regular day?

Mr. Samson – It's only one employee it's my secretary. The office is, you know, I want to say 60 X 40, you know, a break room, restroom; all that stuff takes up space, you know, so, it's not like one big open thing there's, you know, when you add the restroom and the breakroom and the filing cabinets; you need some space.

Attorney Mandry - Describe can you describe the activities that you would propose in that 4800 square foot space on Belview Road; off of Belview?

Mr. Samson - The garage portion of it or the office portion?

Attorney Mandry – The office portion.

Mr. Samson – The office portion. Yeah, it's 2600 square feet, yeah.

Attorney Mandry - 2600 my, I'm sorry, 2600.

Mr. Samson – So, you know, we get a lot of leads off the internet and she does the billing you know, she does, she'll get, you know something off the internet and she'll send me a message. I'll call the person. She does invoicing there. You know, rainy days I'm there doing stuff you know, looking at drawings, looking at the bank statements, doing all that kind of owner stuff with her, so, I'm there sometimes, not very often, but, you know.

Attorney Mandry – So on an average day, how people would be parked in the parking area?

Mr. Samson – It would be her and then the two truck drivers. The two truck drivers have to come to the site to get the trucks and they park there and then they leave.

Chairman VanVliet – What size trucks are they?

Mr. Samson – Triaxle dump trucks.

Attorney Mandry – And, the number of spaces that you propose is seven. Is that correct?

Mr. Samson – Correct.

Attorney Mandry – And, do you think that that's adequate?

Mr. Samson – Sure. It's more than enough.

Attorney Mandry – Can you explain why, please?

Mr. Samson – We never have more than, you know, so it would be two truck drivers, the secretary, you know, and sometimes myself so, well, there's never more than four people parked on the property at once.

Attorney Mandry – So, Mr. Samson, during those nine months of operation, tell the Board members what you're proposed hours of operation are?

Mr. Samson – So we leave, you know, 6:00 o'clock in the morning. I think, you know, the secretary, she comes in at 8 o'clock in the morning. The trucks leave at 6 o'clock in the morning, you know, to go wherever they're doing, to the quarry to pick up the stone or the sand or whatever and then, you know; by the latest that we're there is 8:00.

Attorney Mandry – 8:00 pm is that

Mr. Samson – 8:00 pm, yes, sir.

Attorney Mandry – And, do you have any proposal as to the lighting on site? What your concept would be?

Mr. Samson - Yeah, I believe typically the light posts, you know, I want to say maybe are 15 feet tall coming up the driveway. The hours, yeah, I haven't really put much thought into that. There's going to be minimal lighting on the building just, you know, for security purposes and

Attorney Mandry – And, would you be in agreement in a type of the lighting that would shine downward more than, than exterior exposed to any other properties.

Mr. Samson – Yes, of course.

Attorney Mandry – Okay. Can you explain what would happen in the 4800 square foot area?

Mr. Samson – So, in the winter time, we would park, you know, equipment in there; store equipment. We would work on stuff that's been broke over the summertime, you know, service

trucks, service machines; all that sort of stuff. You know, we would also, I also have you know, we would store hand tools in there; it's not just a big open space, we have, you know, there's mechanics tools and you know, all kinds of stuff that will be in there year around that we need to have locked up that's valuable.

Attorney Mandry – And, then could you go over the outdoor bulk storage area?

Mr. Samson – So, the only thing that would be like stored out there is, you know, trailers and you know, I have a little bit of scaffolding maybe, you know, there' really not that much. That's why we wanted the accessory building there, you know, park the trucks underneath it and if we had some stuff, we could put it in there. I don't want it to look like the other commercial property that's next to me, so, we want to try and keep it neat and clean and have a place for everything.

Attorney Mandry- And, you've submitted a drawing, an architectural drawing to the Board correct?

Mr. Samson – Yes.

Attorney Mandry – And, is that your intent to follow up with that Morton style building?

Mr. Samson – Correct.

Attorney Mandry – And, you heard the discussion about the conservation easement.

Mr. Samson – Correct.

Attorney Mandry – Could you give us your thoughts about that a little bit?

Mr. Samson – Yeah, that's fine if we want to put it by that outer limit right there where the, you know, I would be in agreement with that.

Attorney Mandry – And, could you just go over a little bit about once your property has curbing and asphalt (inaudible) there's a stone type mix; could you go over why that was your proposal there; the concept?

Mr. Samson – Yeah, it would be, you know, it would be easier for the trucks and stuff and you know, if we are concerned about the oil, I mean isn't that what asphalt is; you're worried about the oil, but you're just putting more oil on top of it, by doing the asphalt.

Attorney Mandry – Right. Do you think that it is necessary to use the asphalt for paved areas?

Mr. Samson – No.

Attorney Mandry – Then could you explain why to the Board?

Mr. Samson – Yeah, you know, we don't really, there's, you know, like I just said you're just adding oil to the area and it's not, you know, it really wouldn't serve a purpose for, you know, pulling the machines or the trucks or anything like that.

Attorney Mandry – All right, so, on the outdoor bulk storage area, the requirements 40 feet, we've requested 32; are you willing to put up the fencing to delineate that area

Mr. Samson – Sure.

Attorney Mandry – as suggested by Mr. Ritter?

Mr. Samson – Yes.

Attorney Mandry – Okay, and Mr. Samson, you've reviewed all the Mr. Wisniewski's recommendations and discussed them with your engineer; is that correct?

Mr. Samson – Yes.

Attorney Mandry – And, are you willing to abide by any suggestions and recommendations within reason that the engineer would work out with your engineer?

Mr. Samson – Sure.

Attorney Mandry – And, that's consistent with the letters that were addressed to the Board and to the Chairman as to the recommendations as to any waivers or variances; is that correct?

Mr. Samson – That's correct.

Attorney Mandry – All right (inaudible).

Member Pryor – I have a couple quick questions Mr. Chairman, with your permission.

Chairman VanVliet – Go ahead.

Member Pryor – You're in the septic business, pipe for your septic field or tanks; they never come back or you never have anything left over?

Mr. Samson – The less that I have to bring back and then move again, the better off I am. I don't over order stuff, I don't, you know, there's no bulk storage of pipes. I don't, you know, I don't like bringing stuff home with me.

Member Pryor – I get the economics. Is it possible that people would see pipe out there?

Mr. Samson – Yeah, I never bring pipe home.

Member Pryor – Never. How about do you do any snowplowing during the winter?

Mr. Samson –Yes.

Member Pryor – So, it's not totally dormant for three months; it's a reduced level of effort,

Mr. Samson – Right.

Member Pryor – but you have activity going on.

Mr. Samson – Correct.

Member Pryor –Okay.

Member Coyle – I have a question, at 8 o'clock at night on a weekday; you look at your property, what would be left outside? What would be left outside at night?

Mr. Samson – Well, hopefully, if we had the accessory building, all of the trucks would be parked in there, there wouldn't be anything; you wouldn't see anything.

Member Coyle – No equipment, broken parts or

Mr. Samson – No.

Member Coyle – trucks or anything like that.

Mr. Samson - Maybe a couple of trailers; two trailers, but we'll have the space for that.

Member Coyle – So it would be pretty clear (inaudible) stored from where

Mr. Samson - Correct.

Member Weeks – I have a question. On your proposed gravel storage yard, how do you plan on, how do you plan storing it? I mean, this is a whole big yard. You just don't bring in stone and dump it on the ground, you know, what I mean and put, you know, dirt and stone and this and that, there's got to be some control, correct or no?

Engineer Wisniewski - It's the storage of bulk materials; so are our storing sand or gravel.

Mr. Samson – Yeah, if I would do that, I would have something set up with the jersey with the mafia box or kind of like, you know, the set up that you guys have, yeah.

Member Weeks – Right and they've got to be pitched inward so nothing rolls out of those bins

Mr. Samson – Right.

Member Weeks – All right, and they've got to be pitched inward so nothing rolls out of those bins

Vice-Chairman Fischbach – So, basically, the only thing that comes back every night are the two trucks, right? Correct? Right?

Mr. Samson – Yeah.

Vice-Chairman Fischbach – And then, I gather you have excavators, smaller type equipment to do your digging all that kind of stuff that moves from site to site.

Mr. Samson – Yes.

Vice-Chairman Fischbach - And then in the dormant times basically when you are done, that equipment would come back either it would be stored on a trailer or inside this extra garage space to be repaired, worked on, whatever the case may be, am I

Mr. Samson – Yeah, it would not be, it would not be stored on a trailer. It would be, you know, the whole thing is that we want to have it inside protected from the elements, yeah.

Vice-Chairman Fischbach – Okay. Okay, so then all that extra stuff basically would be inside that garage area for the most part correct?

Mr. Samson – Correct.

Vice-Chairman Fischbach – Okay.

Chairman VanVliet - George.

Planner Ritter – I have one question, you mentioned that you're going to service some of your equipment. The servicing of equipment that's going to be solely for your equipment.

Mr. Samson - That's correct.

Planner Ritter –I mean you are not providing that for anybody else; it's just for what you have?

Mr. Samson – No.

Planner Ritter – Okay.

Engineer Wisniewski - One quick follow on the, just in general, equipment storage, but I would imagine that you are aware, obviously, in the event that there is a spill on the site, you know, you should have obviously spill cleanup containment equipment things like that because obviously, I know, you're requesting a waiver from paving the site and that's at the discretion of the Board but containing spill in the gravel area, is obviously difficult so a hydraulic line bursts or something like that, that will go on the gravel surface and of course, you have the bio-retention basin, but ultimately that is going to end up in the gravel area so you'd be basically using your equipment to clean up the material that spilled. You have to remove all that and dispose of it offsite, so do you have a plan for that or a contingency for that? And how do you handle that on jobs sites when you have a spill? If you're working on septic system and a pipe bursts, a hydraulic line breaks or something?

Mr. Samson – So they have, so they have towels that are designed for, you know, they only absorb oil. If I would dump a quart of oil into a gallon of water and put one of these pads on top of that, it only soaks the oil. So, we'll be all set up for that but I don't really, you know, I don't anticipate that happening.

Engineer Wisniewski – You would hope not right.

Mr. Samson – Right.

Engineer Wisniewski – You gonna have

Mr. Samson - Yeah, any work that we do would be inside the building.

That's the other questions

Bring it in the building drain the hydraulic; whatever you have to do.

Mr. Samson – So, we have to, you know, keep in mind that this is not a mining operation I'm not constantly having trucks and, you know, I'm digging all the time and stuff like that; we bring them back, we work on them, we take them back out.

Engineer Wisniewski – Okay

Attorney Bryce - I just have a quick question it's just about storage of bulk items and you said that you're not storing salt.

Mr. Samson - I do not store salt.

Attorney Bryce - Are there going to be any type of bulk storage of aggregate, stone, anything of that nature just following up on Mr. Week's question?

Mr. Samson – Yeah, I hadn't really planned on it. That's a possibility, I guess.

Attorney Bryce – Okay and, how tall would those piles be?

Mr. Samson - Whatever the ordinance says. I would imagine it's not more than four or five feet.

Engineer Wisniewski – Well, you have those two bins, two of those blocks that are three feet high each, so, it's six feet

Mr. Samson – Sure.

Engineer Wisniewski – let's say.

Attorney Bryce – And, what's normally in those I'm curious just so

Engineer Gloede – Sandstone, material wise, I think.

Attorney Bryce – What materials?

Mr. Samson – Oh, so you know, maybe some stone or you know, top soil, definitely not salt sir, thank you. No salt.

Attorney Bryce – So it's top soil, stone things that you would normally be putting into a like a septic system.

Mr. Samson - Yeah,

Chairman VanVliet – The trucks; who do you plow for?

Attorney Mandry – (Inaudible). The stone and the sand for the septic's, Bob, all right.

Mr. Samson – Yes, yeah. No, we pick it up and then we bring it, you know, we bring it to the site. So, we subcontract the snow plow from GH Paving. We have a route on Route 78 from mile marker Exit 6 to Exit 13.

Chairman VanVliet – So, you salt and plow for the DOT then?

Mr. Samson – Correct.

Chairman VanVliet - Where do you store the plows?

Mr. Samson - At the yard, okay.

Chairman VanVliet - At this yard. Okay.

Engineer Wisniewski – At this yard.

Mr. Samson – At this yard.

Engineer Wisniewski – Right okay. Not at the DOT yard.

Mr. Samson - They changed it last year. They don't, you know, they used to have them there, then you would go there and put it on and they would test it and everything and so, they don't want to pay for that anymore so now you keep them at your place.

Chairman VanVliet – But they go with the contract. If you lose the contract for that, those plows go?

Mr. Samson - Correct, yep.

Member Weeks - I have a question for Mr. Samson. My issue is we're going to call it house one here; all right, the lot No. 1 here on the bottom, all right. If you look across, his light is, all right, his first light is straight across from the driveway No. 8 all right.

Vice-Chairman Fischbach – Right here, I think he's, here right?

Member Weeks - that's supposed to come straight down, well I live next to straight down lights. Straight lights don't come straight down. Would that be better on the other side of the street, so it goes that way?

Vice-Chairman Fischbach – You're talking closer to; closer to the property?

Member Weeks – Across the driveway.

Engineer Gloede – You're taking this light and putting it on this side of the road?

Member Weeks – That's what I'm asking; it eliminates the opposite because they're the closest to everything that's going on

Engineer Wisniewski – Which, sorry Brian, which one are you referring to?

Engineer Gloede – The first light that's coming up the driveway, it would be on the left side and you say, move it to the right side.

Engineer Wisniewski - It could be flipped and then an additional shield could be installed

Engineer Gloede – The back shield

Engineer Wisniewski – To further cut off, to further cut the light off

Engineer Gloede – Right

Engineer Wisniewski – That's

Engineer Gloede – We have no objection to that.

Engineer Wisniewski – I mean these calculations show the lighting being, the elimination level on the ground being zero, but, you know, if you were under the light, you would obviously see the light fixture.

Member Weeks – I can tell you mine, I shut my blind, all right, but I have an agreement they shut down at 9:30.

Engineer Wisniewski – Do they shut down?

Member Weeks – Yeah, I got that baby in writing.

Engineer Wisniewski – Okay.

Member Weeks – All right.

Chairman VanVliet - Any further questions?

Member Weeks – If I wouldn't affect anybody (inaudible).

Engineer Gloede - That's the only one that would anyway.

Engineer Wisniewski – Those lights have a forward throw design, so, their throwing the light forward.

Member Weeks – Right.

Engineer Wisniewski – So, if you point it in the other direction, and you're not shining it

Member Weeks – It's not coming back at you. I would recommend it.

Chairman VanVliet - Any further questions of this gentleman? Seeing none, oh, hold on. Please come forward. State your name and address.

Jeff Decker - 1292 Strykers Road – Couple of questions, Mr. Samson. No. 1 is the days of operation of your business. Is it Monday through Sunday, Monday through Friday, Saturday, Sundays, what are the days? When we can expect the trucks that you say are going to come back.

Mr. Samson - Monday through, the trucks Monday through Friday.

Jeff Decker – Okay. In addition to that you indicated that your business starts at 6 o'clock in the morning?

Mr. Samson – No, that's when the trucks leave.

Jeff Decker – Technically, they're starting up at 6 o'clock in the morning.

Mr. Samson – Correct.

Jeff Decker – I want to bring to the attention that I believe that the noise ordinance that's not compliant. So, I don't know whether we have to address it here, but there's sections in there that talk about the times of

Attorney Bryce – Believe it or not, the hours of operation aren't really controlled by the Board.

Jeff Decker – Okay. But there's ordinances in the board about the operation so our concern is that in addition to that business we heard that now you're running snow plowing for the State. So, is that typical that your hours are 6 to 8 or that's going to be midnight, 2 am and other the times.

Mr. Samson - That could be any time.

Jeff Decker – So, I guess that's a concern for again back to when we raise our statements of issue with that business.

Chairman VanVliet – You're going to run into a problem with the motor vehicle. If they're licensed and registered in the state of New Jersey, they can start them up anytime they want.

Jeff Decker – Okay, okay.

Attorney Bryce – And, just so you know, as a basis of any Board decision, resolution of approval or anything that we do, I say it's always subject to any other rules or regulations, other ordinances, state laws, or other administrative law so simply because they get an approval here, doesn't mean they are exempted from compliance with things outside (inaudible).

Jeff Decker – Right, cause we were just looking at, there's Lopatcong ordinances, with respect to the noise, the enjoyment of life.

Attorney Bryce – That's all separate from land use.

Jeff Decker – Okay, understood, but does that get addressed from like

Attorney Bryce – There's enforcement officers

Jeff Decker – Okay

Attorney Bryce – We're not, just by general, were not enforcement as the Board, as it sits here

Jeff Decker – Right.

Attorney Bryce – is not an enforceable agency

Jeff Decker – Okay.

Attorney Bryce – it's gets applications and determines whether or not there's justification for the application as a site plan whether or not they comply with the site plan regulations.

Jeff Decker – Okay. Just, again, can you just clarify Mr. Samson, how much equipment would, in dormant months, just the totality of the amount of equipment that's going to be stored there in terms of dump trucks, bull dozers, any kind of large mechanical trucks? How many in total is your business that we can expect that, you know, meaning that come back in dormant?

Attorney Mandry - Are we talking about that 3-month period?

Jeff decker – Or the other thing I heard Mr. Samson say was everyday people come to park their cars and start their trucks, but the other conflict was that the trucks are usually at the site and never stored there. So that was another question.

Mr. Samson - The equipment is stored at the site; the trucks come and go every day.

Jeff Decker – Oh, okay, what's the difference between equipment and trucks, I'm sorry?

Mr. Samson – You know the difference between a bulldozer and a truck, I mean, a truck is something that, you know, they take it to the quarry and they pick up the material and they deliver it. A piece of machinery is, you know,

Jeff Decker – Like the flat bed that's stored right there

Mr. Samson – a bulldozer is something that pushes stuff and an excavator, you know, they dig and

Jeff Decker – Okay.

Mr. Samson – that kind of think that to answer your question, we have two excavators, a bulldozer, a mini excavator, a skid steerer and two trucks; there's seven pieces of equipment.

Jeff Decker - And it's expected, the trucks that come out of your property, from just from a standpoint of a resident, it will you be, you're going out of Belview most likely to 519 or coming up Strykers Road. I don't know what the limitation

Mr. Samson – It's difficult to go, it's difficult for me to go up Belview and turn onto 519. My preferred route is to turn left out of my property and turn right onto Strykers and then go that way.

Jeff Decker – And, not come up Strykers the other way toward the school?

Mr. Samson – That's restricted.

Jeff Decker – You're restricted there, okay

Mr. Samson – It's restricted, its' restricted on Belview. It's easier for me to go behind Philip Tosco's, the trucking company for me to pull out, there's more room on 519 for me to get out right there.

Jeff Decker – Okay, okay, thank you.

Chairman VanVliet - Anyone else?

Fred France - Fred France again. Some questions, you're saying the trucks will be leaving at 6:00 normally, however, during the winter season it could be any time during the night. Do they have the required back up beeping sensors?

Mr. Samson - Yeah, I believe they do.

Fred France – All light and so, if it is 6 am or 2 am or anything, when you back that up does that noise usually travel when it's real quite at night? Does that travel through a neighborhood?

Mr. Samson – We would position, we know, obviously, when it is going to snow, we're going to have an event, we're usually ready for that, so, we would pull the trucks in a way so that we wouldn't have to back up and make that noise.

Fred – France – So, at 6 am on your routine work, will you be backing up any time?

Mr. Samson – No, I will not let the backup alarms go off early in the morning.

Fred France – So, in any circumstance, when you pull out

Mr. Samson – We'll always park the trucks so the backup alarm will not come on early in the morning.

Fred France – So, when you come back in the middle of the night plowing, for example, it is 3 am, in order to make sure that if you have to go back out at 6 am, in order for that noise not to come on, that means you have to back up the truck at 3 am so you can pull straight out.

Mr. Samson - We would have to pull in and turn around and face back out.

Fred France – So, that's the only way you're going to do that then.

Mr. Samson - That's how I can avoid making noise so that I don't wake you up.

Fred France – Even with the trailers attached to the

MR. Samson - I will not have a trailer on the truck if I'm plowing snow.

Fred France – No, but the 6 am would you have a trailer attached then.

Mr. Samson - If I have a trailer attached then I am already facing, it would be preloaded the night before and I would be facing that direction. I would not be, you know, backing up trying to do that at 6 o'clock in the morning.

Fred France - I just find it, it's going to be challenging I think, it's easy to say that, but it's going to be challenging to say I never back up a vehicle where the noise is piercing to all the neighbors. That's a really difficult thing to do as a routine cause it's every single day.

Attorney Mandry - Bob will you be sensitive to that issue?

Mr. Samson – Of course. It won't be difficult for me.

Fred France - All right, I guess you're special then, all right. Most people, when you have to back up, I don't care if it's a car, a truck, a dump truck.

Attorney Bryce – In fairness to his testimony sir, he did say that during the morning hours he was going to minimize it.

He didn't say that he'd never do it. He said during the morning and when there is sensitivity, he was going to try to minimize it; he didn't say he was never back up the truck.

Fred France - With the minimizing is one thing in a sense, all right, if it's one night, one early morning versus the other four. The only concern is as you know that beeping noise is extremely ear piercing when it's very quiet outside and when you are next to a neighborhood adjacent there there's, no way, you can buffer lines of site things like that with trees which I want to talk about a little bit later too, you can buffer that part of it, but I don't know how you buffer up beeping. I don't know how you do that and I don't think anybody wants to hear that beeping noise whether its 6 am, 3 am, 2 am and I don't understand how you can minimize, I understand how you can pull around sometimes to do that, but I can almost guarantee we will be hearing the beeping noise at different times, so

Attorney Mandry - But you understand you are in the ROM Zone contiguous to your property and no one objected to that ordinance when it was passed, am I correct?

Fred France - I have no idea. I have no idea.

Attorney Mandry – Well, you're stuck with it and my client will do the best he can not to irritate you, okay, and we would you make that representation to you.

Fred France – So, back to the impervious service, you mentioned asphalt does have oils and I agree with you, however, that is in a solid form. That's a lot different than a hydraulic line breaking and a hydraulic line going over gravel and we all have wells right there, right next to where you're going to be, you know this, hydraulic lines do break. Hydraulic lines on a truck can break; your break lines. Anything can happen with any equipment and it does happen and it is all the time cause you're not going to have a brand-new piece of equipment all the time. So, the point with that is in the case is it better to have an impervious surface with asphalt or is it better to have gravel in a situation like that.

Mr. Samson – I, you know, all our stuff is maintained it and it's like brand new. The trucks are, you know, I have a 2020 truck and a 29 t-truck, you know, we take very good care of everything. I really don't foresee that happening.

Fred France – So, in our opinion then, being in the business for many years, is it better to have an impervious service to catch those leaks when they occur or a stone where it leaks down into the ground and adjacent to the wells?

Attorney Mandry – I don't know if my client's qualified to give an opinion on that.

Fred France – Could I ask somebody else?

Chairman VanVliet – Both surfaces are considered impervious now.

Fred France – Pardon.

Chairman VanVliet – Both surfaces are considered impervious now.

Fred France – The gravel?

Chairman VanVliet – Gravel.

Member Weeks – I like stone; I can scoop up and get rid of it as opposed to (inaudible).

Fred France – As long as somebody does that versus leaching into the ground and getting into our wells, you know, that's the problem, you know, with that there.

Engineer Gloede – I would like to address one comment about what you said about the impervious. If you put impervious and I'm going to say pavement, not stone, if you have pavement and you have a leak, now the water is going to just take that leak, that you have there and it's going to wash it down, it's going to point discharge somewhere else whether it goes into the detention basin or whatever. The gravel is going to hold it in that spot and not allow it to just flow faster; it has a higher, you know, less co-efficient friction in the ground so, the pavement is just going to take it and make it fly.

Fred France – You know, but if he, this is going to be breaking when he's pulling in or working on a piece of equipment or something like that and he's already testified that he will have the necessary spill containment, you know, (inaudible) and things like that that are required for something like that. So, if it is on a paved area, you can easily put that out there and absorb all that oil. If it's on a gravel area, it will have a tendency to drain through the gravel and into, the earth and potentially containment wells. That's my point. Was there a reason that, like, this is adjacent to the residential community and there are sidewalks there, is there a reason you've chosen not to extend the sidewalk down past our property?

Mr. Samson – There's no foot traffic there.

Fred France – I see people going down to the stream, you know,

Mr. Samson – Well, how do they get there now without a sidewalk?

Fred France – Well, the point being is, if you have, if you have vehicles pulling in and out, it's dangerous so to me, the Township, has put sidewalks in throughout and the sidewalks are a safer area for people to walk and people do walk there all the time and I drive there all the time, I see. So, people do walk, so a safer way for vehicle traffic that you're going to have trucks and trailers or things like that, it's much safer if there's an area for people to walk versus on the road. Is there a reason that's not being show on the plans?

Talking over each other.

Engineer Gloede – (Inaudible) you have to cut that and build walls and everything else for a minimum amount of walking traffic that would be on there, plus once you get past our property, where do you go from there; it's a sidewalk to nowhere.

Fred France – Depends which way you're going. The open-air structure, you mentioned, you know, in the yard area, that you're going to have a trailer back there potentially (inaudible) stored stone and stuff like that what are you going to be doing in this open-air accessory structure that you're wanting?

Mr. Samson – (Inaudible).

Fred France – Cause there not going into the garage?

Mr. Samson – Some of them will, some of them will go into to the other structures.

Fred France – So, that structure you're planning on using but it's not real specified on the drawings what you're doing?

Engineer Gloede – The structures on the plans it's just specifying what's being done in there. I just explained that.

Fred France – So how high will that be?

Mr. Samson – Twenty feet I think right? Isn't that what we said; 20 feet.

Engineer Gloede – It's an accessory structure, so therefore, yes it will be 20 feet.

Fred France – So, you will clarify that on the plans then as per other requests on what that is

Chairman VanVliet – So far, we're not sure if whether to leave it on these plans or take it off the plans.

Fred France – Okay.

Chairman VanVliet – He'll have to come back for a review.

Fred France – So, the exterior light again, you know, it's next to the residential area. Can you agree on some type of timing on that so that the light, I think it's a great idea taking the light and pushing it in the other direction, but there's other lights on there? I understand from a security; point of view you want to keep lights adjacent to the building which is fine. Those are typically much smaller lights and that shouldn't be escaping, but to me, I think you should have come up and think about what time that you want those lights on and be respective of the residential neighborhood next to it and have them on and off at an appropriate time.

Engineer Gloede – I think that we addressed that before stating that the, the light poles going up the driveway would be on a timer. I guess the timing still has to be determined but there will be security lights on the building and will stay on all night.

Fred France – Correct. I understand that. All's I'm asking is that be considerate of the residents next to it and come up with a time so that they're not on all night long. Don't put the timer where it goes off at midnight and comes on at 4 am, you know, do a reasonable time for, consider yourself if you were living next door and you didn't have the business you wouldn't want lights on all night long. So all's I'm saying is come up with an acceptable time period that's appropriate in a residential community. So, in the case of buffering, and this maybe a question for yourself and the engineer or a little bit of both but in the case of the buffer along the residential area, you know, my understanding is the garage is 40-foot high correct?

Mr. Samson – Correct.

Fred France – And the trees are 10 to 12 foot high is what's being proposed?

Mr. Samson – Yeah, when we plant them, they have to be yeah, obviously, they're going to grow in a couple of years; pine trees grow fast.

Fred France – Yeah, I don't want to be dead before their tall enough (inaudible), so my, you know, my thought is along in this area here there should be a wide enough buffer and tall enough trees so that anybody that's in any of these homes back here, as a look back, it's not just looking straight back because I noticed you didn't there's no landscaping here and trees. It shouldn't be just looking straight back. The reality of it is, you know, no offense, we don't want to look at a metal building that's 40 feet high that's next to a residential area, you know, so in a case like that, what should be done, you should be adequate trees, maybe wider, taller even to begin with

to hide a 40-foot high building; it's metal building, these are not especially pleasing and it doesn't have to be for your business; it's the type of business you have but as a resident next to it, we don't want to look at a metal Morton building. We want to be able to have enough of a buffer that is wide enough, thick enough, tall enough trees 10, 12 foot; I could be dead before it's hiding a 40-foot tree or a 40-foot building, so, the point being is, I think you have to do more back in here more of buffer into the residential; it's needs to be thicker, it needs to be wider; you can't just eliminate some stuff in different areas cause guess what, this neighbor here, as they look over here there's no trees to even hide it.

Engineer Gloede – This is all woods. This is all mature woods in here so it is going to be hidden.

Fred France – So, the houses are here and the view to the building is here. You're not looking through this. You're looking at the building.

Engineer Gloede – There's a line of sight higher elevation here then where we are with our building. You're going to be looking over; somebody over here is going to be looking over the top of that building.

Fred France – So, what's the elevation of the building versus the elevation of the lot?

Engineer Gloede – This is 390.

Engineer Wisniewski – George, if you flip to the Grading Plan Sheet 4, it shows a roof elevation at 391.9; 392.

Fred France- If that's 390, this one here in the back of the lot is 370; so it's 20 feet that you can see from there.

Engineer Gloede – Yeah, so, most of it's hidden.

Fred France – So, the 10, 12 foot tree doesn't hide a 20-foot building.

Engineer Gloede – Yeah, but these trees are taller, so, between the elevation and these trees in here, you're not going to see this building (inaudible). I don't believe that.

Resident – I will.

Fred France – I don't know if you noticed, but in the winter, the leaves fall off the tree and you can see right through them.

Engineer Gloede – I don't know what the mix of trees are in here. I don't know whether there is a mix of pines and hardwoods in here, but I can't

Fred France – My only point with this whole issue, is I think you should be putting more and taller trees here to hide the view from all the residents. And again, that should be the entire length of that area, so that people aren't viewing because it's not just viewing back where the existing woods are, it's viewing towards the building and I think a lot of this here and I understand, you know, the whole thing with the Planning Board and what they have, you know, for the land use law and what they can go for, can and have to do, the only thing I will say, you know, in a perspective here, there's a difference from the point of view is our homes first or is your building being put up. If your building was there.

Chairman VanVliet – Fred, are you asking a questions or are you stating a

Fred France- I'll hold off until the end.

Chairman VanVliet – to the public portion.

Fred France- Yep, thank you.

Chairman VanVliet – John, do you have a question?

John Betz – I just, my name is John Betz and I live at 225 Red School Lane, Brakeley Gardens. Are you aware that there are other businesses within this community that have stone on their property that are in operation like Precast Concrete? I know this has been spoken about before and are you aware that there are precedence of Access Storage on the corner of Strykers and Baltimore which have variances or whatever, adjustments made and it's going to be right next to a residential properties too and they are tall buildings right there next to Strykers Commons Mall?

Mr. Samson – Sure.

John Betz – Okay, thank you. That's all I wanted to ask.

Mr. Samson – Thank you.

Chairman VanVliet – Anyone else? Yes, sir.

Steve Gandell – In retrospect, I failed to ask a question and as far as the snow plowing operation goes, I'd like to justify that now. Do you have other customers out there than the State?

Mr. Samson – I do not.

Steve Gandell – You don't snow plow for anyone else?

Mr. Samson – No.

Steve Gandell – No commercial businesses; no private people?

Mr. Samson – No.

Steve Gandell – All right, thank you.

Mr. Samson – Thank you.

Chairman VanVliet – Yes, sir.

Bill Kowalchuk – 1286 Strykers. Mr. Samson, at one time you had a concrete business; do you have that?

Mr. Samson – Still do.

Bill Kowalchuk – Do you have vehicles for that also? Separate vehicles from the

Mr. Samson – No. I have the green pickup truck and then we use the other trucks as well.

Bill Kowalchuk – Do you have a white pickup truck also?

Mr. Samson – Yes.

Bill Kowalchuk – With a (inaudible) on the back?

Mr. Samson – Yes.

Bill Kowalchuk – Okay. All right. So, that was included in your total vehicles that you had stated that were going to be on your property.

Mr. Samson – No.

Bill Kowalchuk – Those vehicles will be on this property also?

Mr. Samson – The pickup truck.

Bill Kowalchuk – Well, the ones for the concrete business?

Mr. Samson – That's the only other one is a white pickup truck.

Bill Kowalchuk – Okay.

Chairman VanVliet – Anyone else? All right. This will complete the public portion of the questions of Mr. Samson. Bring your next witness up if you have it?

Attorney Mandry – I have no other witnesses.

Chairman VanVliet- Okay.

Member Pryor – Mr. Chairman I go back to my question for Mr. Mandry. He asked for 3 variances. One talked about the fencing, guard rail or something along the setback to prevent encroachment. I think we probably dealt with that, George?

Planner Ritter – Yes, if he's willing to do that and put in a fence and do that, yes.

Member Pryor- That leaves you down to 2 variances. Do you know what the criteria for flexible C is? Can we hear something that addresses that?

Attorney Mandry – On C-2 the relation was whether or not the requested relief is reasonable. So, if you go right to the statute, it says that it must relate to a specific parcel property. I was ready for you, Joe.

Member Pryor - All right keep going.

Attorney Mandry – The purpose of the MUL would be advanced by deviation of the zoning ordinance requirement. The variance can be granted without substantial detriment for the public good; the benefits outweigh the detriments the variance will not substantial impair the intent purpose of the zoning plan.

Member Pryor – Can we hear that? There's 2-variances; can we hear that?

Attorney Mandry – Yeah, well

Member Pryor - Why you need them and how it's going to benefit?

Attorney Mandry – and if you look at the parking issue, right and just for the record, I got one of my favorite cases here which says that it is a C-2 if the esthetics we're putting in extra parking spaces are more appealing and would be more consistent with the zoning plan. So, you heard Mr. Samson's testimony that he doesn't need a lot of parking spaces and there was not a necessity and I would suggest to you that the fewer parking spaces that are there, the better it would be for him, for the plan itself, so, you know, the ordinance is there for a reason but if there is a necessity if there isn't a necessity for those spaces if he doesn't have a bunch of people coming, there's no off street parking that it should satisfy the purposes of the MLUL.

Member Pryor - Well again, the benefit is not to the applicant, it's to advance the zoning and your testimony here is according to that case law, there is an esthetic advantage and the development is laying lighter on the land; I don't want to put words in your mouth but that's what you were, all right is that testimony on that one?

Attorney Mandry – Yeah. I did address that with Bob that it would be esthetically pleasing

Member Pryor – Okay, I wanted it in the record and there's one more, there's the bulk variance, the setback; 32 feet versus 40.

Attorney Mandry – Right, right, so, on that issue, I know we agreed to the fence, they're pretty similar issues, that the storage setback line prevent encroachment

Engineer Gloede - That goes away because we're not storing in this area here, beyond our access, so, we don't need the distance requirement; a setback.

Member Pryor - Mr. Gloede what's your answer?

Engineer Gloede – Well, what I'm saying is we've already determined, said that we were going to show the limits of our outdoor storage which would be, you know, at this point here, which if we included this area here for storage, then that setback would be required. Since we were agreeing to go this way with it, that variance doesn't apply anymore

Planner Ritter – I agree as long as that is defined on the plans.

Member Pryor – Okay, thank you.

Chairman VanVliet – Any other questions for the professionals? Okay, here's your chance open to the public questions. Would anyone who would like to come to the podium? Make a statement.

Planner Ritter – Mr. Chairman I do have one item that we didn't cover. It's a minor item but I think it's one that, it goes back to site signage. The applicant has shown a freestanding sign for the site. He has indicated the size of the sign, but provided no details and again, under what the Board normally does in that case is that the signage would not be approved as part of this plan because you have no details. Where he's showing it, is legal and the sign he wrote the maximum size, but again, you have nothing to look at or approve, so, I would recommend that when he gets a sign and knows what he wants, he gets it approved through the normal channels.

Chairman VanVliet – Okay, are you agreeable to that?

Mr. Samson – Sure.

Chairman VanVliet – Okay. We'll make that a condition of approval.

Member Pryor – Can you let me make one more; I want to revisit what I said. Going back to the design waiver on the landscape architect, there has been some good discussion tonight concerning the buffer; the buffer for all seasons whether the height is sufficient, selection of trees and so on. I really would like to see a condition where more effort is put into the buffer and that a landscape architect or similarly qualified person address some of the comments I've heard tonight and upgrade that plan.

Chairman VanVliet - Is that going to conflict with the easement we're looking for?

Engineer Wisniewski – Conservation easement?

Planner Ritter – No, the landscape buffer and the materials we show other than for a maybe, I don't know without measuring it, maybe for except for a 100 feet where there's supposedly no trees, it would not. If we strike the line across the back, there's landscaping shown in about, I'm doing it from here, what about a 100 feet, 150 feet of what would be the conservation easement

Chairman VanVliet – Okay

Planner Ritter - and it's being proposed in areas where today, there's, at least based on their plan, there's no trees, where he's showing it.

Chairman VanVliet – Okay.

Attorney Mandry - So, may I ask this question which if you're gonna put a berm there, isn't that in a conservation easement and might that be a violation of a conservation easement?

Chairman VanVliet – That's what I'm asking is it

Member Pryor - I don't think anybody suggested a berm.

Engineer Gloede – All right just talk about buffers.

Member Pryor – And are the trees too thin, are they the right types of trees, do they work all year around or does everything fall off and you see a metal building?

Attorney Mandry – I have a suggestion Mr. Pryor, that you know, when all this gets going that my client meet with the neighbors and work out a plan that is acceptable for everyone.

Member Pryor - Yeah I know, I get that but I've seen a lot of really lousy landscape plans and I'd like to see that anyway; some cooperation but I'd like to see some more effort put into the buffer.

Engineer Gloede – Excuse me, but I mean, we put a lot of time and effort put into our landscape plan. We feel that it's quite adequate for it. It's been looked at by the engineer and his firm I'm sure has landscape people that have looked at this; your planner has looked at this and has made comments that we agreed to, why should we have to go through the additional

Member Pryor – I'll ask Adam, has your landscape architect reviewed this?

Engineer Wisniewski – Yes, we in the initial submission our landscape architect reviewed the plan and had comments and those comments were incorporate in the current plan.

Member Pryor – So, in the course of your review, you had a landscape architect provide input to this?

Engineer Wisniewski – Yes.

Member Pryor – Okay, I accept that.

Engineer Wisniewski - I wouldn't pretend to know what trees go

Member Pryor – And, that's my whole point about who does this, who looks at it, you know,

Engineer Gloede – I agree and that’s why it is reviewed and they changed it.

Planner Ritter - I’m a landscape architect; I’m licensed to practice.

Engineer Wisniewski – George is being modest but he’s a licensed landscape architect so.

Member Pryor – Is he really?

Engineer Wisniewski – He is.

Planner Ritter - Yes, I am.

Member Pryor – All right, George.

Engineer Wisniewski – He didn’t want to bring it up.

Planner Ritter - I’d love to make more work for the profession, but I did look at this and I think he’s made a reasonable effort if he goes along with the comments we’ve made.

Engineer Wisniewski – There’s still some outstanding comments George has to make so, that’s not the final condition.

Member Pryor - All right I’m satisfied as long as we have that expertise in there.

Chairman VanVliet – Okay, I’m going to go back, let’s open it up, this gentleman was up first.

Attorney Bryce – Do you swear and affirm that the testimony you are about to give this Board is the truth, the whole truth and nothing but the truth?

Jeff Decker – Yes.

Attorney Bryce – And, it’s Mr. Decker.

Jeff Decker – That’s correct yes, okay good. I want to thank the Board first, all of you, thank you for your patience. I’m a Lopat resident 25 years. I think getting to see the whole community, evolve here; I think right here, where you’re sitting here is the spirit of Lopatcong. I mean, these people here very concerned like myself, you know, we’re not here to address Mr. Samson, good gentleman I’m sure about his building and what not. The concern here is us as residents and the impact. I mean, when we look at this facility and what’s being proposed here,

there's a couple of things that really come to the forefront; three things for me, at least. No. 1 is until the office and everything is completely done, Mr. Samson today has concurred in prior meetings that he stores his equipment in Harmony or something, can that equipment be stored on this site, prior to, this building and everything being done with, and a C/O and whatnot No. 1?

Engineer Wisniewski - No.

Planner Ritter - No.

Jeff Decker – Okay.

Engineer Wisniewski – The site once he, wouldn't be able to operate your business out of the site, Mr. Samson would not be able to operate his business on this site until the buildings improved, everything is constructed, there's a certification from the Soil Conservation District and the Highlands accepts this site and everything's buttoned up and finalized, building code passes everything, you know, so you wouldn't just, no to park stuff on the site.

Jeff Decker – Okay, but obviously, this building, the facility

Engineer Wisniewski - It's going to be under construction

Jeff Decker – Under construction right but not, his business can't store his business equipment there while this is being constructed

Engineer Wisniewski – Sure.

Jeff Decker - Until the C/O

Engineer Wisniewski – I mean, he probably wouldn't want to if there's machinery moving earth and building buildings, you wouldn't want to have machinery in the way.

Jeff Decker – Okay good. Okay, just for clarification and Mr. Kowalchuk mentioned it before, but under section of the Township of Lopatcong Article 243.64.2 with outdoor bulk storage, I know there was a lot of discussion tonight about it, we as residents were very concerned about what exactly can be under the auspice of approved things that could be for bulk storage because when you read the, when you read it, it says outdoor bulk storage shall be allowed only in conjunction with the principle or conditional use which we all, we lived and lead to believe that it's an office building, it's prior so when we think of office as being primary, things that are stored there we're thinking of office facilities and now we are talking about pipes and sand and gravel and I just think it's confusing to us as residents today, up in front of the Board here. I'm

sorry, but we are still not clear about what is deemed as bulk storage with respect to Mr. Samson's business. My third and final thing is really about the noise. There's a lot of things in the ordinances within Lopat that seem to conflict at least on the surface level with Mr. Samson's hours of operation and what I read in the ordinance with respect to Section 147-5 and 147-7. 147-7 says that loading and unloading and things of machinery that create a noise disturbance cannot occur between 10 and 7 am. There's other things that say you can't do things between 8 pm and 8 am and I'd just like to understand from this type of business, what is allowable that's not going to be, you know, in the ordinance of Lopatcong it says the enjoyment of life, of residents of Lopatcong. I think it would be fair for us as residents to understand from that perspective what is allowable and what really is deemed with his business and his operation of hours for us as residents because we're not clear on it and that's my take away to you folks. Okay. That's it. Thank you.

Chairman VanVliet - Anyone else.

Kathleen Decker – Hello.

Attorney Bryce - Just raise your hand. Do you swear and affirm that the testimony you are about to give the Board is the truth, the whole truth and nothing but the truth?

Kathleen Decker - I do.

Attorney Bryce - Please state your name.

Kathleen Decker - Kathleen Decker, 1292 Strykers Road.

Kathleen Decker - Mr. Ritter a question for you if you wouldn't mind. Do you agree that part of this business will be used for a site for storage and maintenance of heavy construction equipment and materials?

Planner Ritter- Yes, he'll be allowed to store his equipment on site.

Kathleen Decker – Okay. Well, this property is within the Highlands Planning Area which is subject to the Township of Lopatcong Highlands Area Land Use Ordinance. In the Township ordinance, which references New Jersey Safe Drinking Act, N.J.A.C. 7.10 and N.J.D.E.P. under Appendix B, No. 15 and I have a copy if you want that, a site for storage and materials is listed as a major, potential contaminate source. The Highlands Water Protection and Planning Councils did their Consistency Determination dated 4/12/19 and they stated that this parcel was mapped as a prime ground water recharge area. Lopat is, I guess, adopting an amendment entitled, this will be entitled “A municipally Important Ground Water Recharge Area”. Also, in

the land use ordinance under 6.9 well head protection it states I quote protection of ground water resources that directly provide water to potable water supply wells is vital to the public health, safety and welfare of the community. It is also of primary importance to insure continued availability of clean drinking water to all that rely on it. Through regulation of land use physical facilities and other activities with the well head protection, the potential for ground water contamination can reduce by preventing introduction and migration of pollutants into the ground water sources that supply water to wells and then it goes on to talk about these potential contaminate sources and there's regulations that have to be followed and approved by an environmental engineer and the operations and contingency plans sent to the health department. Has that been done? Do you know?

Planner Ritter –I do not know.

Kathleen Decker – No.

Chairman VanVliet- The Highlands has reviewed the area.

Planner Ritter –Yeah, I was going to

Kathleen Decker – Well, they have their Contingency Determination.

Planner Ritter – They review it for consistency with the Highlands Regional Master Plan.

Kathleen Decker – But this is your plan though. This is Township of Lopatcong's Plan as well.

Planner Ritter- Yeah and

Kathleen Decker – That this is what they say. That it should go to the, this is under the Township of Lopatcong

Planner Ritter – Well this, if we're getting into, the site is not in the municipally designated area for ground water recharge. It's outside of that. There are properties throughout the town that will fall within it; this is not one of them.

Kathleen Decker- Oh, I'm sorry, that's what the Highlands Water Protection Council wrote in there, I have that here if you want to look at it.

Planner Ritter – No, no you don't have to tell me. I have the map right over there on the wall.

Kathleen Decker – Right, well they said, they stated that this parcel was mapped as a prime groundwater recharge area.

Planner Ritter – It is but it's not going to be included within the municipally important ground water recharge areas.

Kathleen Decker – Okay, well they were saying, they were stating in there that Lopatcong is adopting an amendment entitled “Municipally Important Groundwater whether I don't know if you did approve that amendment or not, but that was what was in their letter.

Planner Ritter – No it's being considered.

Kathleen Decker – In that letter, it's being considered, okay. So my point is, this is an important reason why we're very considered about our well water. I mean, all ten of us homeowners sitting here border this property and our wells are within 100 feet of this business; leaching from salt and hydraulic oils and whatever, the rocks are storing there. I mean, you look at, there's asbestos in rock in New Jersey. They might be storing on this ground which then the rain is coming down and putting this into our wells. I mean we have every reason to be concerned that we're going to be left with no potable drinking water, you know, if this site, if these things are going to contaminate, you know, our well water. Already, Mr. Samson has already dumped stuff on this property; we don't know what it is, we did report to zoning. Is he going to be dumping all over the place? Who's going to be looking at this? Who's going to be coming over and seeing okay there's stuff here, there's stuff there. What's in this stuff? I got a call back from the zoning officer you know, what's in it? Is it contaminate dirt? What's in it? And we have to worry about it going into our ground water. I mean, why is he doing this? Is he going to continue to do it? And who's going to be checking on it? I just feel the Township's taking a big risk. If you're going to approve this business back there and this is considered under both Highlands and Lopat land use that it's considered a major potential contaminate source and if our wells become polluted then the Township has made a decision to allow this “major potential contaminate source” to be put in this property behind all of our wells. You know, is the Township going to be monitoring our wells? You know, what liability do you have if they become polluted? What are you going do? You know, you have to pay us all. Buy all of our properties, dig down municipal water; bring it all down to us. I mean, this is a big concern for us. You know, and they we talk about the Lopatcong Creek and that gentleman that had come up, you know, that's a C-1 stream. Lopatcong has a 300-foot buffer. Well, this property is 270 feet according to Highlands determination is 270 feet from the creek. Okay, what if there's overflow? What's going into the ground that's going to get over there? What if it rains a lot and this is all going to wash into the creek? You know, this is something that we consider that we all want clean water, we all want clean streams, you know, and I'm fearful of contaminates, you know, that we have to worry about and in addition to that, there's drought years. Now, we have

to worry this is a recharge area, if there is a lot of surface, impervious surface with gravel and buildings and this and that, how much impervious surface is there really going to be with the addition of all this other stuff; the storage building and rock piles and all of that. The retention basin they said is not recharging the water. Okay, so that's a giant space that's not having water that going back into the ground. Are our wells going to run dry because this things back there not allowing our ground to be recharging into our well water and lastly, I just want to say, we realize you're trying to do the best, you know, you're looking at business regulations, you're trying to find the, you know, follow the zoning ordinance, or Township ordinance and things like that, but I just have to wonder did you have all the information you needed and the Highlands Council, did they have all the information they needed to really take a look at what is going to be going on back there. This is not a simple insurance office that's going to have a couple cars going in there, going into a building. This is a giant excavating company, you know, this is not a little office which I think is the intent when you look at the, your rules. Your rules are light manufacturing, office, blah, blah, blah, and now it's becoming what's not the primary use, it's the auxiliary use, that doesn't negate the fact that it's not just an office, that to me would be the auxiliary use. One person in a 2400 square foot office which is the size of my house I mean I can't image, you know, having that much space, I mean my office that I work at is probably 10 X 12 okay, so, you know, I just wonder if you have enough information on all these other issues to, to, especially the Highlands, to really consider the impact and I just hope that you're going to consider the health and safety of the residents, you know, we're the taxpayers, okay, we've been lifelong residents of Lopatcong. I feel we should be considered in this decision, you know, and the impact on what it's going to have on us. Do you want us all to move? I mean that's really what I think in my mind now. I wanted to stay here and retire, okay, just like I'm sure all of you have. I'm going to have to move, I can't stand the noise and the dust and the dirt and the, you know, so I hope you consider that. Thank you.

Chairman VanVliet - Anyone else?

John Betz - Gary

Chairman VanVliet - John

John Betz – Here's the question I have, I'm stupid.

Chairman VanVliet – John, please come up.

John Betz - I don't know where this fits in but maybe at the end of meeting comments.

Attorney Bryce – Is it about this hearing?

John Betz – It's kind of about this hearing in some ways. It's um, this is all contingent on things having to do with this next section of this meeting the Highlands Element Master Plan Report isn't it? You're going to have to

Chairman VanVliet – Hold on for

John Betz - After that I will discuss it and I would like to say one thing having to do with this because we mentioned

Attorney Bryce – I have to swear you in. Do swear and affirm the testimony you are about to give the Board is the truth, the whole truth and nothing but the truth?

John Betz – Yes, yes I do. It's a question and testimony at the same time. With the Highlands Regional Planning Area and all that stuff, is there any kind of adjusted tax that's given to a property owner because his land is unusable by him under the, within the Highlands Element. No. Is that what's you saying?

Attorney Bryce – Not that I am aware of

John Betz – Not that you're aware of okay. That was all.

Chairman VanVliet – (Inaudible) but it's not funded.

Attorney Bryce – If it was in the Preservation Area it's supposed to be transferred back

John Betz – Okay, okay well I mean it's complex, the whole thing is complex now I'll be waiting for the next part.

Chairman VanVliet – Next person.

Attorney Bryce – Raise your right. Do you swear and affirm that the testimony you are about to give the Board is the truth, the whole truth and nothing but the truth?

Fred France – Yes, I do.

Attorney Bryce – And, just state your name for the record.

Fred France – Fred France. So I kind of want to share, you know Kathy did a thorough and great job; we explained a lot of the concerns that we have and I kind of just, it's not just her concern, it's the rest of ours too. So, I kind of what to just share that with the Board with that. The

concerns go from the view, we don't want to see the metal building, you know, there, it goes to the contamination; let's face it, if there is a lot of hydraulic oils and other types of greases and oils and things that may come on to this property, it could be very detrimental to our neighboring wells. That's our health. Our health is the most important thing that we have. Please consider that in this, you know, in this application here. There's a lot better uses for this as an ROM then this type of use, you know, with it, so , I would just ask the Board to please consider that. The other one is the noise and I understand he going to try the best to pull in so he doesn't back up but when you have an operation that could be any time of the night and I'm sure you heard construction vehicles when they back up; they beep. You can't buffer the beeping noise. It is what it is. It's very obnoxious and if you have children and things like that, in our case, we have grandchildren now that sleep over periodically. It's a very annoying type of business next to a residential, so, that's another thing that I would ask you to please consider on this and I don't know if this was approved, we're just stuck with these issues and that's my concern along with what Kathy said and along with other residents in the area, so, that's part of the whole thing, you know, there. I think one of the things from a planning point of view, there's a difference if this community, all of us bought our homes and land in there and built the homes there with a buffer to the existing ROM which is adjacent on the east side of the property. So, in our case here, we bought it in that situation. As compared to if the building is already there, and we came in afterwards and there's noise and there's pollution and ground water and all these other issues, well that's up to us if we want to buy that property and be able to spend that kind of money to buy the property right next to a facility that has that type of situation. So, there's a difference here I think, is if it was preexisting, then all right, that's up to us to make the decision whether we move there or not, but it wasn't pre-existing, you know, there was an existing buffer there, so, I would just ask the Board to take that into consideration is there's better use like if it was an office building. Years ago I understand this was approved for residential buildings and things like that. So, if this was approved for residential buildings in the past, then that's a perfect opportunity to put something like that in there. It's an opportunity for some other office type of buildings that's really an office. It is very clear and I understand that this is acceptable in the ROM, which is fine, you know, with that point, but it's very clear this is a not an office building. It's a construction business, an excavation business by the way, has one person sitting into an office to do the business. So, this is not an office building. So, my point in saying that, is, is this type of when it's right adjacent to a residential community, an office building, if it was purely office, is fine, you know, so there's other uses for this property that I think is much better suited next to a residential community such as the office and things like that and cause offices they don't have the noise level that we're going to have throughout the night, you know, with that. They don't have the potential of contaminating our wells which is our drinking, which is our health, you know, with that. So, I ask you please to consider if this is really the proper use for this part of our Township, next to the residential community. Thank you.

Rosemary Kowalchuk – Rosemary Kowalchuk.

Attorney Bryce – Do you swear and affirm that the testimony that you’re about to give the Board is the truth, the whole truth and nothing but the truth?

Rosemarie Kowalchuk – Yes. I just wanted to comment actually on Mr. Mandry’s comments where were we in 2006? Well, some of the neighbors were here. They were here when Zoning Board, the Zoning Board actually there was a lawsuit and the Zoning Board prevailed in that lawsuit and the recommendation from Judge Coyle, at that time, was the best use for this particular piece of property was residential. He recommended two to three homes to be built on it. It took me forever to figure out how did it get to where it is today. While this lawsuit was being decided and it was appealed and the appeal did not go through. The lawsuit was upheld in favor of the Zoning Board. Town Council adopted an ordinance while the suit was being decided I think in November 2006 and the ordinance is not consistent with the court finding you have the best use for this property is to be zoned residential for two homes at least which would keep within surrounding and the judge noted that this would keep within the surrounding neighborhood development that has occurred. The ordinance, instead zoned this ROM, significantly reducing the minimum requirement for usage to 5 acres with a minimum lot width of 300-feet and there was a lot of confusion on most of the neighbors, on that street because we were with the understanding it was 20 acres, we bugged Beth to death for information until we could track back, but it took a long time for us to figure out while this lawsuit was going on and the judge sided with the decision of the Zoning Board and while this was going on, the master plan was being reexamined and prior to the 2008 effective date for the master plan and conformance to the Highlands Water Protection and Plan Act, this ordinance was passed to zone this particular tract of land and it was now ROM minimum 5 acres 300-feet. So, the confusion with some of the neighbors because we all had copies of that suit was okay, this is how it’s going to go. We can expect to have a few homes built behind us; that’s what it’s going to be. Those homes will also be on septic and well, same as the rest of us. So, therein lies a lot of our misunderstanding about how this came to be and as I started to read some of the information that also was coming out, you know, when they were looking at the center, the Industrial Center, there’s a lot of other documentation that talks about things and there’s sewer service and water service but it’s very specific to the south and it says that in all the documents. It says south of the Norfolk Southern Railroad; we are north and even when we talked to people, outside of the locals here, but, you know, other state agencies and things, they lump us in that we’re living now on the other side of, you know, the Norfolk Railroad line. So, there’s not only confusion here amongst us and I don’t want Mr. Mandry to think or Mr. Samson, that just on a whim we go here. We understood that they’re were going to be residential homes built there and yes, shame on us because the ordinance I think it was 30 days, one month first reading and legally the second month, the second reading. We have this in our hand and we’re thinking we’re good and that’s our dilemma.

Chairman VanVliet – Yes, sir.

Forest Sohn – I'm Forest Sohn and I'll be his neighbor in the ROM.

Attorney Bryce – Do you affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Forest Sohn – I do.

Attorney Bryce- Just state you name again for

Forest Sohn – Forest Sohn. Bob and I are going to be neighbors, okay. The thing is, I want to be a good neighbor to Bob if that's what you choose so I would like to get along with Bob and I'd like Bob to be able to get along with me, but as Bob has said as you look to the south or to the east, if you want to call it me to the east, that junky place. So, really what I'm here to do is protect myself and I'm not saying because it's going to be your choice. It's going to be your choice on what you make your choice of doing, okay. I'm asking that my neighbors, these 15 people here, don't see me. That's my concern. My concern is once he opens up his place, I'm asking he hide me because I'm hidden right now, okay and I'm sure if I have to live with Bob, Bob and I can live together. Right Bob, we can live together.

Mr. Samson – Sure.

Forest Sohn – Don't have any problems. I don't have a problem, okay. The problem I have is I don't want everybody else to see me because I do have trucks that come in and I have trucks that will take and sit on the road. I had two of them today. I had to get them off the road. They'll sit there, so, the point is it's hard to get in there and Bob says going around the fairgrounds, that's really the only clear spot for anyone of us to see, right Bob. Around the fair grounds on the other side of the fairgrounds, we get the clear view that we can see both spots but the thing is this, when fair week comes or the two weeks or three weeks, whatever it is, that something's going on, we've got to be able to go someplace else whether it be up Strykers Road to the left or it be straight up to Belvidere highway but we need to be able to have a second way of getting through there because the bridge is old and that bridge is going to need to be fixed and it's going to be closed down so, therefore, he and I are going to need a different way to get in there, so, somebody's going to have to give up there 4-ton weight limit. Is it going to be the one to Belvidere highway or is it going to be the one to the other way. Now, technically, when he comes in, or I come in, we are a what; local delivery so, you can't even stop him or me from coming down and doing deliveries or going back out that way. So, this is something to think about. Now, the nice thing is this, Bob is Samson Concrete and I like that and he said nobody walks over there. I have a sister; she raised me as a little boy, okay. My sister's had 4 strokes.

Do you know what she does most of anything else than nothing else other than that, walk, walk, she walks five to ten miles a day. You know, where she walks? In that community. So if Bob would make the sidewalk, I'd love a sidewalk cause then I'd know my sister's not walking up the road because I had to go buy my sister a vest, so, that when she does walk, somebody's going to hit her. So, I'm asking, I'd like to have a sidewalk; I'd like to have something where Bob and I hide each other and I can get along. I don't have a problem. My parents were farmers, okay and if you say vote yes, I'm going to do everything I can to be a good neighbor. Do I want him there? I'd love it to the point where you'd say all your equipment that you're going to store should be stored inside that building cause that's what he's saying. He wants to put everything inside. Let it stay inside. If it does that, that's it's a good thing. People don't remember my place for the longest time. I had 200 motor cycles running out of my place every weekend; every day on the weekend; two hundred motorcycles.

Chairman VanVliet – Are you right next store to him?

Forest Sohn – I'm right next store to him, okay, so, my point is this, do you know how fast they want to come back in? They would be there in a heartbeat. Do you know what that would do to my neighbors? The one neighbor up the street who's a cop, he said thank God you got rid of them because they were just a problem. The FBI has been to my place looking for guns, okay. So, my point I'm trying to say to you is this, we all have our problems. These are things you have to think about. Are you going to allow us to bring our trucks in past their homes, are you going to let us bring our trucks the other direction because really going up 519 it's dangerous. Going up and looking at 519 is dangerous. As a matter of fact, my tenant, last week, on the way home from his beer run, missed the street, hit the tree and they medevacked out the kid. So, that's how dangerous the turn is on that road. So, these are the things I'm asking for, that I am not seen by my neighbors because I love my neighbors. I got rid of all those motorcycles, specifically so they wouldn't do that. I got rid of all my back yard mechanics, specifically for that problem. One gallon of oil is considered as a DEP or an EPA hazard. That means one hose. One hose drained out is an EPA or DEP hazard but if he does work on his vehicles inside and everything is taken care of, we won't have any problems. Although he will have to meet up with EPA and DEP approvals as far as oil separation and all that other kind of stuff but that's not for here to worry about. The point is, if he does exactly what he says, doesn't store and salt there, he keeps his equipment inside, you're not going to see him and the reason I'm presuming he wants 40-feet is because at that point, he can fit his tracko's in and a tracko can go all the way to the top. So, these are the things, again, something that nobody else asked in this building at all. That building is 40 feet high. He can put lights up on top of that building as high as 40-feet. Do you want 40-foot high lights shining into their yards? It's not really going to bother me, but it could bother me but it's not really going to bother me, okay. These are the things. I'm sure if he can do all those things, keep it down, quite, no problems; you're making the decision; I have to live with. Am I going to be happy with it? I'm going to have to be whatever because remember, he'll

be my neighbor. So I have to be good to him like I want him to be good to me. That's all I have to say.

Chairman VanVliet - Any further public questions? Yes Ma'am please come up.

Attorney Bryce – Do you swear and affirm that the testimony you are about to enter is the truth, the whole truth and nothing but the truth?

Corinna Abrahams – Yes.

Attorney Bryce – State your name for the record.

Corinna Abrahams – Corinna Abrahams – 1296 Strykers Road. Okay, I want to voice my concern on property value because it will decrease; it will. Being a homeowner is a dream that nobody gets to reach. Let's be honest. Nobody's going to be like oh I'm going to buy a house tomorrow. When you buy it, you make an investment and it's an investment for life. In the case, this is going to come to an end because if we ever want to sell, let's say, there's not going to be anyone interested. Who's going to want to buy a house looking for a tall building? Nobody and if there is a potential buyer, that person is not going to pay what we pay for it. With that being said, what I want to say is that not only us, the residents of Lopatcong are going to be affected by this business, but the town too because we all are going to get reassessed. So please do think about us, please do so, we are very, very affected by this. I haven't been sleeping well because of this so think of us when you make a decision.

Thank you.

Chairman VanVliet - Anyone else? In that case, I'm going to close the public portion of this applicant. Okay, very good. Any further questions from the Board?

Member Pryor – Just one for Adam going back to the sidewalks, is he required to put sidewalks in under the ordinance or is there a proposal to waive that?

Engineer Wisniewski – I would have to review that. We have required that the road be widened and curbs be installed. With regard to sidewalk, I know there's a big embankment there which would be problematic for the construction of sidewalk.

Member Pryor - I haven't visited the site, I think there's sidewalks on the west side of Strykers. I don't recall about the east side.

Engineer Wisniewski - The sidewalks ends at the property line of this property. There is a sidewalk on the south side of Belview Road that ends right at effectively almost at the property line.

Member Pryor - Yeah, I know, my observation is sometimes sidewalks are waived because there isn't sidewalks in the neighborhood and then things change. The Council went through a lot of hassle to move ahead with sidewalks on Belvidere Road. The high school was built all of a sudden there's a lot of pedestrian traffic. Sidewalks were waived at Scenic Ridge back when it was proposed, I wish they had gone in and I pose that question with sidewalks in every time somebody does something eventually, you have the beginning of a network. So, I guess my, you know, this is all predicated on does the ordinance require them because I don't think I've voted on a waiver there. If it's not required, it's not required so.

Vice-Chairman Fischbach - I don't think there's a waiver suggested on (inaudible) that I know of so if it's an ordinance, then it has to be adhered to or waived.

Attorney Bryce – I don't see anything.

Attorney Mandry - It's certainly not in the review letter.

Vice-Chairman Fischbach – Yeah, I didn't see anything.

Attorney Mandry – Just a good point our engineer said, this is a commercial property. The RSIS Standards may require the sidewalk but not on a commercial parcel.

Member Pryor – I know, but I'm going back to our ordinance. No, I understand that.

Chairman VanVliet – The public portion is closed. You'll have an advantage to be able to speak later.

Board members talking amongst themselves while professionals determine whether or not there is a requirement for sidewalks.

Engineer Wisniewski - Sidewalks would be required in accordance with 243-48 minimum design standards. Improvements to a public street upon which a site front shall be required for a portion of the site to be developed. So those require paved streets, curbs, sidewalks and other items which aren't you know, there's no water mains to construct of course or anything like that, so

Member Pryor – How does the Board feel?

Chairman VanVliet – Well, we can't do anything; there's frontage on Belview Road. We can't force him to construct sidewalks through the other gentleman's property.

Engineer Wisniewski – No the sidewalks would only be constructed along this property.

Member Pryor – Yes, that's it but at least you have a start. The next guy that comes in can extend them and I go back to a number of places in town where we didn't require them and I wished we did.

Member Weeks - Does that change the map setting here? Because I'm estimating now, that hills probably what; 8 feet tall.

Engineer Wisniewski - It's pretty high.

Member Pryor - Yeah, I know and Charles Road does anybody remember that? There's retaining walls all along there. People walk it, you know, but I just throw it out there for discussion.

Member Weeks – Does the ordinance require it?

Engineer Wisniewski – Yes.

Member Pryor - Well, the answer is yes.

Engineer Wisniewski - So, there'll be an additional waiver it will be requested if that's how the applicant feels a request for a waiver from the requirement.

Member Pryor – Now, it is my understanding that you can get a waiver if you feel it's impractical or not necessary if that's the consensus of the Board.

Engineer Wisniewski - I think that's why is was excluded from this plan because of the difficulty of constructing it and the cost that would be associated with constructing something like that. The amount of disturbance that would be related with that, so, you know, but that's something that's at the Board's pleasure at this point waiving that.

Member Pryor – You're in a lot of towns, a lot of places, Adman what's your professional recommendation?

Engineer Wisniewski – I mean many times, it is left to the Board's discretion, you know, as you mentioned Joe, are we creating, are we extending and creating a larger network of sidewalks. Is

there a lot of it, a lot of times it's, you know, judged whether there's a destination where you are creating connection to something for pedestrians to make their way to make there was to or you're creating a network that's, will in the future, take people somewhere they need to get to or come from like in the case often high school, of course, there's going to be a huge sidewalk projects to construct sidewalk now on the Township's, out of the Township budget.

Member Pryor - You feel it is impractical?

Engineer Wisniewski – I think technically, you know, constructing it, is going to be very expensive for very little public benefit, you know, I think it would be a different consideration discussion if the Loaptcong Creek was a, if that was a destination, access to a trail something along those lines, a bike path, a trail and I was out at the site and I don't think there's anything there. there's an old bridge that the County's probably going to have to replace soon, but and I don't know if the County, I can't speak for the County, but I don't know if they would construct a sidewalk on the bridge even because there is no, let's say trail access or access to any kind of public facility on Belview in that area. So, I think that's probably why, you know, there was no issue raised with the lack of a sidewalk being proposed on the frontage there. So I would say no, you know, we didn't flag that as necessary.

Member Pryor – There's no sidewalk in any of Belview Road is there?

Engineer Gloede – I don't believe so.

Engineer Wisniewski – There is along that stretch that comes off of Strykers along the residential properties but stops, dead ends at this property, effectively almost just short of the property line, I think

Member Weeks- Right, right.

Engineer Wisniewski – but I don't' think anywhere else there's a sidewalk.

Member Pryor – Well, I think we have to address it if we want to waive it, we have to waive it, right?

Engineer Wisniewski – I agree,

Attorney Bryce – And, your ordinance does provide that the Board is empowered to do such a waiver where it finds hardship with the current situation.

Member Pryor – I would be willing to waive it if that was the consensus of the Board.

Chairman VanVliet – Is the applicant going to request a waiver for that then?

Engineer Wisniewski – They would. They would have to request a waiver for that in addition to paving the site, curbing the site and a design waiver from the grade requirements for the driveway. Those would be the design waivers being sought.

Chairman VanVliet – Would we get the requested waiver from that and the design waiver

Engineer Wisniewski – We discussed that and they provided testimony with regards to, you know, exceeding ordinance maximum requirement for driveway grading. It's not excessively sloped, but it does exceed the ordinance maximum. George, I don't think you had any design waivers beyond that.

Planner Ritter – Well, we discussed the requirement for a landscape architect and we also discussed, well, it was one that we noted the paving of the driveway; the parking area.

Engineer Wisniewski – Right.

Chairman VanVliet – Shall we have them formally request the waiver?

Attorney Bryce – No, the waiver can be requested as of right now. Just looking at the, the notice actually said all the waivers, so, looking at 55D-51- the Planning Board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval and we are not talking about Zoning Board ordinances as may be reasonable within the general purpose and intent of the provisions for the site plan review and approval pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question. So, you certainly have the power to waive that where there is an undue hardship and practical consideration as to the designation.

Engineer Wisniewski – And, the road is being widened so it's narrow now, but there will be some widening going on and a curb will be constructed to formalize the edge of the pavement there, so, that will be some benefit, you know, along the frontage.

Member Pryor – It's up to the applicant now whether to request a waiver or not right?

Attorney Bryce – I assume that you want to request a waiver for the sidewalk.

Attorney Mandry – That is correct.

Chairman VanVliet – Were going to do it independently; vote on it independently.

Attorney Bryce – No it can be as part of a collective approval or denial as you see fit unless you want to separate it out, all right. Now, you do have I think a confirmation from the applicant that they're going to strike the conservation easement and provide same and they're going to put a delineation both on the plan and revise the plan to show the delineation as well as provide something physical; barrier to the outside bulk storage area that would be to the satisfaction of the Board's engineer and planner and it would also alleviate I guess a variance. So, the primary variance that you have is a parking variance through testimony I think that the applicant is saying that there's not a huge demand for parking on his site based upon the nature of his business and business office and that the few spaces really don't have any specific benefit to the public, the Board can infer whether or not there is substantial detriment to the public by not providing those three spaces which would otherwise be required; that's within the Board's judgment. You know, I think that the primary purpose is the advance the purposes of the Municipal Land Use Law as far as esthetic improvement and appropriate commercial area. So then it becomes the issue of the site plan details and you've heard those. The landscaping I think has been addressed and hit which is a primary concern. I think the applicant's willing to make sure that that buffering and landscaping is appropriate and good. I think they're willing to have that condition as an approval, right?

Mr. Samson – Correct.

Attorney Bryce – Just looking over my notes just about was testified here tonight, you know, there was some discussion about the Highlands and water; unfortunately well, fortunately or unfortunately this was reviewed by the Highlands; that is not within the jurisdiction or purview of the Board per say, certainly the applicant will have to comply with any and all Board of Health obligations and related to both water and sewer. It would have to comply with any other type of ordinance concerning noise, concerning any other type of police issue that the municipality may have. We don't, the Board certainly doesn't control that. The lighting there was some testimony as to that and there will be some concession I think to swap the light. It was discussed.

Member Weeks – Adam, is he going to have to supply a storm water report that we go through every year with Paul?

Engineer Wisniewski – Yes, so this will be a privately owned storm water facility so there will be a requirement, you know, and that will be part of the Operation and Maintenance Manual that there is a requirement for filing an annual report with the Township indicating the maintenance that was performed, when it was performed over the course of the prior year. It needs to be

submitted by the end of January for the entire prior year. Records of cleaning repairs, maintenance, grass cutting anything that gets done with the basin pipe repair and that gets filed to DEP every year as part of the Township's report, so, that will be part of it; the approval and continuous operation and inspection by the Township.

Attorney Bryce – And, just going through the other issues Chairman, you know there was some testimony about what a report said prior that really, the power to zone is with the municipality not with the court, the court during a certain case could say anything and it's really what our ordinance says and in this situation it was referred back to the Zoning Board and the use was determined to be a use as far as the Zoning Board was concerned; a permitted use within the zone which was a legal determination of the Zoning Board. So, that being said, it's really here for a site plan and seeks variance relief that is being requested.

Chairman VanVliet – Okay. I'll call for a motion on the site plan.

Planner Ritter – Well, I'm sorry, I was just saying that one of the conditions that the Board, I would think still has to consider is whether or not the open structure is part of this approval or the notes will be removed since they haven't provided any details.

Chairman VanVliet – I thought they agreed to remove that.

Planner Ritter – Did they? I'm sorry if I missed that. I apologize.

Chairman VanVliet – Did you not?

Engineer Gloede – I think the pads still there.

Planner Ritter – The pads fine it's just the reference to the structure itself; remove that.

Engineer Gloede – We're going to take it off the plan for now.

Planner Ritter – And, the sign, the same thing since you haven't submitted the detail.

Engineer Gloede – Okay.

Planner Ritter – Okay, that's fine.

Chairman VanVliet – Call for a motion now? Okay. What about the variance for the sidewalk?

Attorney Bryce – That's a waiver.

Chairman VanVliet- Waiver.

Attorney Bryce – That would be a waiver.

Chairman VanVliet – Okay, that would be included in this.

Attorney Bryce – And, the general conditions that are required also.

Chairman VanVliet – Okay, no further questions I'll call for a motion to approve the site plan with the conditions that have been noted.

Member Pryor – I'll make that motion.

Chairman VanVliet – Do I hear a second?

Member Devos – Second.

Chairman VanVliet – Roll call Beth, please.

AYES: Members Coyle, Devos, Pryor, Weeks, Vice-Chairman Fischbach, Chairman VanVliet.

NAYS: None

ABSTAIN: Member Clymer

Attorney Bryce – Motion is passed. Expect a resolution hopefully next month.

Chairman VanVliet – All right, we have, unless you are staying for something else we are going to take a five minute break then. Next on the agenda is the Highlands Element Master Plan Report – Ground Water Recharge Areas and Township Stormwater Management Ordinance Chapter 199.

Attorney Bryce – This is a public hearing right Beth?

Secretary Dilts – Yes, it is.

Planner Ritter – Okay. This is part of the on-going process to bring the Township land development regulations into conformance with the Highlands Regional Master Plan. This step that we've been working on for many months now, involves an amendment to the Master Plan as a re-examination that would create within the Township municipally important ground water areas. The Highlands has basically seeks to better manage ground water recharge within the

region and through that, they've developed really a plan to regulate what they're calling potential ground water recharge areas and the way that that has been worked out the prepared a set of drawings with, if they remember now, many months ago, reviewed and which we could look at our various zoning districts and actually, suggest changes to them to better fit our zoning areas and also the areas that we expect development in. What you have before you is a proposed re-examination report on the Master Plan; it's really amending two areas of the plan. We're, basically, changing the Land Use Element of the plan to add into it, into our Township planning documents, the concept of, basically, a municipally important groundwater recharge areas and we're also amending the part of our Master Plan that deals with the Conservation Plan which will also integrate this mapping into our planning package. Along with that, comes a recommendation to change Chapter 199 the Stormwater Management regulations that the Township currently uses to review projects that come before it to incorporate the concept of municipally important ground water recharge areas and if you remember it, at the last session which I did not make, but my associate was here, we provided a copy of Chapter 199 along with inserts of all the changes that we're being considered. I think the most important thing in here just from the standpoint of planning, is if the Board agrees on the re-examination report and is willing to recommend the changes to Chapter 199 Storm Water Management and recommend that to Council for their consideration, the key thing that this district will, creating this district will do is within areas of municipally important ground water recharge and then the areas that I handed out to you, for lack of better terms, on this small scale map, the areas in pink on that map are the areas that are really considered to be municipally important ground water recharge areas. In those areas, if development comes in, in the future, they will be limited to no more disturbance than 15% of the land area within that category and they will also be required to design their storm water management which, obviously, be reviewed by our Township engineer to recharge up to 125% of the annual pre-construction ground water into the ground. Those are the two main changes that it will make them reduce their impervious cover to no more than 15%, well that's actually disturbance, and to provide better storm water recharge in those areas. That's what it essentially does and again, these additional regulations are really to be applied to areas that are in pink as they'll have the major impact. There will be some impact to deficit areas in town and I, that's where the recharge comes in; the additional 125. Essentially, the areas in town that the Highlands considers in negative are the areas that are in brown on this map or beige or whatever you want to call it, so, properties that fall in there will get a more detailed review by the Township engineer for their storm water standards if they propose, but that's, essentially, what this does. It adopts, through the Township Master Plan, the two maps that I handed out and as I say, if you agree, we would be recommending to Council, the changes to the Township Storm Water Management to implement those two maps and that's really where we are and if you have any questions, I'll try to answer them or we'll let you answer the technical ones.

Chairman VanVliet – This was an outgrowth of the original map that they had sent to us which just about covered the entire Township our development areas on Strykers Road, our ROM Zones, a lot of the park.

Planner Ritter – The original map, most of the industrial zoned areas in town would have had a maximum disturbance of 15% under their original map. This municipally important ground water recharge area, what they allowed us to do was to reassign where some of these were and what we chose to do and I think if you remember, we tried to put almost all of these important areas on the most environmentally sensitive ground; steep slopes, in the floor plain areas, in wetlands areas, we tried to concentrate to areas that one, you wouldn't expect to do a lot of development in or quite frankly, they're already regulated and protected and so, the impact really is minimal

Chairman VanVliet – On development.

Planner Ritter – on development in those areas and they've done a series of calculations and worked it out and they feel that the maps that we have in here now are consistent with their goals and objectives and hoping that this gets, that the Township agrees and considers the new amendments to the Storm Water Management Regulations.

Chairman VanVliet – They've already kind of approved this

Planner Ritter – The Highlands?

Chairman VanVliet – Yes.

Planner Ritter – Yes the map, and both maps and did a review and approved by the Highlands as well as the text amendments which basically, follow their general recommendations anyhow; they've approved that. So, as I say, if the Board is comfortable, I would suggest that amendment to the re-examination report be adopted and that the Board consider recommending the amendments to Chapter 199 Stormwater Management be forwarded to Council for their consideration.

Chairman VanVliet – Okay. Before the vote, we can have public comment. Anyone from the public care to comment, questions, anything?

John Betz – It doesn't have to do with the subject but it might have.

Chairman VanVliet – Does it have to do with this one? This subject?

John Betz – It has to do with hours of operation of noise in the Township.

Chairman VanVliet – This is not involved in this but you'll have an opening at the end.

Member Pryor – George, can I see the Chapter; what is it?

Planner Ritter – 199. That's the Township's storm water regs. and the changes.

Members talking over each other.

Chairman VanVliet – I'll entertain a motion to send this up to Council as is.

Vice-Chairman Fischbach – I'll make a motion.

Attorney Bryce – And to amend the Master Plan.

Vice-Chairman Fischbach – with the amendment. I'll make a motion with the amendment to the Master Plan.

Chairman VanVliet – Do I hear a second?

Member Devos – Second.

Chairman VanVliet – Beth, roll call please.

AYES: Members Clymer, Coyle, Devos, Pryor, Weeks, Vice-Chairman Fischbach, Chairman VanVliet.

NAYS: None

Attorney Bryce – Chairman, can I just throw in a quick item just cause I want to apprise everybody of what I'm doing before I do it?

Chairman VanVliet- Yes.

Attorney Bryce – I had a request from Phyllis Coleman really concerning more about the escrows on the Zoning Board of Adjustment issues. The ordinance that controls the escrow and application and she is finding a lot of problems with deficient escrows on variance applications between, you know, small variance applications at the Zoning Board including even D-variance applications and looking at the escrow amounts, you can see why. The bulk variances inexplicably go from \$250 with an additional variance fee of \$500. It is almost like they're

reversed but it certainly seems as if \$500 even if there was the basis, not a substantial amount to usually George looks at those as well and there's resolution that comes out of them. She said she always seems to be chasing people. So, with your permission and with your guidance, I would just take a crack at just some revisions that could be recommended to the governing body.

Chairman VanVliet – Absolutely.

Member Pryor – I guess my question Jim, if a guy wanted to put a garage in and he goes to put in the setback, I mean, is it going to cost him a grand?

Attorney Bryce – Right now, the first variance of the application for that residential guy is just \$150 and that just covers your overhead basically and your processing of the application and they bulk variance for that escrow would be \$250, so that's not a lot of

Member Pryor – I hate to see a guy get, you know, really slugged for something simple.

Secretary Dilts- We're extending anyway because by the time the attorney writes the resolution there's three or four invoices that come in and it gets to be quite substantial and, you know, Paul does the chasing for our Board, but Adam, but Phyllis does the chasing on that end and it's very difficult, you know, to explain to these residents that another bills came in and

Member Pyro – What were you thinking for a minimum for first?

Attorney Bryce – For on the residential stuff you would think that a \$500.00 minimum escrow is required. That counts for basically a few hours worth of time so and that's just the residential, the D-variances are

Member Pryor – Well, that's it, the simple residential stuff we should be able

Attorney Bryce – Nobody tries to butcher the residential stuff. I try to keep resolutions simple for fence variances

Member Pryor – Well, it's, it becomes my business because of Council.

Attorney Bryce – It will get to you eventually. I don't know what the right answer is, I just know if you're chasing people,

Secretary Dilts – And, we end up having to put a stop work order on their project because, you know, it's taking them so long, they're dragging their feet.

Vice-Chairman Fischbach – Get them into line with where they should be so that there's not

Secretary Dilts – If it's an upfront regulation and it's realistic right, they're going to weight it before they

Vice-Chairman Fischbach – Right, you know, if they don't use it, they don't use it so it's not really a, no harm, no foul.

Attorney Bryce – I think that I'm going to do a little survey, a sample of what's going on. I just want to advise you and get some input.

Chairman VanVliet – Any public comment on anything. We're done. I'll entertain a motion to adjourn.

Member Devos – I move so.

Member Weeks – Second.

Chairman VanVliet - All those in favor of adjourning say I. Any opposed any abstentions.
Meeting adjourned.

Respectfully submitted,

Margaret B. Dilts
Secretary