

MINUTES

NOVEMBER 26, 2013

PLANNING BOARD

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Mr. Arentowicz called the meeting to order at 8:01 P.M. He then read the following statement: Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk.

MEETING CUT-OFF

Mr. Arentowicz read the following statement: Announcement was made that as a matter of procedure, it was the intention of the Planning Board not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion was passed by the members present to extend the meeting to a later specified cut-off time.

CELL PHONES AND PAGERS

Mr. Arentowicz read the following statement: All in attendance were requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll, the following were present:
Charles Arentowicz, Vice Chairman
Suzanne Dapkins, Member
Ashish Moholkar, Member
Guy Roshto, Member
Gregory Aroneo, 1st Alt. (arrived 8:05 P.M.)
Tim Wallisch, 2nd Alt.

EXCUSED

Christopher Connor, Chairman
Guy Piserchia, Mayor
Dr. Brendan Rae, Mayor’s Designee
J. Alan Pfeil, Member
Barry Hoffman, Bd. Attorney

Dan Bernstein, Bd. Attorney
Kevin O’Brien, Twp. Planner
Thomas Lemanowicz, Bd. Engineer
Cyndi Kiefer, Bd. Secretary

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EXECUTIVE SESSION - It was determined that there was no need to hold an executive session.

PUBLIC QUESTION OR COMMENT PERIOD

Mr. Arentowicz opened the meeting for public comments on any issue not scheduled on the agenda. There being none, he closed the meeting to the public.

APPROVAL OF MINUTES

Mr. Arentowicz asked if there was any discussion concerning the minutes of the April 23, 2013 meeting. There being none, he requested a motion to approve the minutes as published. Mr. Wallisch made a motion to approve, Mrs. Dapkins seconded the motion. Mr. Arentowicz then called for a voice vote. The minutes were approved unanimously.

RESOLUTION OF MEMORIALIZATION

**#13-10p
Minor Site Plan**

DAVID CARN
343 Somerset Street
Block 11605, Lot 7

Mr. O’Brien noted that at 5:07 P.M. Mrs. Wolfe received an email from Mr. Carn stating, “Please remove my item from tonight’s agenda.” He suggested that since there was no further information, the Chair might wish to entertain a motion to continue this resolution to a further date to be determined by Mr. Carn and Mrs. Wolfe. He asked Mr. Bernstein if that was the proper course.

Mr. Bernstein felt that if there was concern about a condition in a resolution, the Applicant should come to the next meeting or send a letter and the Board would decide if there was an issue.

Mrs. Dapkins made a motion to defer the resolution, seconded by Mr. Wallisch. Those in favor: Mrs. Dapkins, Mr. Moholkar, Mr. Roshto, Mr. Wallisch, Mr. Arentowicz. Those opposed: None.

PUBLIC HEARING

RESTORE MEYERSVILLE, LLC
596 Meyersville Road
Block 14701, Lot 27

**#13-07P
Prelim. /Final Major Site Plan
Bulk Variances**

Mr. Arentowicz outlined the process for the evening. First, Mr. O'Brien would update the Board on what had changed or happened since the last meeting of October 8, 2013. Then the Applicant would comment on the changes that he had made since October 8, 2013 along with an update on who would be testifying tonight. The Board would continue its line of questioning of the Applicant's architect. As each of the Applicant's witnesses completed their testimony, the members of the Board would ask questions, then the professional consultants would be allowed to ask questions, and finally the hearing would be open to the public to ask questions of that witness. He emphasized that these were to be questions, not comments.

Mr. O'Brien stated that the Applicant concluded his testimony on the 8th of October. The architect, Mr. Kaufman testified and some members of the public then asked questions. At the conclusion of that hearing, the Applicant agreed to provide a number of items that the Board had requested and which were listed in the memos from Mr. Lemanowicz and Mr. O'Brien, dated October 10, 2013. Over the next several weeks, the information was provided to the Board with most recent submission being November 14, 2013.

Mr. O'Brien noted that several changes had been made to the site plan including the following:

1. The building had been moved back four (4) feet to accommodate a sidewalk and a drop-off area.
2. The east driveway onto Meyersville Road had been moved 25 feet to the west to move it away from the easement for the driveway of the adjoining property.
3. Changes were also made to the landscape plan.
4. Changes were made to the architectural plans for emergency exits for the building.

Mr. Lemanowicz noted that the plans now show more drainage facilities, an infiltration basin, and some inlets, along with some smaller details.

Mr. Arentowicz asked if there was any requested information still missing.

Mr. O'Brien stated that some of the items had already been submitted and the Applicant indicated that other items would be supplied during testimony this evening.

John J. DeLaney, Jr., from the law firm of **Lindabury, McCormick, Estabrook, and Cooper**, in Westfield and Summit, New Jersey, stated that he and his firm were representing the Applicant, Restore Meyersville, LLC. He stated that during the last meeting held October 8, 2013 Kimberly Mottern, as the operator of the facility, testified extensively as to the hours of operation, the nature of the use, its limited capacity in terms of children, how it would be utilized, and that there would be no cooking facilities. Subsequently, William Kaufman testified as one of the principals of the LLC, owner of the property, and as the architect. Christian M. Kastrud, the engineer, testified. As a result of that testimony the Board requested a number of things. The Applicant and their professionals made a significant effort to provide that information. Some additional items would be provided by testimony.

Mr. DeLaney also pointed out that many of those members of the public who commented, did so favorably.

Mr. DeLaney stated that during this meeting, Mr. Kaufman, Applicant and architect, would testify as to what had changed. Mr. Kastrud would testify as to the engineering aspects and how the issues had been addressed. Karl A. Pehnke, statewide recognized expert in traffic circulation and site circulation, would testify next. Michael S. Fedosh, an environmental expert who would be monitoring the environmental aspects of the construction, would be available to testify, if necessary. To conclude the presentation, Justin Auciello, a licensed New Jersey State Planner, would testify as to the "C" variances and why they were justified under the law.

Mr. Bernstein reminded Mr. Kaufman that he was still under oath.

Mr. DeLaney asked Mr. Kaufman to summarize the changes that have been made.

Mr. Kaufman felt that moving the building back four (4) feet to the north to accommodate a sidewalk and concrete gathering area addressed the Board's concerns about children not having enough room to stand while waiting for cars.

In response to the public's concern about the proximity of the driveway in the east to the neighbor's driveway, the facility's driveway was moved further to the west which eliminated the 25 foot buffer variance request. It was now far enough away from the residential driveway to allow for an adequate landscape buffer. In doing that, as an added effect, the lot coverage was reduced below the requirement of 40% to "38-and-change". However, once the County takes the right-of-way land, the project would be slightly over the 40% mark by one-half or three-quarters of a percent. With the current lot size, the lot coverage has been reduced to below the maximum required by the ordinance.

Mr. Kaufman stated that a major stormwater quality retention basin was added behind the building which was depicted on the site plan and grading plans.

Mr. Kaufman stated that a landscape architect was hired to address the Shade Tree Commission's comments as well as Mr. O'Brien's and Mr. Lemanowicz's comments. The pear trees would be decommissioned. Maples, as well as other plant species, were added in front and along the sides of the building to provide some variety of species as was requested by the Shade Tree Commission and the professionals. This was reflected on the revised drawings that were submitted.

In response to the requests by Mr. Lemanowicz, Mr. Kaufman noted the addition of some minor engineering details such as manhole covers and curb details.

Mr. Kaufman engaged a traffic professional to address the issues brought up at the end of the last meeting such as circulation studies and the queue for the drop-off and pick-up. The traffic professional had prepared and submitted a report and would testify.

Mr. Kaufman had contacted Morris County in reference to issues such as a dedicated easement for a pipe which existed from the site from the eastern side towards the rear of the property. He was working with their legal department to grant that easement.

The County had requested to take approximately 35 feet which made no sense to Mr. Kaufman since the neighboring buildings were all only a few feet off the street. The County has since retracted that request and were willing to work with what was shown on the plans which was 25 feet.

Mr. Kaufman felt that, pending the Board's approval, he was ready to go with the County.

Mr. Kaufman stated that those were the significant summaries of what was done on the plans.

Mr. Arentowicz asked if there were any questions from the Board. There were none.

Mr. Arentowicz asked the professionals if they had any questions.

Mr. Bernstein asked Mr. Kaufman if volleyball did not succeed, what other uses could the building have.

Mr. Kaufman stated that the footprint was an open plan for the gymnasium area which could be divided into just about anything. He felt the building could be adapted to any type of recreation facility because of the size of the footprint of that open area. He noted batting cages, one (1) tennis court, a turf field for indoor soccer or lacrosse as examples. It was very flexible since there was a high ceiling and it was wide open and has the proper amenities for an athletic facility. He pointed out that it could also be converted into other uses such as a large antique or retail shop. He felt that given the fact that Ms Mottern's enrollment had grown by over 40% in just the last year, volleyball would be successful.

Mr. Bernstein asked if it wasn't volleyball, would it be some kind of recreational use.

Mr. Kaufman stated that would be the easiest transformation.

Mr. O'Brien pointed out to Mr. Bernstein and Mr. Kaufman that Section 162-2A called "Site Plan Review" of the Township Ordinance does require that any change in use or occupancy on any commercial property required site plan review by the Board of Adjustment. Any other use proposed for that location would have to come back to this Board for approval.

Mr. Bernstein noted that once the building exists, it was there for good, and the Board would grapple with alternative uses.

Mr. Lemanowicz reminded Mr. Kaufman that during the Completeness Meeting of September 9, 2013, it was pointed out that there must be a survey with the application. The comment was repeated on the 11th and on the 17th. Mr. Lemanowicz indicated that the survey was still missing. He asked for a status on that survey.

Mr. Kaufman indicated that Mr. Kastrud had 25 copies with him.

Mr. Roshto asked if the board members had copies.

Mr. O'Brien stated no, they did not.

Mr. Kaufman stated, as a clarification, that the survey Mr. Lemanowicz was referring to was just a signed and sealed copy. The engineer's firm had performed the survey but the surveyor himself did not sign and seal that sheet. It was signed by the engineer. He had to locate the surveyor and resubmit the individual surveys. But they were identical to what was currently in each board member's file just with a signature and a seal on them.

Mr. Lemanowicz indicated that the ones in the files did not have signatures.

Mr. Kaufman clarified that that was the difference between the ones in the files and the ones that were being submitted.

Mr. Lemanowicz indicated that the signature and the seal were what made it a survey. An engineer can not legally sign a survey. This was part of the Completeness Review which still had not been submitted ten (10) weeks after the original Completeness Review Meeting.

Mr. Lemanowicz stated that the Letter of Interpretation (L.O.I.) that was submitted had expired. In correspondence, Mr. Kaufman indicated that he was applying for an extension. Mr. Lemanowicz asked if there was any paperwork to that effect.

Mr. Kaufman stated that he did submit the L.O.I. which expired in July and that his wetlands engineer had all the documentation. He had not reapplied. Once the application was complete, the entire process would go to the State under one application otherwise they would have to review it twice, one for the L.O.I. and one for the Plan Review for the Statewide General Permit #27 that he would be applying for. There was no indication from the wetlands engineer that there were any dramatic changes to the land or wetland line boundaries would change.

Mr. Lemanowicz indicated that he had no further questions.

Mr. Arentowicz asked if the Board had any other questions. There were none.

Mr. Arentowicz opened up the hearing for questions from the public to the architect, Mr. Kaufman.

Elaine Zindel, Meyersville Road, asked if there was an accurate picture of what the building would look like from Meyersville Road.

Mr. Kaufman indicated that he had a colored rendering of what it would look like.

Mr. Bernstein asked Mrs. Zindel if she wanted to see it. She replied yes. Mr. Bernstein instructed her to return it when she was done.

Christopher Webbe, 99 Hickory Tavern Road, asked how many other buildings were there in Meyersville of this size.

Mr. Kaufman stated that he did not know the answer to that question.

Mr. Webbe asked what the size of the largest building in Meyersville was right now.

Mr. Kaufman stated he did not know the answer to that question.

Mr. Webbe asked if the size of the existing buildings were taken into account when designing this building. He felt either the size of the other buildings did not enter Mr. Kaufman's calculations or he not think it was worth addressing.

Mr. Kaufman stated that he didn't say he did not take it into account, he just said he did not know the size of the other buildings in Meyersville.

Mr. Webbe asked how Mr. Kaufman could design this building without knowing how large the other ones.

Mr. Kaufman stated that in order to determine the size of the other buildings, he would have had to enter all those buildings and do an accurate assessment and survey. He then reiterated that he did not know how large every building in Meyersville or Long Hill Township was. He added that the vernacular and character of Meyersville *was* taken into account. An assessment of the types of buildings in the community was taken. A conscious decision to was made based on the Township's Master Plan, and on the impressions of other residents that a rural character building was preferable. He stated there was nothing more rural in character than an agricultural archetype which was what the building was designed to emulate. He added that there was no such thing as small agriculture buildings. They tended to be larger in scale which was why it was a fitting architectural style to emulate. A big box like Wal-Mart would be highly inappropriate for a rural setting. There was a conscious effort to make the building feel and look agricultural in nature so that the scale was not inconsistent with other buildings of that character in the area.

Mr. Webbe asked how many agricultural buildings were in the center of Meyersville.

Mr. Kaufman stated that in the Hamlet of Meyersville there were only seven (7) properties. A quarter of a mile up Meyersville Road were two (2) large farms, one on the eastern side and the other which was a large horse farm with a commercial use as well. There were large agriculture buildings on both of those sites and they were very much in the proximity of Meyersville.

Mr. Webbe asked if the building as designed and in keeping with its original purpose, could be made smaller.

Mr. Kaufman answered no since the building parameters were specific to the court sizes and the regulations within that particular sport. It actually was made smaller so that it would fit within the requirements that the municipality had set within the ordinance for building coverage. It could be a building for retail, a bank, or anything else and still remain that size. The size was kept as small as possible.

Mr. Webbe asked if there would be bathrooms and showers.

Mr. Kaufman said there were bathrooms but no showers.

Mr. Webbe asked if arrangements had already been made to link up with the Township's sewer system.

Mr. Kaufman indicated that there was an existing sewer connection on the site and they would be connecting with the Township's system.

Mr. Webbe asked if the use of the building would be similar to the use that it had in its previous existence.

Mr. Kaufman said that it should actually be less because there was residential use on the existing site. It had not been fully calculated yet but given that it would be just intermittent use, it would be less.

Mr. Webbe asked what the setback of the building was from Meyersville Road.

Mr. Kaufman answered it would be 57.36 feet from the edge of new right-of-way and 86.5 feet from the centerline of the road which was ten (10) feet further into the property than where the pavement currently exists. Putting it into perspective to what now exists; it was about 15 to 20 feet closer than existing house was on the property.

Mr. Webbe asked if the parking lot would be permeable.

Mr. Kaufman answered that the front parking lot was not. The side parking lot would be all grass down to the east side. It was a grassy area that has structural stabilizer underneath it in case the need for reserve parking arose.

Mr. Webbe asked if there would be an overall increase in the impermeable area.

Mr. Kaufman answered no. The coverage was being reduced from 57% to less than 40%.

Mr. Webbe said that he read that there was not much demand for parking because people would be expected to drop off children to use the facility. He asked if that was the thought process behind the parking design.

Mr. Kaufman answered that the business owner testified the use was very similar to her current facility and she has monitored the parking requirements at that facility. That has been transposed into this facility. Parking was designed specifically for her particular use.

Mr. Webbe said that the parking space envisioned would not be sufficient to provide parking space for the parents of all competitors.

Mr. Kaufman stated that that would depend on how many would be in the building.

Mr. Webbe said that presumably this was something that was worked on. In discovering how much parking would be needed, he presumed that Mr. Kaufman looked at what the probable population of the building would be at any one time.

Mr. Kaufman said yes.

Mr. Webbe asked what the answer to the question was.

Mr. Kaufman said that the answer was that there was an appropriate amount of parking for the amount of athletes that would be in the building at any given time.

Mr. Webbe asked if there was enough for the parents of all athletes.

Mr. Kaufman said that was not what he said since he did not know how many athletes would be in the building at any given time.

Mr. Webbe asked for an explanation of what "appropriate" meant.

Mr. Kaufman stated that "appropriate" meant it was based on the eight (8) years of Ms Mottern's experience and the amount of occupancy that was used on a regular basis with ingress and egress to the site at the particular hours of operation that they run their business. That was how the required number of parking spaces was determined.

Mr. Webbe asked if competitions would be held there.

Mr. Kaufman answered no.

Mr. O'Brien advised Mr. Webbe, in reference to his question about other floor areas in Meyersville, to look at page 27 of the 2009 Meyersville Hamlet Element of the Master Plan which lists five (5) of the seven (7) buildings along with their floor areas.

Mr. Lemanowicz stated that there was a conflict. The traffic report stated that there would also be an occasional twice a year small developmental tournament with 12 to 13 year old age groups. These would occur on weekends from 8:00 A.M. to 6:00 P.M. and involve a maximum possibility of 80 players. Mr. Lemanowicz felt the question was about large gatherings.

Mr. Bernstein stated that a draft of the minutes (not adopted) from the October 8, 2013 meeting stated that there were no regional tournaments however there were youth development tournaments involving other clubs in the area like Pennsylvania. He indicated that perhaps Mr. Kaufman was not as familiar with what was proposed as was the first witness, Ms Mottern.

Elaine Zindel, 317 Meyersville Road, asked, after looking at the rendering, how tall was the building.

Mr. Kaufman answered from the finished grade in the front as it faced the street, it was 30'-7" to the highest point.

Mrs. Zindel noted that the building looked "absolutely huge" and asked if the potential growth of enrollment had been taken into account in terms of parking.

Mr. Kaufman answered that the facility was designed to meet the size and growth requirements. The figures used were based on maximum occupancy.

Mrs. Zindel asked what the maximum permitted occupancy was in the building.

Mr. Bernstein stated two elements were involved. One was the projected occupancy calculated by the Applicant and the other was what the code would allow.

Mrs. Zindel stated she was referring to the code.

Mr. Kaufman did not have an answer to that. The maximum occupancy would be determined at the final application when he applied for a permit with the fire marshal based on area and use. Although he did not have that information in front of him, Mr. Kaufman offered to provide that to the Board if it became relevant at some point.

Mrs. Zindel felt it was relevant because if it was used as something other than volleyball in the future, the maximum occupancy had to be taken into consideration with respect to parking.

Mr. Kaufman indicated that that would come before this Board as indicated by Mr. O'Brien earlier. The maximum occupancy would be determined based on the new use.

Olga Argumova, 691 Meyersville Road, stated that if there was a tournament twice a year with 80 people who participate in the tournament, there would be 80 or more cars coming. She asked how many cars would fit in the parking lot.

Mr. Kaufman answered that the total number of spaces provided was 68—28 in the primary lot and 40 in the reserve lot.

Ms Argumova felt that there would be at least 90 cars since there would be some people there to support the athletes. She asked where would the rest of the cars park.

Mr. Kaufman deferred to the traffic expert.

Cecilia Cilli, Sassafra Place, Gillette, asked if there would be an area for spectators to view the tournament.

Mr. Kaufman stated that, at the risk of conflicting with earlier testimony, it was his understanding that there would not be any tournaments at the facility. The tenant testified that there would be youth development events. It was his understanding that there would be no competitive events there. There was discussion that, twice a year, there would be an event for 12 to 13 year old children there and more than likely there would be parents gathering to watch these events. He wasn't sure exactly how these events were run and he deferred to Ms Mottern. He stated that there was nothing designed specifically for large spectating. There was one bench along the edge of the court for a few people to stay and watch and that was the reason for the number of spaces in the overflow—to accommodate those couple of times a year when people may be staying to watch their children.

Ms Cilli stated that, especially with young children, during spectator events, not necessarily tournaments, not only do parents attend, but also grandparents. So in addition to the cars of the 80 participants, there would be additional cars. She asked if there would be room inside the building for additional spectators which would then entail the possibility of even more cars.

Mr. Kaufman reiterated that it was his understanding that there would be no competitive events held at the facility. Based on the current use as testified to by the business owner, it has been designed to adequately hold all the cars that were anticipated for both observers and participants.

Mr. Roshto asked if the upper floor mezzanine area was open so that the courts below were visible.

Mr. Kaufman answered that there was a very small area on the mezzanine level that could accommodate people standing there. There were fire code restrictions as to how many people could occupy that space at any given time. The business owner testified that that area would be used primarily for team meetings. It was not designed as a spectator viewing area.

Mr. Moholkar questioned if there were any bleachers.

Mr. Kaufman said no. There was a single bench along the side. There was no built-in bleacher system.

Don Farnell, 7 Trent Place, Gillette, noted for the record that he was a member of the Shade Tree Commission and that he had prepared the comments regarding landscaping. He asked if the interior of the building was A.D.A. compliant and/or does it have to be.

Mr. Kaufman stated that all new buildings have to have a path to be accessible. The main entrance of the building was accessible and the lower entrance was accessible.

Mr. Farnell pointed out that there were two (2) levels of the building that were connected by a stairway. He asked if there was an elevator or a ramp.

Mr. Kaufman stated there was not.

Mr. Farnell asked if there was secondary egress.

Mr. Kaufman stated there was.

Mr. Farnell stated that any handicapped individual would have to find their way to a secondary egress to access the playing surface of the building.

Mr. Kaufman stated that that was correct.

Mr. Farnell asked Mr. Kaufman to locate that on the plan.

Mr. Kaufman referred to Sheet 3 of 7, Site Plan prepared by Christian Kastrud dated 10-21-13. He stated that he was not 100% sure about the requirements for accessibility between those levels; however, he noted that the building was code compliant. Although he was unsure of the exact reason why, he was sure that there was no need to transverse from a gymnasium floor internally with accessibility via elevator or anything else. If there was to be occupancy on that level, there was an opening to the east where one could enter the building on grade.

Mr. Farnell referred to the grading plan and indicated that there was a three-and-one-half inch (3-1/2") change in grade. That's a stairway to the lower level.

Mr. Kaufman indicated that it was incorrectly depicted on that plan. It was not a stairway. It was a level area that came out of the building.

Mr. Farnell referred to a letter from Kastrud Engineering dated 10-27-13 addressing the technical comments from the professionals. He referred specifically to Item #22 which said that a dimension detail of the wall sign and/or any ground sign that would identify the facility either in the right of way of Meyersville Road, the front yard, or any other place on the site, would be provided by the architect.

Mr. Kaufman stated that those details had not been designed as of yet. It had been testified that those signs would be applied for by the tenant and they would conform to the Township's sign ordinances.

Mr. Farnell asked if it was correct that Mr. Kaufman wanted the Board to approve this plan without these details being provided at this time.

Mr. Kaufman reiterated that they would comply with all of the ordinances required by this Board or this municipality.

Mr. Farnell asked if that would happen before or after the fact. He felt that the answer was "after the fact".

Mr. Kaufman reiterated that he would comply.

Helena Tielmann, 795 Meyersville Road, has property next door and behind the subject property. On the architectural plans, the garbage disposal dumpsters were located on the southwest corner which was close to her property and residential dwelling. She asked why that location was chosen since other commercial buildings in town did not have dumpsters in the front line of their buildings.

Mr. Kaufman stated that the location was chosen for convenience of access. He noted that it could be relocated to the other side but it would be facing a residential district as opposed to a commercial district. The current building

on that property was located on the property line and he was moving it eight (8) or nine (9) feet away. There would also be a buffer added to screen it from Mrs. Tielmann's property. He added it was a limited use facility with respect to garbage. There would not be food, just water bottles and paper towels. There would not be a lot of accumulated trash and activity.

Mrs. Tielmann stated she was considering the rear of the property for relocation. She noted that during the 10-8-13 meeting, the tenant said that there would be a concession stand which would include possibly sandwiches and pizza therefore, open to seven (7) days a week worth of restaurant type garbage. She was concerned about the odor and the possibility of rodents. She said that there was a tendency in Meyersville for vultures to "hang out" on the dumpsters and that she was very opposed to having the trash area located there. She asked if it could be relocated to the rear of the building.

Mr. Kaufman stated that it was possible however; there was not a paved area in the rear or side areas to access it by truck. The dumpster could be eliminated altogether and garbage cans utilized which would be pulled out by hand. If the Board felt that the existing dumpster location was inappropriate, it could be eliminated or moved to a different location. He warned that each time the concrete pad was moved someplace further, the issues of site runoff or impervious coverage or circulation were exacerbated. He was attempting to minimize the impact of the site and screening it and fencing it should adequately address those concerns of location.

Mrs. Tielmann asked how Mr. Kaufman would control the future tenants as far as the pick-up schedule and neatness of how garbage was disposed in light of the fact that there would be a concession stand and a mini-restaurant area or eating area with players bringing their own food and camps in the summer. She said that there could be an odor from the dumpster which was located right near a bedroom in her dwelling. She asked again if Mr. Kaufman would consider relocating it.

Mr. Kaufman stated that it was a possibility if the Board felt it was necessary.

Mr. Roshto asked what Mr. Kaufman meant by "convenient". Was it referring to the fact that the parking lot was there so there was access to collect the garbage?

Mr. Kaufman replied that that was correct and also that the trash area was adjacent to a paved area and a walkway from the main building so the occupants could bring the trash out without having to walk across a lawn area or an unpaved surface.

Elaine Zindel, 317 Meyersville Road, indicated that she had visited the Flemington facility and noted that there five (5) levels of bleachers the full length of the court. She asked what the maximum occupancy of those bleachers was at any one time.

Mr. Kaufman did not know the answer to that question.

Mrs. Zindel felt that that would give an indication of parking requirements.

Mr. Kaufman said that that information would be for that particular building.

Mrs. Zindel noted that that facility also had three (3) volleyball courts.

Mr. Lemanowicz, referring to the A.D.A. issue, asked if what was shown as a staircase in the southeastern corner of the building would be the accessible entry.

Mr. Kaufman stated he did not know why it was shown as a staircase on the site plan. One the Architectural Sheet A101, there was no staircase. It was a level entrance and egress.

Mr. Lemanowicz noted that the finished floor at the doorway was 242 but the grade was 245.5 so there were three (3) feet of vertical to be made up. This means there was at least 36" of ramp to get down from the lawn area next to it.

Mr. Kaufman went on the record as saying that he does not fully recall the A.D.A. requirements and whether or not it was a requirement at all to get from the upper part down into there. He did not think it was.

Mr. Roshto asked, in reference to an earlier question as to whether the building could be made smaller, if Mr. Kaufman would consider reducing the number of courts.

Mr. Kaufman said no because there were not enough hours of operation in the day to get the revenues required to make the business run successfully with less than three (3) courts.

Mr. Bernstein asked if originally, there were showers that were deleted from the plans. He referred to the draft minutes of 10-8-2013 (not adopted), page 7, where Mr. Kaufman stated that there were showers located on the plan.

Mr. Kaufman said that he was mistaken. He recalled that at some point during the design process, the bathrooms were designed with showers, however, there were no showers in the facility or planned for the facility.

Mr. Bernstein referred to Mrs. Mottern's testimony in those minutes. She indicated that there were youth development tournaments held there. He asked if there could be garbage cans.

Mr. Kaufman did not think that the tenant would object to oversized garbage cans. Most of the refuse would be recycling. In the event that, in the future there was a small snack bar, it would be a weekly or bi-weekly pick-up.

Mr. O'Brien pointed out that Section 154.3 of the ordinance does require commercial properties to provide trash and recycling facilities.

Mr. Bernstein asked if that was a site plan requirement. If so, it could be waived.

Mr. Kaufman asked Mr. O'Brien if there were any more definitions to what the "trash and recycling facility" was. Did it require a dumpster necessarily.

Mr. O'Brien stated no.

Deborah Schmitt, 486 Meyersville Road, asked Mr. Kaufman where the recycling was located on the plan.

Mr. Kaufman answered that it was in the same location with the dumpster. It was a fenced in area.

Ms Schmitt saw 31 parking spaces in the front on the plan she saw. She referenced Mr. Kaufman's earlier comment that there were 28 and she wanted to know why three (3) parking spaces were lost.

Mr. Kaufman stated that in an effort to pull the ingress driveway away from the neighbor, the entire lot shrank. By pushing the ingress driveway further west on the site, those spaces were lost.

Ms Schmitt stated that even with the modification, there were still two (2) spaces in front of the dumpster area.

Mr. Kaufman affirmed that statement.

Ms Schmitt asked if his intention was to have the refuse picked up after hours so that the residents nearby would hear that noise in the middle of the night.

Mr. Kaufman stated that his intention was to have pick-up when the spaces were not occupied.

Ms Schmitt asked if that meant after hours or early in the morning when people were sleeping. She asked if there was a sidewalk provided for pedestrian access on the plan.

Mr. Kaufman said there was a sidewalk that ran the length of the front of the building from the western property to the front door.

Ms Schmitt asked if there was anything on the street for the community.

Mr. Kaufman answered no. There were no other sidewalks on the two (2) adjacent properties leading up to this property or across the street.

Ms Schmitt stated on one adjacent property there was a brick walk in front of the veterinary facility which ends because of a driveway. She felt it would be natural to create a sidewalk to allow people to walk to the center of Meyersville. A small distance up the road there was a large sidewalk on the opposite side of the road that was put in by the developer a number of years ago. Her understanding was that that was intended to continue into the center of town to allow pedestrians to walk to the café, etc. which was dangerous at this point since there was no sidewalk. She noted that on the other property across the street which Mr. Kaufman also owns, it was impossible to put in a sidewalk because of the proximity of the building so this would seem to be the natural place to put in a sidewalk to allow the community access to the center of Meyersville. She asked that Mr. Kaufman consider that.

Mr. Kaufman did not feel it would serve the community since there was only one residence down that side of the street. One would have to cross over the street which was far more dangerous than walking through the parking lot of the other areas of the Meyersville Inn to get to the center of Meyersville. He thought that it would be a detriment to the community. If there was one and it was immediately adjacent to a residential community he could understand the point. This was a completely different set of circumstances from an architectural and a planning point because the property to the west the building sits right on the street. There was no setback so a sidewalk is needed to keep people from exiting that building and stepping right into the traffic. This is a 60 set back so he didn't see that there was a need to have a sidewalk. There was one resident immediately to the east but for many years there hasn't been any access for the one resident to walk directly down to town. That resident would still need to cross the street at one point to get to town. If there were more residences on that southern side of the street, it might make sense to try to link that.

Mr. Roshto asked that if the Planning Board felt a sidewalk was appropriate, would he be agreeable.

Mr. Kaufman said he would. He would have to consider the grade elevation change. He assumed it would go in the County right-of-way or adjacent to it. It would also increase substantially the impervious coverage.

Ed Zindel, 317 Meyersville Road, asked if there had been any proposals presented for the abatement of the asbestos on the property.

Mr. Kaufman answered as the Owner. He stated that a report has been submitted by a state licensed L.S. R.P. which included a general overview and outline as to how the asbestos was to be dealt with under the state rules and guidelines. The beginning of the process started with dust control followed by the filling and capping, the grading plan produced by his engineer who was working in conjunction with the state remediation expert to cap those asbestos contaminants, and then finally the removal of material to a location on the site where it could be permanently encapsulated under soil, building, and paved surfaces. There was a maintenance plan enforced by the state D.E.P.

Mr. Zindel indicated that he had seen an environmental report that was done by a consultant who commented that they could not determine what areas needed abatement until after approvals were given. The consultant also commented that the entire property may need abatement and only portions would be. It was Mr. Zindel's understanding that to abate the asbestos, it must be covered with impermeable surface. He asked, if this were true, was it not possible that abating the asbestos would have Mr. Kaufman grossly exceed the 40% allowable coverage on that lot.

Mr. Kaufman stated that, although this was not his area of expertise, the entire statement was incorrect. The plan called for capping. It did not have to be capped with impervious coverage. It was preferred that it was impervious coverage or a minimum depth of soil. Within that soil there was a layer of protective, colored, filter fabric that was really a warning to alert anybody who digs in that soil if they go any deeper, they would be approaching hazardous material. Asbestos is only harmful if it becomes airborne so capping or burying it was appropriate not just here but throughout the state and the country.

Mr. Zindel asked if this was not counted as impermeable coverage.

Mr. Kaufman stated no.

Alex Zadrozny, 140 Hickory Tavern Road, asked if Mr. Kaufman had familiarized himself with the definition of a "hamlet" as it pertained to Meyersville.

Mr. Kaufman replied that he had.

Mr. Zadrozny asked Mr. Kaufman to explain the definition.

Mr. Kaufman stated that the Master Plan defines a "hamlet" as cluster of buildings within certain sized lots. It has parameters of the bulk requirements for that area. It has requirements for making improvements to the property and encourages property owners to make improvements to their lots and generally in keeping with the rural low density character of the Meyersville Hamlet.

Mr. Zadrozny asked Mr. Kaufman if constructing a building that was twice as large as any existing property was keeping in the rural character of the hamlet in his professional opinion as an architect.

Mr. Kaufman felt that a building that has low density use and the spirit of rural character was appropriate and consistent with the Master Plan. The size of the building was not relevant since the lot size has restrictions on it with respect to how much floor area was required by the ordinance. This lot is much larger than any lot that is in that area and this building was designed to fit within the size parameters as outlined in the ordinances.

Mr. Zadrozny reiterated his question.

Mr. Kaufman felt that the building designed for the site was appropriate and consistent with the Master Plan and the Meyersville Hamlet ordinance.

Mr. Zadrozny still felt his question had not been answered.

Mr. DeLaney felt that Mr. Kaufman had answered the question. The building complies with the ordinance and with the Master Plan.

Mr. Arentowicz asked Mr. Zadrozny to rephrase his question.

Mr. Zadrozny stated that, currently, the largest building in Meyersville was a little over 5,000 square feet. He then asked Mr. Kaufman how large this facility was.

Mr. Kaufman answered that the footprint was 13,144 square feet.

Debra Schmitt, 486 Meyersville Road, asked who pays for the cost of the asbestos remediation.

Mr. Kaufman answered that he does.

Ms Schmitt asked if the grassy area was where he intended to “entomb” the asbestos that was found on the site.

Mr. Kaufman stated that the plan was to encapsulate as much as possible with as little disturbance as possible. Most of the asbestos was found in the areas where the building and the parking were located. There were tiny fragments throughout the property and for simplicity’s sake, he deemed the entire site to be contaminated so the entire property would be capped. It was his opinion that the lower lying areas were never filled and didn’t have any detectable asbestos. However, he was building those areas up as an extra precaution. So the majority of the contamination was under the parking lot and building, not the grassy area.

Ms Schmitt questioned as to whether Mr. Kaufman was digging a basement and removing some of that material.

Mr. Kaufman stated that he excavating a little bit but it would all be contained in the footprint of that building and parking lot.

Ms Schmitt asked if he was making it higher and how much.

Mr. Kaufman replied approximately 18” to 2’-0”.

Ms Schmitt asked if this was being done because he calculated the square footage he expected to dig out and then moved it forward on the property in order to encapsulate it since he knew it was the contaminated portion.

Mr. Kaufman stated, no, it was because the area contaminated now must be encapsulated so he would rather not disturb that. The idea was to encapsulate it where it was so that it doesn’t have to be dug up.

Ms Schmitt stated that he would be building up the 18” of encapsulation above the current grade.

Mr. Kaufman indicated that this was correct.

Ms Schmitt asked, in a situation such as this, if nothing can be removed from the site.

Mr. Kaufman stated that some of it may be removed but until he knew the exact location of where he would be digging and what the soil circumstances were, he didn’t have answers. He only knew from the test borings where they *think* the contaminant is.

Ms Schmitt asked what if there was more than he expected.

Mr. Kaufman it would be moved to an off-site qualified remediation site.

Arthur Brown, 479 Meyersville Road, asked if the height of the building violated the ordinance for the maximum height.

Mr. Kaufman indicated that the height of the building was 30’-7” and the maximum building height was 35’-0”.

Mr. Brown asked, since he was raising the grade in areas, how would the water run off be handled.

Mr. Kaufman deferred that to his professional engineer.

Christopher Webbe, 99 Hickory Tavern Road, asked several questions pertaining to the name, Restore Meyersville LLC and a negative characterization of Meyersville.

At that point there was an exchange between Mr. Bernstein and Mr. DeLaney as to the appropriateness of the questions and the audience response.

Mr. Webbe apologized and asked into which of the 1996 Zoning Requirement categories this application falls.

Mr. Bernstein stated that this line of questioning should be referred to the planner, not the architect.

Roger Murray, Whitebridge Road, Meyersville, asked if Mr. Kaufman would be agreeable to using cans instead of a dumpster.

Mr. Kaufman said yes.

Mr. Murray stated that since this would be a commercial facility, it was not entitled to the town pickup.

Mr. Kaufman affirmed this.

Mr. Murray asked if Mr. Kaufman was familiar with the problem with bears and garbage cans in the area. The cans get destroyed and garbage is strewn everywhere.

Mr. Kaufman indicated that he was unfamiliar with that. He noted that the area was fenced in however, he could not guarantee it was "bear proof".

Mr. Murray asked if the cans had to be put out at daybreak, would there be someone available to do that.

Mr. Kaufman answered stated that he was willing to do whatever was necessary.

Madeline Taylor, 588 Meyersville Road, asked about the low density use. She asked if he considered a facility that would be used seven (7) days a week from 9:00A.M. to 10:00 P.M. all year around to be a low density use relative to the other commercial entities in the hamlet.

Mr. Kaufman answered that this was low density in terms of residential population or capacity. The facility would reduce the density from what it currently was on the site to zero. He felt it had very minimal impact also because, if it were a retail application of 13,000 square feet which was a permitted use within the area, it would be a much higher density, higher occupancy, and higher activity level facility with people coming in and out all day. Here, every two (2) hours 30 children change hands which was a modest impact for a commercial site such as this in a commercial zone.

Ms Taylor stated that the tenant said the hours of arrival would be approximately 3:45 for the younger children which was about the same time as the school buses were travelling Meyersville Road with possibly a bus stop at that location. She asked how that would impact traffic.

Mr. Kaufman deferred to his traffic professional.

Richard Pfluger, 129 Hickory Tavern Road, Meyersville, said it was his understanding that there would be 60 children per shift leaving as well as another 60 waiting to come in, not 30 as Mr. Kaufman indicated earlier. Therefore during the turnover there could be as many as 120 people involved.

Mr. Kaufman stated he was generalizing on the numbers. There were ten (10) players on each of three (3) courts.

Mr. Pfluger asked if Volleybarn would be the tenant and if Mr. Kaufman would remain the owner.

Mr. Kaufman replied yes.

Mr. Pfluger asked Mr. Kaufman if, during his previous six (6) years of ownership, could he have made some effort to clean up the property.

Mr. Kaufman stated some work has been done. The driveway was covered and there has been some work done to contain some of the asbestos by putting a layer of filter fabric down. Without knowing the end result, economically it would be difficult to improve further.

Mr. Pfluger asked what the current value of the property was.

Mr. Kaufman answered he did not know.

Mr. Pfluger asked what the property taxes were.

Mr. Kaufman answered approximately between \$12,000 and \$18,000.

Mr. Pfluger asked what the value of the property would be if this project were completed.

Mr. Kaufman answered he did not know. He did not have construction costs since there wasn't a construction permit.

Mr. Pfluger asked again for a ballpark figure.

Mr. Kaufman indicated that it would be at least double what it was now. He did not want to go on record with an exact figure since there was no permit.

Mr. Pfluger stated it was his understanding the Volleybarn would be tax exempt and not pay property tax.

Mr. Kaufman indicated that was not correct.

Mr. Aroneo asked if Mr. Kaufman lived in Meyersville.

Mr. Kaufman stated he lived in Berkeley Heights.

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Mr. Arentowicz said that the Board would not initiate any new witnesses beyond 10:30 P.M. so that there was ample opportunity for everyone to question the witness. He called the next witness on behalf of the Applicant.

Mr. DeLaney stated that the next witness would be Christian M. Kastrud who is the Applicant's engineer.

Mr. Bernstein reminded Mr. Kastrud that he was still under oath.

Mr. DeLaney asked Mr. Kastrud to tell the Board what he has done since the last meeting.

Mr. Kastrud stated that both Mr. O'Brien and Mr. Lemanowicz had requested a Survey of Topography and he had 25 copies with him. This was the exact survey that was referenced on the site plan. There was no difference between this survey and Sheet 2 which shows the existing conditions and demolition.

Mr. Kastrud had a colorized version of a few of the sheets that were in the set. It was marked Exhibit A-10. He noted one of the main changes. The building was pushed back to address issues about pedestrians and people waiting outside. There was a sidewalk provided between the dumpster area and the front door. Because of concerns expressed by the neighbor to the east, the entrance in order to provide 25 feet between the property line and the entrance drive. A water quality basin had been added at the north end of the property which was designed in accordance with D.E.P. standards. Both the D.E.P. representatives and the environmental specialist felt that, with the reduction of impervious coverage associated with this project, the water quality basin was sufficient.

Mr. Kastrud said that it was his feeling that the stormwater review would be looked at by the D.E.P.

Mr. Kastrud said that the landscaping plan was given to a landscape architect. A title block with both the landscape architect's signature and his signature would be incorporated into the plan.

Mr. Kastrud stated that he had received the reports from Mr. O'Brien and Mr. Lemanowicz.

Mr. Kastrud stated that there were some changes made to the grading. The grass parking lot was currently designed at 7% which would be corrected and reduced to 5%. In doing so, that would take into account the side entry door.

Addressing the stormwater issue, Mr. Kastrud stated that, currently there was 57% coverage prior to the dedication of 25 feet to Morris County. Morris County originally asked for 33 feet but since that would affect the ability to develop the site, the County agreed that 25 feet would be adequate. The coverage of 57% would be reduced to 40.9%. The area of impervious coverage on the site outside of the proposed county right-of-way was 33,830 square feet. That would be reduced to 24,425 square feet, a reduction of 9,405 square feet which was almost 1/4 of an acre. That would reduce the runoff coming from the site. He had collected the driveway in two (2) trench drains at either end of the site and directed that back to the water quality basin. The roof leaders would be directed towards the rear of the property and currently the roofs were considered clean water. Any detention discussed with Mr. Lemanowicz and directed to the water quality basin would enhance the runoff out past the property into the Great Swamp. The percentage of reduction of impervious coverage was approximately 28%.

Mr. Kastrud indicated that he did run the numbers based on the 2, the 10, and the 100 year storms listed in the Residential Site Improvement Standards. By changing the character of the land and developing this site, the rate of runoff was being reduced approximately 5% albeit not what was required if this was considered a major development and had to meet the 2 year, 10 year, and 100 year storms. Currently the water quality basin was not designed as a detention basin to handle the 2 year, 10 year, and 100 year. It was designed to handle 1-1/4 inches of rain in two (2) hours. If the 2 year, 10 year, and 100 year storm were routed through that basin, some detention would be gained and in doing that, the 2 year storm would be entirely contained. There would be no overflow of the basin and it would achieve a 100% reduction. The 10 year volume would be reduced from 11,000 cubic feet to 5,700 which was approximately a 50% reduction in volume that would then leave. The 100 year storm would be reduced by 22.8%.

Mr. Lemanowicz asked if these were all volumes or rates.

Mr. Kastrud answered that these were volumes.

Mr. Kastrud noted that there were a few comments in Mr. Lemanowicz's report. After discussion with the Applicant's team, he stated that he could comply with a majority of those comments.

Mr. Lemanowicz said that the requirements for the stormwater management for a major development were a reduction in the *rate* of runoff not the *volume*. It appeared that there was a reduction in rate but there was no number. Without that number, Mr. Lemanowicz can not compare it to the ordinance.

Mr. Kastrud addressed Comment #3 on the 11-18 report from Mr. Lemanowicz. The Survey, Page 3 of 15 Technical Comments #1, commented on the distribution of the survey which has now been submitted.

Mr. Kastrud addressed Comment #2 which referred to stormwater which was just discussed. The L.O.I. had been submitted and received, had expired and must be resubmitted along with Statewide General Permit #27. They would be submitted together as one package.

Mr. Kastrud addressed Comment #5. Morris County has reviewed the plans and asked for details about the pavement section in the right-of-way and for slopes to be modified on the entrance. They also asked for a right-of-way dedication and he was working with them in reference to the discharge pipe on the east property line. They were requesting that there be a signed "Right to discharge" on the property and asked if there were any issues with changing the location of the pipe.

Mr. DeLaney stated that the County approval would be a condition of the resolution.

Mr. O'Brien asked if the changes requested by the County been made.

Mr. Kastrud said no, not on the set of plans that the Board has.

Mr. Kastrud addressed Comment #6 which referred to loading space. Testimony provided at the last meeting indicated that no loading space was necessary for this type of facility.

Mr. Kastrud addressed Comment #7 referring to a walk. There was now a walk on the western side of the building between the front entrance and the dumpster enclosure. There was no walk on the other side out to the east.

Mr. Lemanowicz pointed out a conflict between the architect's plans and the engineer's grading plans in reference to handicap access. If that was the handicap accessible entrance, there should be a sidewalk.

Mr. Kastrud stated that they would have to provide a barrier free access to the door.

Mr. Lemanowicz indicated that that entire issue would have to be addressed with the architect.

Mr. Kastrud agreed.

Mr. Kastrud addressed Comment #8 regarding the number of spaces. He indicated that there were 38 spaces, 19 on each side of an aisle that were the overflow spaces in the grassy parking area. There were 28 spaces in the front. Mr. Kastrud noted that although paved, the one objectionable space was eliminated. There were now four (4) spaces in that northeasterly corner. The line work for the curbing did not take into account that that last space was going to be striped so it could still be an access to the grassy area to the north.

Mr. Arentowicz asked if there were 63 or 66 spaces.

Mr. Kastrud answered there were 66 spaces.

Mr. O'Brien said that two (2) spaces in the paved area would be eliminated to allow access to the grassy area.

Mr. Kastrud said that was correct.

Mr. Lemanowicz indicated that they were losing two (2) spaces and the striped area that was just discussed which adds up to 64 spaces.

Mr. Kastrud stated there were 26 in the front and 38 in the back was a total of 64 spaces total.

Mr. Kastrud stated that Comments #9, #10, #11, #12, #13, and #14 have been addressed. Comment #15 was "no action required".

Mr. Kastrud said that Comment #16 pertained to the two (2) spaces in front. Per this discussion, the trash enclosure needed further review and a decision made as to whether or not it was ultimately required.

Mr. Kastrud said that Comment #17 involved the trash enclosure which he just touched on.

Mr. Kastrud said Comments #18, #19, #20, #21, and #22 had been addressed.

Mr. Kastrud addressed Comment #23 stating that he had agreed to revise the grading to eliminate the steep slopes in the areas of the pipe and the cover.

In reference to Comment #24, Mr. Kastrud agreed to lessen the slope from the 7% originally proposed to 5% in the grassy area and also address the pipe discharge point.

Mr. Kastrud moved to Comments #25, #26, and #27, indicating that they had been addressed.

Mr. Kastrud moved to Comment #28 and referenced the short dialogue he and Mr. Lemanowicz had had earlier in reference to the handicap access which would be addressed on the plans.

Mr. Lemanowicz asked Mr. Kastrud to address this comment and the fact that the plans only show nine (9) feet from the floor of the basement to the first floor which didn't appear to be enough clear space.

Mr. Kastrud deferred to Mr. Kaufman.

Mr. DeLaney stated that Mr. Kaufman would be recalled.

Mr. Kastrud moved on to Comment #29 which he indicated had been addressed.

Mr. Kastrud said Comment #30 involved the double door which appeared in the architectural plans, while on the engineering plans only a single entrance was shown. He stated that the pad would be enlarged to include the double door.

Mr. Kastrud stated that, according to the architect and his anticipated load in the building, there was no anticipated transformer or pad proposed.

Mr. Kastrud addressed Comment #32. He stated that there were existing light poles at the front of the building. On the demo plan, or on the lighting and landscape plan, on sheet 5, there was a note that they would be removing the existing lights that shine onto the property. There was a note in the middle of the parking lot that said, "All fixtures on the utility pole shall be removed."

Referring to Comment #33, Mr. Kastrud said that there was an existing water valve that served the existing single family home. He had proposed to eliminate that and provide the water and gas in the trench. He indicated that all those items would be worked out at the time of construction. Whether or not that water was even feasible, or if it was even large enough to serve the facility, would be worked out at the time of construction.

Mr. Lemanowicz requested a note that would state that water service would be assessed at the time of construction to determine adequacy and shall be capped in accordance with local utilities if found to be inadequate.

Mr. Kastrud agreed.

Mr. Kastrud stated he did not know the location of the existing sanitary facilities to the home. He did know the location in Meyersville Road. He said a note would be added to the general area stating that they shall be investigated during construction and appropriately abandoned.

In reference to Comment #35, Mr. Kastrud said he was working with the County to create the appropriate easement for the 15" pipe.

Mr. Kastrud said that Comment #36 had been addressed.

In reference to Comment #37, Mr. Kastrud felt certain that he could work out a plan with Mr. Lemanowicz for additional shrub plantings. He was unsure about the concern with the front of the building since there were street trees proposed along the front. If it was a type or a number, he felt the landscape architect would be amenable to revisions.

Mr. Kastrud moved on to Comments #38 and #39 and indicated that they had been addressed.

Mr. Kastrud noted that for Comment #40, there was a manhole detail on the plan on the last revision. It was eliminated from this set and would be added back to the set of plans before construction. It was to hold the sewer rejecter pump for the sanitary sewer.

Mr. Kastrud said that all signs would comply with the ordinance (Comment #41). There were no variances being requested for signs.

In reference to Comment #42, Mr. Kastrud said there was an L.R.S.P. that he had consulted with. He had reviewed the borings and depths and determined there was not a consistent layer of asbestos on the site. The development had been planned as appropriately as possible with the limited information available about the underground contamination. He has worked with the L.S.R.P. to indicate where the material would be placed. The L.S.R.P. would be responsible during construction for insuring compliance with all of the D.E.P. standards. The asbestos could be capped with an impermeable surface or capped with fill and when that point arrived, the level of fill required would be discussed.

Mr. Kastrud moved on to Comment #43. He felt the asbestos contamination should be reviewed as it related to stormwater management. Every portion of the site that had contamination would be covered by the appropriate amount of fill or impermeable cover. There was a stormwater summary with the downspouts depending on the final determination on whether or not compliance with the township's ordinance was required. The roof leaders were considered clean and were not included in the water quality basin design volume however they had been included in the reduction to the basin.

Comment #44 has been addressed according to Mr. Kastrud.

Mr. Kastrud said in Technical Comment "C", Item #1, the incorrect grate elevation would be resolved when he revises the grading.

Item #2 would be a Class 5 pipe which would be called out on the plans.

For Item #3, the detail for the frame and trench grate would be added to the plan.

For Item #4, the inlet echo head would be called out on the plans.

Item #6 referred to the emergency exits from the building. Mr. Kastrud pointed out that there were no specific building codes and that it was strictly an engineering judgment as to what was appropriate for someone to step out onto in an emergency access. Concrete pads were shown. He would address Mr. Lemanowicz's concerns about the slope on the property.

Item #7 concerned grading along the flared in section and by the existing County discharge. It would be addressed in the revised plans.

Item #8 was deferred to the traffic expert.

Item #9 was a comment about stormwater. Once the stormwater facilities were addressed, there would be a maintenance manual that the owner of the property or his designee would be responsible for. The owner would also be responsible for submitting annual reports to the township engineer.

Mr. Lemanowicz said that Item #10 was simply a review of Mr. O'Brien's letter of October 10th listing what the Applicant was to provide. That had already addressed. He wanted to move to Technical Comment "D" which were the new technical comments for this report.

Mr. Kastrud stated that the new Sheet 5 of 5 was submitted and was going to be incorporated into the plans, signed by both Mr. Kastrud and the landscape architect. His title block would be added to the plans.

Mr. Lemanowicz clarified that when an Applicant submits Sheet 5 of 7, for example, that requires the board secretary and board members to disassemble the set and slide the new sheet. There would then be no record of the first submission. His comment was that if a plan was going to be revised, the entire plan set should be revised. Otherwise there would be two (2) plans and no way to differentiate between the two since they would have the same date, the same revision date, and the same number.

Mr. Kastrud indicated that the comments under Item #1 were as Mr. Lemanowicz stated and that a complete comprehensive set of plans signed by the appropriate professionals would be submitted.. A few of the details needed to be added for the lighting fixture. The count of the trees had to be revised by the landscape architect.

Mr. Kastrud felt that some of the operations in Item #2 had been heard regarding who was going be there, how many players, what kind of kind of spaces were available. The traffic expert would touch on the traffic counts and anticipated traffic patterns in, out, and around the site.

Mr. Kastrud stated that he was finished.

Mr. Arentowicz stated that this town was impacted greatly by stormwater and flooding. He asked if it was Mr. Kastrud's professional opinion that this project did not need to comply with the township's stormwater management practices since it would be under the guidance of the D.E.P.

Mr. Kastrud clarified that this was not a professional opinion but an opinion based on his experience and involvement in other municipalities and projects. When another regulatory agency has a higher level of review power, they take jurisdiction. As an example, he noted that he was the Township Engineer for Warren Township and when Somerset County took control over the calculations for a project, the township did not get involved since they did not have the authority to say yes, no, or change the design. He has told Mr. Lemanowicz that the project could comply with a portion of Long Hill Township's ordinance by what had been done so far and with some minor modifications to the basin but it would be under the guidance of the N.J. D.E.P. based on the discussions he has had with them over the past five (5) years.

Mr. Arentowicz did not understand why there was no decision from the N.J. D.E.P. especially since Mr. Lemanowicz had been requesting this information for over a month. He wanted to know why that wasn't presented this evening.

Mr. Kastrud stated that through the discussions that he has had with Mr. Lemanowicz, it was his understanding that their conversations were adequate. He also felt that the design team had provided Mr. Lemanowicz with the information that he needed. It wasn't until very late today that Mr. Kastrud found there was nothing on file with Mr. Lemanowicz from the project's environmental scientist who was in contact with the D.E.P. This person was a former employee of the D.E.P. and was now in the private sector, making submissions to the D.E.P. He forwarded his email, based on his discussions, that afternoon.

Mr. Arentowicz asked if there was going to be a resolution on whose jurisdiction applied based on these emails.

Mr. Kastrud stated he could not answer that question. It was his opinion that the D.E.P. had jurisdiction. He referred back to his earlier Warren Township example.

Mr. Lemanowicz stated his issue was that if it was a county facility or pipe, obviously they own it. In this case, in dealing with the development on site, there have been wetland applications associated with site plans and the local drainage design was still under local drainage review. If the D.E.P. had requirements, it was considered in the local review. His issue was not so much of jurisdiction as the fact that he had no idea what was happening on this site to even tell the Board if "the battle was even worth fighting." If there was some comparison to the rates, he could say the ordinance requires a 50% reduction and based upon what was here, it was only 45% which may not seem like a big deal. If there was supposed to be an 80% reduction and it was only 10%, then it would be worth looking into the jurisdiction issue. At this point, Mr. Lemanowicz did not have the information to take that first step.

Mr. Arentowicz asked how to resolve this.

Mr. Lemanowicz stated that the ordinance sets forth water quality. There was an infiltration basin which was a water quality basin that he was given some of the calculations for. The other issue was groundwater recharge. There was no information submitted on that although this was an infiltration basin. It would seem that there was intent and design behind it. The last item with respect to drainage was the *rate* of discharge. Mr. Kastrud gave him *volume* of discharge which was different so Mr. Lemanowicz didn't have the rates to discuss with the Board.

Mr. Kastrud agreed that the standard was not for volume but they were intimately related.

Mr. Lemanowicz agreed that the volumes made a very good point however, it was apples and oranges.

Mr. Kastrud stated that the water quality basin was large enough to hold the entire two (2) year storm. That meant that regardless of the amount of water that was being generated under the proposed conditions, it would be infiltrated through the basin itself and not discharged over the top or emergency spillway. That would be a 100% reduction in flow. The water quality basin is large enough to take the two (2) year storm and that came out of the volume of both the ten (10) and the one hundred (100). Those were the reductions that were presented.

Mr. Arentowicz clarified that the current design did not include the roof leaders from the building going to the retention area.

Mr. Kastrud indicated that that was correct. When the plans were submitted, only the water quality basin had been designed. That basin was designed to collect the runoff from the parking lot in the front, over a 1/4" storm in two (2) hours, directed down through a series of pipes to a detention water quality basin at the back of the property. With some easy changes, the roof leader piping could direct that runoff as well.

Mr. Arentowicz asked if there was any reason why that should not be done.

Mr. Kastrud stated that if he was not required to detain that water. If it was only for water quality, the water that came off the roof was considered clean by the D.E.P. and didn't need to be cleaned again. However, it could be added. It would just tax the system and it was typically not done.

Mr. Arentowicz asked for further questions from the Board or the professionals.

Mr. Lemanowicz stated that he was reading something that Mr. Bernstein had given him and would need a few minutes.

Mr. Arentowicz opened the questioning to the public.

Don Farnell, Trent Place, Gillette, requested clarification from Mr. O'Brien. He wanted to know if the Applicant was seeking relief from "no parking requirement in the front yard" in this zone.

Mr. O'Brien answered that this was correct.

Mr. Farnell asked Mr. Kastrud if he was aware of this when the design process began.

Mr. Kastrud answered that he was and that several different scenarios were developed.

Mr. Farnell asked if any of those had parking located somewhere else other than the front yard.

Mr. Kastrud answered no, not for this use.

Mr. Farnell asked why not.

Mr. Kastrud answered that because of the layout, the traffic circulation, and the opportunity for drop-off, this was the best geometry for the current site.

Mr. Farnell asked Mr. Kastrud, in his professional opinion, if he thought all the parking could be placed in other locations on the site to remove it from the front yard.

Mr. Kastrud answered that there were engineering possibilities for a lot of scenarios for parking. It would create additional impervious coverage and would probably exceed the allowable by more than the current design did.

Mr. Farnell asked why the impervious coverage couldn't be shifted out of the front yard and around to the side.

Mr. Kastrud said it would create additional impervious coverage in order to get to the parking at the back of the property.

Mr. Farnell said in order to confirm that assumption, was there another plan with the parking located elsewhere.

Mr. Kastrud stated that he knew that from his professional opinion.

Mr. Farnell asked why that plan was not generated if they were currently under the impervious.

Mr. Kastrud stated that they were *not* under the impervious coverage percentage and that a variance was being sought for impervious coverage.

Mr. Farnell asked if Mr. Kastrud was saying that there was no way the parking could be moved out of the front yard.

Mr. Kastrud said that that was not what he said and that he was not there to discuss different opportunities. There were always "multiple ways to skin a cat".

Mr. Farnell asked, if the application was requesting relief from this requirement, why could it not be moved elsewhere. Why should the application be granted relief if it can be placed elsewhere.

Mr. Kastrud stated that this was the best opportunity to serve the site based on the geometry, based on the use, based on the drop-off, and the traffic circulation.

Mr. Farnell asked if there were plans to prove that assertion.

Mr. DeLaney interjected that there would testimony from their planner on this issue.

Mr. Farnell referenced the drawings of 10-21, specifically Drawing 4 of 7 which was the grading plan. He referenced an earlier conversation with Mr. Lemanowicz regarding the grading of the green parking area. Mr. Farnell asked, particularly in the southeast corner where the grade appeared to be fairly steep, in some places 10%-12%, how would that situation be remediated..

Mr. Kastrud answered it would be done through walls either on the building side of the property or with additional walls on the easterly side of the property.

Mr. Farnell asked if additional fill would have to be added in this particular area with an increase in the retaining wall along the eastern boundary to achieve this.

Mr. Kastrud answered yes, there would be additional fill. The fill would be lowered from what it was now and a wall would be constructed on the building side of that parking lot. It would be a cut and fill, a balance.

Mr. Farnell also referred to discussions with Mr. Lemanowicz concerning the two (2) new drain lines, one that ran on the east side of the building towards an outlet structure and one on the west side of the building which ran to a headwall. He indicated that there were open green swales. He asked if those lines could be extended, particularly on the east side, beyond where the proposed emergency access pad was. He expressed concern about someone exiting and stepping into a green swale.

Mr. Kastrud answered that it was something that could be looked into.

Mr. Farnell then referenced Drawing 5 of 7, with the landscaping and the lighting. He asked if Mr. Kastrud was familiar with the ordinance (153.2V) that discussed site lighting in parking areas. He stated that the drawing he had did not show any photometrics for the green parking area. He asked how the lighting requirements for that parking area were going to be met.

Mr. Kastrud indicated that through discussions with the architects and the Applicant, it was not proposed to lighted because it was to be used for overflow during the daylight hours.

Mr. Farnell wanted to know how Mr. Kastrud knew it was only going to be used during daylight hours.

Mr. Kastrud answered through discussions with the architect and the Applicant.

Mr. Farnell pointed out that the facility would be open from 9 A.M. to 10 P.M. He asked if Mr. Kastrud was sure that that parking LOT would not be used at night.

Mr. Kastrud answered no.

Mr. Farnell asked if it would be prudent to provide lighting in that area.

Mr. Kastrud stated that the possibility could be investigated.

Mr. Farnell indicated that that was what was called for in the ordinance and asked if he was looking for relief from that.

Mr. Kastrud stated that at this point it was not listed on the plans as "requested relief".

Mr. O'Brien stated that it would be a design waiver.

Mr. Farnell reiterated that there were currently no photometrics for that particular area.

Sally Rubin from the Great Swamp Watershed Association asked if it was acceptable for a municipality to have more stringent restrictions for stormwater than D.E.P. restrictions so that even if the D.E.P. was to have jurisdiction because of the contamination, couldn't the municipality then ask to go above and beyond that.

Mr. Kastrud stated that in many cases there could be laws that were stricter. He felt it would be a good question for the attorneys. He did not know which laws could and could not be stricter from a municipality standpoint.

Mr. Bernstein stated that with the flood plain and ordinances of that type, municipalities could be stricter than the state but with wetlands, there was preemption by the state.

Ms Rubin then asked, given that information, if the state would preempt.

Mr. Bernstein stated that if it was wetlands, yes. He then referred to Cox (New Jersey Zoning and Land Use Administration by William M. Cox).

Ms Rubin asked if the argument was that the D.E.P. had jurisdiction because of the contamination or was it because it was a wetland.

Mr. Kastrud answered that the site would be under the jurisdiction of the D.E.P. because of Statewide General Permit #27 which allows redevelopment of a previously disturbed area of wetlands or transition area. This had been discussed with the D.E.P. by the wetlands scientist over the past five (5) years.

Ms Rubin asked if the consensus was that the D.E.P. had jurisdiction.

Mr. Lemanowicz stated that he would look into that because he believed that the D.E.P. retained jurisdiction over the wetlands. Whether that gave them jurisdiction over the entire site's drainage design, remained to be discovered.

Ms Rubin then stated, given that comment, there was *not* consensus.

Mr. Arentowicz stated that the issue was still unresolved.

Ms Rubin asked to discuss the stormwater design and the asbestos issue. She reaffirmed that there was testimony to the effect that 18" to 2'-0" of fill would be brought in as one of the means of remediating the asbestos. She asked how that increase in fill would alter the topography and therefore the stormwater retention on the site.

Mr. Kastrud stated that the fill was in the front of the building, mostly underneath the parking lot. The water would be collected by two (2) storm drains down the east and west side of the property. Any fill that was associated with the building itself was going to be underneath the building which would be underneath a roof which would then be directed to the drainage area in the back. The swale along the westerly property line would keep the water from flowing towards the west and flow towards the north to the infiltration basin.

Ms Rubin asked how he could design the stormwater without knowing how he would be remediating the exact locations of the asbestos. It seemed to her that the asbestos remediation could not be designed until he knew what the site plan was going to look like and he couldn't design the stormwater until the plan for remediating the asbestos was in place.

Mr. Kastrud said that was a close statement. Based on the limited boring information, he could design a plan to remediate the asbestos. Whether or not the Planning Board ultimately approved this geometry or layout might affect how he ultimately decided the remediation should be done. They were trying to avoid excavating the entire site,

removing everything, and then bringing back fill. It was not economical or necessary since the asbestos could remain in the ground.

Ms Rubin asked if the building was going to have a basement.

Mr. Kastrud answered a portion of it would.

Ms Rubin asked if there was asbestos under the building. She asked why would there be excavation where there was asbestos.

Mr. Kastrud answered there was a balance between a design that solely met a cap for the asbestos vs. the desirability of what the owner wanted the site to be. He didn't know the exact location of the asbestos as it pertains to the basement but it would be taken into account as the footings were excavated. The material would be placed underneath the parking lot or removed from the site.

Ms Rubin asked if the barrier fabric was impermeable.

Mr. Kastrud did not believe it was however he deferred to the L.S.R.P.

Ms Rubin asked what would happen if there was asbestos where the water quality basin was planned to be located. Would additional stormwater impact the mobility of the asbestos?

Mr. Kastrud answered that the location and the elevation of the basin was chosen because the groundwater in that area was approximately five (5) feet deep. The location would be two (2) feet above the contamination. He deferred the impact of the groundwater to the L.S.R.P.

Ms Rubin asked if the roof runoff was directed into the basin, what would be the impact of the extra water.

Mr. Kastrud indicated that the impact was nominal. The most important aspect of directing the roof runoff into the basin was controlling the scour at the entrance from the two leaders. Introducing clean water into the basin would impact it which was why it was generally not done. It could be done.

Ms Rubin asked, if D.E.P. has jurisdiction over this based on the fact that it was wetlands, what their requirement for stormwater retention was. Was it a two (2) year storm?

Mr. Kastrud said it was not. The requirement was a 1-1/4" water quality storm.

Mr. DeLaney asked, for the record, what Ms Rubin's affiliation with the Great Swamp Watershed Association was.

Ms Rubin replied that she was the Executive Director.

Mr. DeLaney asked if she was given a resolution to speak on behalf of the Association.

Ms Rubin replied that she did not have a resolution but that it was part of her job description.

Mr. Bernstein felt that someone like Ms Rubin who was the Executive Director was authorized to speak. In other instances such as this, the person did not bring a resolution to speak. He asked Ms Rubin to confirm his assumption that her Board of Directors knew that she was here.

Ms Rubin said that they did and in fact two (2) of them were in the audience if he wished to ask them.

Since it was approaching 11:00 P.M., Mr. Arentowicz asked the Board for a 10 minute extension so that the public could finish their questioning of this witness. Mrs. Dapkins motioned, Mr. Moholkar seconded. There was a voice vote and the motion passed.

Mr. O'Brien wanted to answer a question posed earlier by Mr. Farnell in reference to lighting. He referred to Sheet A-201 dated October 25, 2013 of the architectural set which showed three (3) lights on the easterly side so there was no relief necessary from the township ordinance presuming that they govern. The lights were not shown on the engineering plan.

Debra Schmitt, 486 Meyersville Road, thought it was earlier indicated that the basement was small and shallow. Her current understanding was that there was a full basement in part of the facility.

Mr. Kastrud indicated that that was correct. The large majority of the building would be a slab on grade. That was where the courts would be. The small rectangular portion at the southerly end would be a finished floor and a basement. This proposal was a split level type of building.

Ms Schmitt asked how many square feet was the area of the basement vs. the total area of the facility.

Mr. Kastrud answered approximately 1500 square feet or 10% of the building. It was approximately 20 X 70.

Ms Schmitt asked, in regard to the parking in the front, how wide each parking space was.

Mr. Kastrud stated they were nine (9) feet wide to the center of the hairpin striping which was average car size. In higher turnover type stores, the spaces were sometimes enlarged. At times they were reduced to 8'-6" or 8'-0" such as in a commuter lot where cars were parked for the entire day.

Ms Schmitt said, based on that, size determination was based on how many times people go in and out as well as car size.

Mr. Kastrud indicated that most of the time he relied on the local ordinance.

Ms Schmitt asked when calculating the number of cars that would fit in the grassy unmarked area, what size spot was used.

Mr. Kastrud answered the same nine (9) feet.

Ms Schmitt asked if it was realistic, in his experience, to expect people to park in that orderly a fashion on a grassy unmarked area compared to when the parking lot was lined.

Mr. Kastrud said he had seen a lot of variations. Based on his visits to similar sites, and not his professional opinion, he had seen more cars and fewer cars depending on how people park.

Ms Schmitt said it was her experience that such lots were disorderly and that people tended to take up more space. She then asked for clarification on how the ten (10) year storm would be handled by the drainage.

Mr. Kastrud stated that the volume of a ten (10) year storm was about twice that of a two (2) year storm. He affirmed Ms Schmitt's assumption that the ten (10) year storm would overflow.

Ms Schmitt then asked if they should expect a flood every seven (7) or six (6) or five (5) years.

Mr. Kastrud stated that was incorrect. Based on changing the site characteristics, the rate of flow was being reduced. The volume was being reduced, compared to what happens today. Currently, the site has 33,000 square feet (after the dedication) of impervious coverage. After this development, there would be approximately 24,000 square feet of impervious coverage, or a reduction of approximately 9,000 square feet. Hence, the flow was being reduced. With respect to the basin, he was not talking about a reduction in the difference of volumes. The volumes were already being reduced from the existing conditions to the proposed conditions. The township ordinance requires that the rate of flow be reduced by 50% for the two (2) year storm, by 25% down to 75% for the ten (10) year storm, and by 20% down to 80% for the one hundred (100) year storm. He did not have those numbers however; the entire volume from a two (2) storm fit in that basin. He didn't have the flow numbers leaving the ten (10) and the hundred (100) but he knew that they were at least 5% less.

Ms Schmitt asked about the impervious cover. How was it determined that currently it was such a high percentage?

Mr. Kastrud stated the house, concrete pads, the buildings, and the compacted gravel were all included in the calculations of impervious coverage.

Ms Schmitt asked if compacted gravel with asbestos in it was considered impervious.

Mr. Kastrud stated that he did not believe that there was asbestos *in* the compacted gravel. The asbestos was *below* the gravel.

Ms Schmitt asked if the gravel with asbestos under it was considered impervious but asbestos with fabric over it was considered pervious.

Mr. Kastrud said that was correct.

Ms Schmitt asked, since it was the same material, how does it change from impervious to pervious.

Mr. Kastrud deferred to the L.S.R.P. He noted that the asbestos was not laid down in sheets. It was broken into chunks which were mixed into the existing native soil. It was pervious. However, the surface was compacted gravel and did not allow the water to flow through.

Helena Tielmann, 795 Meyersville Road, Meyersville, lives directly next door to the property. She owns property in the area described when spill or water draining were mentioned, the north end of the property. She estimated that the size of the property she owns behind the subject property was as big as the subject property itself. She asked if there had been a wetlands delineation done.

Mr. Kastrud stated that the project team had done so. A wetlands scientist investigated and it was shown on the survey submitted and on the site plan.

Mrs. Tielmann indicated that she had not had an opportunity to look at that survey since it was submitted this evening.

Mr. Kastrud indicated that they were the same wetlands lines shown on the site plan submitted months ago.

Mrs. Tielmann asked when the L.S. R. P. would be introduced and be available for questioning. She indicated that she would like to have a line of dialogue with this person throughout the process.

Mr. DeLaney indicated to Mr. Arentowicz that he would be happy to give Mrs. Tielmann his business card so that she could submit her questions to him and he would forward them to the L.S.R.P. in advance.

Mrs. Tielmann expressed her appreciation. She asked about the revised plans that were handed out that evening and expressed frustration that a lot of new material was unavailable to her until she actually arrived at the meeting.

Mr. Arentowicz asked for another extension. Mr. Roshto motioned for a ten (10) minute extension, Mrs. Dapkins seconded the motion. Voice vote was taken and the motion passed unopposed. He then asked Mrs. Tielmann to proceed.

Mrs. Tielmann referred to the leader pipes on the east and west side draining the parking lot area, the pipes from the roof (which she felt was as large as the parking lot in the front of the facility) , and the detention pond running along the west side which abuts her parking lot. The pond drains to the rear of the property along with the other pipes and leaders that were connected to it to a six (6) inch deep detention basin. Mr. Kaufman testified earlier that the building would be pushed back four (4) feet. How big would the detention pond be now?

Mr. Kastrud indicated that that would be discussed between the professionals. He noted that Mr. Lemanowicz would be researching who had jurisdiction. He said he was in attendance to argue but to discuss and explain why the current geometry of the basin was designed as a water quality basin since it was his understanding that it was under the jurisdiction of the D.E.P. If it did need to comply with the Long Hill Township's ordinance with minor modification along the berm, it would be done. It was not proposed to be any deeper at this time unless it was found that it was under Long Hill Township's jurisdiction or it was done in good faith.

Mrs. Tielmann asked, based on the discharge calculation she has seen, how often would the water flow above the six (6) inch level and discharge onto her property.

Mr. Kastrud stated that *statistically* it would happen once every two years. He emphasized that when that does happen, it would be a decrease in the amount of water running off the site. The runoff was not being intensified or directed towards her parking lot. He noted that the general contours of the property flow from south to north and that that would continue when the project was completed.

Mrs. Tielmann asked if there would be protective fencing around the detention basin so the younger children did not drown in it.

Mr. Kastrud answered that typically not for something that shallow. Until the water pool attains a depth of four feet, there was typically no fence around it.

Mrs. Tielmann suggested that this be considered for the safety of the children.

Mr. Arentowicz indicated that this witness was completed. He asked for rescheduling options.

Mr. O'Brien stated that the next scheduled meeting in December was spoken for. There were three (3) elements of the Master Plan on public notice for that evening and he advised the Board not to schedule anything else. He stated the next available date would be January 14th which was also the reorganization meeting. He suggested if the Applicant requested a special meeting, December 17th was available since there was no meeting scheduled.

Mr. DeLaney requested a special meeting.

Mr. Arentowicz asked the Board if they would be amenable to a special meeting on that date. Mr. Roshto requested that an announcement be given so that all the residents were aware of the special meeting.

Mr. O'Brien indicated that it would be placed on the township's website as well as a special notice to newspapers, in the clerk's office, and the municipal bulletin board as required under the Open Public Meetings Act.

Mr. Arentowicz added that it could be announced at the December 10th meeting also.

Mr. O'Brien advised the Applicant that there were special fees involved if they do decide to request a special meeting covered under section 182.2 of the ordinance. He asked for confirmation that the Applicant was requesting a special meeting and that the Applicant would give the appropriate extension to the 31st of December.

Mr. Arentowicz asked if this was a commitment to the 17th or did the Applicant want to review the fees first.

Mr. DeLaney replied that they wanted to request a special meeting.

Mr. Arentowicz announced that there would be a special meeting of the Planning Board to continue with this Applicant on December 17th, 2013, starting at 8:00 P.M. There would be no further notices to this meeting.

Mr. DeLaney indicated that the same witnesses would be present including the traffic expert, the planner, and the L.S.R.P. He also asked that Mr. Bernstein, Mr. Lemanowicz, and Mr. Kastrud coordinate with him on the one remaining issue of jurisdiction.

Mr. Arentowicz asked for a motion to adjourn. Mr. Moholkar motioned, Mrs. Dapkins seconded. There was a voice vote and the motion passed unanimously at 11:22 P.M.

CYNTHIA KIEFER
Planning and Zoning Secretary