

**MINUTES**

**JANUARY 28, 2014**

**PLANNING BOARD**

**LONG HILL TOWNSHIP**

**CALL TO ORDER AND STATEMENT OF COMPLIANCE**

Chairwoman Dapkins called the meeting to order at 7:31 P.M. She 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, all in January, 2012.

**MEETING CUT-OFF**

Chairwoman Dapkins read the following statement: Announcement is made that as a matter of procedure, it is the intention of the Planning Board not to continue any matter past 10:30 P.M. at any Regular or Special Meeting of the Board unless a motion is passed by the members present to extend the meeting to a later specified cut-off time.

**CELL PHONES AND PAGERS**

Chairwoman Dapkins read the following statement: All in attendance are 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:

Excused:

Suzanne Dapkins, Vice-Chairman  
Brendan Rae, Mayor's Designee (arrived 7:34 P.M.)  
Ashish Moholkar, Member  
Guy Roshto, Member  
Timothy Wallisch, Member  
David Hands, 1<sup>st</sup> Alternate

J. Alan Pfeil, Chairman  
Guy Piserchia, Mayor  
Gregory Aroneo, Member

Barry Hoffman, Bd. Attorney  
Kevin O'Brien, Twp. Planner  
Thomas Lemanowicz, Bd. Engineer  
Cyndi Kiefer, Planning & Zoning Secretary

Ms. Kiefer advised Chairwoman Dapkins that she had a quorum and could proceed.

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

**APPROVAL OF MINUTES**

The minutes of October 22, 2013 were approved as written on motion by Mr. Wallisch and seconded by Committeeman Roshto. Mr. Moholkar and Committeeman Rae abstained as they were not present at that meeting.

It was noted that the minutes of December 17, 2014 listed on the Agenda had been approved at the January 14, 2014 meeting.

**PUBLIC QUESTION OR COMMENT PERIOD**

Chairwoman Dapkins opened the meeting for public question or comment on any item not listed on the agenda.

Cecilia Cilli, Sassafra Place, Gillette, directed her question at Mr. O'Brien. She asked what would happen when a term is defined, a motion is made to establish a definition, it is voted on and passed, but then it is never incorporated into the definition of terms associated with the Ordinance. She asked who is responsible for putting the terms into the definitions. She noted that she was speaking in a very general way since she did not want to discuss this particular application however she stated that it had happened with a few ordinances.

Mr. O'Brien stated that the Planning Board had been very diligent in going through various elements during the past few years. Some of those elements have had over a dozen meetings. Decisions were made at one meeting that went to a subcommittee of the Planning Board and underwent a change or they went to subsequent meetings during which, changes were made. He suggested that she examine the finished product of the Board at the end of its deliberations.

Mrs. Cilli stated that she had done that. However, the meaning was still not in the definitions.

Mr. O'Brien said that the Board made some decision at some point and that is reflected in the final product.

Mrs. Cilli asked if that decision would have been made publicly since she could not find it in subsequent minutes where the Board said not to include the definition. She suggested that this be discussed privately since she wanted to

make sure that all of the definitions that should have been in the Ordinance are included. She had read the Township Committee minutes and the Planning Board minutes.

Mr. Hoffman asked if she was referring to Master Plan definitions or definitions in the Land Use Ordinance.

Mrs. Cilli answered that it pertained to both.

Mr. Hoffman stated that the final language utilized in any ordinance change is that which the Township Committee would consider and adopt. The Planning Board might make a recommendation but the final wording is that of the governing body. Master Plans however are exclusive purview of the Planning Board.

Mr. O'Brien stated that all of the decisions regardless of the agency involved are made in public.

Mrs. Cilli asked what happens if the Planning Board agreed to eliminate the term from all the zones and then it appeared in only one (1) zone.

Mr. O'Brien stated that the decision was made at some point and that decision is reflected in the final product.

Mrs. Cilli asked where she could find how the decision or where the decision was made. She stated she had looked through the minutes of the Township Committee and all the minutes of the Planning Board and there was no further mention of it.

Mr. Hoffman asked if she was talking at an ordinance level.

Mrs. Cilli replied that she was.

Mr. Hoffman reiterated that the final wording and exact terminology of the ordinance is settled upon by the governing body.

Mrs. Cilli asked if there was a change would they have given a reason for changing it. She noted that in many instances, there was a reason given. However, in two (2) cases, they did not.

Mr. Hoffman said the question was too general for a response.

Mr. O'Brien stated that the end result had to speak for itself it reflected the decisions that were made. The final document is what was adopted.

Committeeman Roshto suggested that she attend the next Ordinance Review Subcommittee meeting so that they could discuss the situation more specifically. He added that if there was a problem, it might be possible to fix it at that meeting.

Mrs. Cilli stated that she hoped that it would not be too late.

Committeeman Roshto asked if she meant not too late for this applicant.

Mrs. Cilli answered affirmatively.

Committeeman Roshto stated that it was already too late for this applicant.

Chairwoman Dapkins asked if there were any further questions or comments from the public. Seeing none, she closed the meeting to the public.

**RESTORE MEYERSVILLE LLC**

596 Meyersville Road  
Block 14701, Lot 27

**#13-07P**

Prelim./Final Major Site Plan

Mr. Hoffman suggested that a brief procedural summary be given.

John J. DeLaney Jr., with the law firm of **Lindabury, McCormick, Estabrook, and Cooper** in Summit and Westfield, New Jersey, counsel for the applicant, began his summary by stating that the applicant had been here for three (3) previous meetings. Testimony had been given by William Kaufman, owner and architect, Kimberly Mottern, tenant, Christian M. Kastrud, the applicant's engineer, and Michael S. Fedosh, the applicant's environmental expert. He noted that the applicant had received four (4) reports from Mr. O'Brien and four (4) reports from Mr. Lemanowicz and that the applicant had made numerous changes both large and small.

Mr. Delaney stated that at the last meeting on December 17, 2013, the environmental expert, Mr. Fedosh had completed his testimony and was fielding questions from the public. Mr. Norman Brett Fischer, president of **AccuTech Environmental Services, Inc.** and Mr. Fedosh's supervisor, would be testifying this evening to provide assurances since the applicant recognized the concerns of the township. He did note that the Board did not have jurisdiction over the environmental aspects (it lies with the Department of Environmental Protection). He added that after Mr. Fischer's testimony, the Board would have the opportunity to question both him and Mr. Fedosh, if necessary.

Mr. Delaney said that after the environmental experts completed their testimony, Mr. Kastrud would respond to Mr. Lemanowicz's concerns and questions.

Mr. Delaney stated that the final witness would be Christine Nazzaro-Cofone, the planner.

Mr. Delaney noted that the proprietor of the volley association, Kimberly Mottern, and the owner/architect, Mr. Kaufman were also present and available for further questions.

Mr. Hoffman commented that Mr. Fedosh had not concluded his testimony at the last meeting. There was some fairly extensive questioning by Sally Rubin, Executive Director of the Great Swamp Watershed Association that may not have been completed.

Mr. Delaney agreed, however he felt that the president of the company, Mr. Fischer, would be able to allay the concerns that had been generated that night. He noted that Mr. Fedosh was present and available for questioning, if necessary.

Mr. Hoffman asked Ms. Kiefer if all the board members were eligible to vote on the application

Ms. Kiefer replied that Mr. Hands was the only ineligible member since he had not listened to the recordings of the three (3) previous meetings.

Mr. Delaney called Mr. Fischer as the first witness.

Mr. Fischer stated his name as Norman Brett Fischer and was sworn in by the court reporter.

Mr. Delaney asked Mr. Fischer by whom he was employed and the location of that company.

Mr. Fischer replied that he is the president of **AccuTech Environmental Services Inc.** located in Keyport, New Jersey. He stated that he had been doing environmental consulting and remediation work for twenty-five (25) years and that he is a licensed site remediation professional (L.S.R.P) in the State of New Jersey. He graduated from Bucknell University with a degree in geology.

Mr. Fischer reaffirmed that he was an L.S.R.P. He explained that in 2009, the State of New Jersey adopted the Site Remediation Reform Act to enable licensed professionals to expedite remediation within the State of New Jersey. There was a backlog of over 20,000 cases and it was determined by the legislators and public interest groups that they needed a better system so they created the "Licensed Site Remediation Professional" program which went into effect in 2009.

Mr. Hoffman asked Mr. Fischer if he had testified previously as an expert in that field of whatever L.S.R.P. individuals do.

Mr. Fischer answered that he had not testified *before* a board, however he had testified *on behalf* of a board in the Township of Weehawken.

Mr. Hoffman accepted the witness' credentials.

Mr. Delaney asked what role had Mr. Fischer played in the subject property.

Mr. Fischer replied that he had reviewed all of the reports on the property. He had met with Mr. Kaufman, Mr. Kastrud, and Mr. Fedosh to generate a conceptual remediation plan for the site.

Mr. Delaney asked what role he would play, assuming the Board approves the project.

Mr. Fischer replied that he would continue to oversee the work done by Mr. Fedosh and his staff. Mr. Fedosh would ultimately be the person signing off as the L.S.R.P. for that site.

Mr. Fischer affirmed that he was Mr. Fedosh's supervisor and that he would continue to oversee his work.

Mr. Delaney asked what assurances Mr. Fischer could give the Board on any environmental issues.

Mr. Fischer replied that as an L.S.R.P., there is a code of conduct and ethics not unlike those of a professional engineer. Ultimately, an L.S.R.P. has to defend his license and implement a remediation plan that is protective of human health and the environment and satisfies the Department of Environmental Protection (D.E.P.) regulatory environment.

Mr. Delaney asked what assurances could be given in reference to the asbestos on the site.

Mr. Fischer stated that the conceptual plan now is that the site would be capped to prevent exposure for people to the asbestos that remains on site.

Mr. Delaney asked if Mr. Fischer would be there while construction is taking place.

Mr. Fischer answered that he would be present on a periodic monitoring basis. He would not be present on a daily basis. Mr. Fedosh would be, however. He defined "monitoring" as stopping in to see how things are proceeding, making sure the project is on track and moving forward.

Mr. Delaney asked about air monitoring.

Mr. Fischer answered that there would be perimeter air monitoring set up on the site which would be in place during any operational aspect of the project and that would prevent any issues with asbestos fibers or dust being generated as a result of the work on site.

Mr. Delaney asked if Mr. Fischer had visited the site.

Mr. Fischer answered that he had visited the site at the end of June of 2013.

Mr. Delaney asked if he would be working with the D.E.P. to ensure that the environmental issues are handled properly.

Mr. Fischer answered that they would be submitting a work plan to the D.E.P. presenting what would happen and what the ultimate final program would be which would include a deed restriction on the site and an engineering control which would be a cap on the property.

Mr. Fischer added that his firm has had experience with dealing with sites with historic fill with all sorts of contamination. They are used to having perimeter monitoring in place and suppressants with water to keep dust down during any construction. His firm had installed caps on numerous sites throughout the state and there had been no problems in the twenty-five (25) years he had been employed.

Mr. Delaney asked if, as an L.S.R.P., Mr. Fischer is comfortable with the program for this site.

Mr. Fischer affirmed that he is.

Mr. Delaney indicated to the Chair that he had no further questions of this witness.

Mr. Wallisch asked what the legal authority of the L.S.R.P. is as far as stopping construction if something is taking place that isn't up to spec.

Mr. Fischer said that the L.S.R.P. is ultimately responsible for all phases of work on the site so if there is an issue that arises, he must stop it immediately and take any corrective actions.

Mr. Moholkar asked, after the site is capped, would he still have to dig for the foundation of the basement. Would it be dug through the cap?

Mr. Fischer stated that the footprint of the building would be used as a portion of the cap. Concrete structures and the asphalt parking lot would also serve as a portion of the cap. That would be done in conjunction with construction.

Mr. Moholkar asked if that was where the air monitoring would be.

Mr. Fischer stated that anytime there is any earth work on the property, there would be perimeter air monitoring.

Committeeman Rae asked if there would be D.E.P. representatives on site to monitor what is happening.

Mr. Fischer answered that they may periodically stop in. This project would be handled through the regional field office located outside of Morristown but they do not have to be on site. They would be aware of the schedule of activities and could stop in at any time.

Committeeman Rae asked if the L.S.R.P. is self-monitoring.

Mr. Fischer affirmed that that is correct.

Mr. Hoffman asked if the L.S.R.P. is responsible for what happens on the site and for remediation measures to meet up to those standards of review of what is proposed—he wanted to clarify the sequence of the process--would the D.E.P. commonly do its own evaluation of an "average" case or is it left entirely up to the L.S.R.P.?

Mr. Fischer stated that the L.S.R.P. program was designed to allow the L.S.R.P. to run from beginning to end with the project with milestones being noted with the D.E.P. through submittals of reports and forms. The D.E.P. has up to three (3) years to audit and reopen a case after a case has been closed. The D.E.P. could come in at any point when they get a submittal if they want to do a complete audit of the project or if they want additional information to supplement the submittal.

Mr. Hoffman was still unclear as to the chronology of the process. He assumed that before the overall site is developed in the manner proposed on the plan, assuming the Board grants approval, none of that construction of the intended facility could take place unless and until the L.S.R.P. issues his approval or clearance letter stating the standards for remediation have all been satisfied. He asked if that was correct.

Mr. Fischer stated that a remedial action work plan is generated, detailing what is proposed to happen at the site and which would include the history of the site. What the remediation program would be, how air monitoring would be conducted, the health and safety plan for all personnel on-site, would all go to the state before *anything* happens on the site. The D.E.P. would have the opportunity to review that document and comment on it and if they want supplemental information, they would ask for it.

Mr. Hoffman restated that it was his understanding that none of the work, assuming the Board approves the application, would go forward until the L.S.R.P. has completed his tasks.

Mr. Fischer affirmed that this was correct.

Mr. Hoffman asked what form of document does the L.S.R.P.'s sign-off incorporate.

Mr. Fischer stated that the actual closure document is a "Response Action Outcome" letter which is issued by the L.S.R.P. to the responsible party and also to the municipal agencies and the D.E.P. That would not be issued until final construction because the cap would be part of the construction.

Mr. Hoffman stated that to some extent the two levels of activity take place concurrently. In other words, construction could commence once the L.S.R.P. gives authorization to begin but not necessarily for the entire project.

Mr. Fischer stated that that was a fair comment.

Mr. Lemanowicz asked Mr. Fischer if he had reviewed the soil logs and the proposed grading and construction to decide how much contaminated material would have to be removed because of the foundations or grading.

Mr. Fischer said that they have been working on those numbers and the final numbers would depend on the Planning Board, if they do approve. The site would be being treated in its entirety as a contaminated site so the entire site would be capped.

Mr. Lemanowicz stated that in doing that, obviously foundations would be dug, there is a detention basin involved, so soil would be taken up.

Mr. Fischer stated that on the latest calculations, there would be an excess of material that would be generated and could not be incorporated underneath the footprint of the building. This material would most likely be taken off-site.

Mr. Lemanowicz asked if the thickness of the cap is the same regardless of the material, whether it is concrete or soil or asphalt.

Mr. Fischer said that it would vary but the thickness of the volleyball floor would be six (6) inches of concrete which would be sufficient in that area. There would be a minimum of nine (9) inches of clean fill material above any potentially impacted material. It would vary based on the type of material.

Mr. O'Brien had no questions for the witness.

Chairwoman Dapkins opened the meeting to the public for questions of the witness.

Christopher Webbe, 99 Hickory Tavern Road, asked if there is any other contamination on the site, oil tanks, or any other. He asked if a Phase 1 had been done.

Mr. Fischer answered that there had been a preliminary assessment done by a prior consultant. That consultant identified some polynuclear aromatic hydrocarbons (P.A.H.) which are low level contaminants and are often called "historic fill related".

Mr. Webbe asked how they got there. He asked if there was a continuing source.

Mr. Fischer answered that there was no continuing source.

Mr. Webbe asked what geotextiles are made of.

Mr. Fischer answered that it is a filter fabric and more of a visual demarcation that is placed in sites like this so if a contractor has to repair or dig, he would see the visual demarcation and know that he is heading into potentially contaminated material.

Mr. Webbe asked if it is an artificial material.

Mr. Fischer answered that it is not unlike something that would be placed in a garden bed to prevent weeds.

Mr. Webbe asked if it would ever wear out or degrade.

Mr. Fischer answered that it would not.

Mr. Webbe asked how to ensure that utility workers or landscapers wouldn't pierce this fabric. He asked if there is some central source of information that landscapers could go to make sure that they don't dig holes for trees.

Mr. Fischer answered that the idea of the barrier or the membrane is that once the landscaper sees it, he would know. He also added that the site would have to be inspected every two (2) years and recertified for effectiveness. This would continue forever. There is a Remedial Action Permit that would be filed with the State of New Jersey once the cap is in place and that is a permit that must be renewed every two (2) years.

Mr. Webbe asked how the township would know that the site is complying with that.

Mr. Fischer answered that the township would be copied on the bi-annual certification. Every two (2) years when the site is examined, the township would receive a copy of that inspection report.

Mr. Webbe asked if the township would have to track it to ensure that they had received that report.

Mr. Fischer said that the D.E.P. would track it which is why it is made a permit system. It is kept in a data base and if they have not received a report by the appropriate date, a letter is generated.

Mr. Webbe asked what exactly is it that asbestos does.

Mr. Fischer answered that it is a mechanical fiber. When it is inhaled it gets stuck in the lungs causing scarring. As the scarring worsens, obviously issues arise.

Mr. Webbe asked if there is a level of contamination that could be tolerated before illness could be expected.

Mr. Fischer answered that since the site would be capped, the cap would prevent any level of exposure. Meters would be set up around the perimeter of the site depending on wind conditions that would be set at a predetermined levels. He would work with the Health and Safety Expert to determine what those levels would be.

Mr. Webbe said that during the actual construction process, contaminated soil would be disturbed. He felt there must be some idea of what a tolerable level of fibers floating in the wind would be before the site would be shut down.

Mr. Fischer answered that he would have to get that information from his Health and Safety Expert.

Mr. Webbe asked if the workers involved wear masks.

Mr. Fischer answered that the level of protection would be determined by the Health and Safety Officer for the project. They would be at a Level B at a minimum, wearing tyvec and rubber booties and if necessary upgrade to dust suppression or masks.

Mr. Webbe felt that if it is necessary to protect them and there is a possibility that the fibers could come off the site before it could be closed down, then there could be people off the site requiring protection.

Mr. Fischer answered that that is the reason for the water suppression. If there is any indication of dust, the site would be hosed down.

Mr. Webbe asked if an L.S.R.P. has to be insured.

Mr. Fischer answered that he carries insurance through his company.

Mr. Webbe said that if at some point down the road somebody determines that the process was not carried out properly and wants to sue you, do you carry insurance?

Mr. Fischer answered, unfortunately, yes.

Mr. Webbe asked if the applicant carries insurance.

Mr. Fischer stated that that question would have to be directed to the applicant.

Michael Behr, 176 Hickory Tavern Road, asked how many air monitors there would be on-site. He also asked about their locations.

Mr. Fischer deferred to the Health and Safety Officer however he stated that typically there would be four (4) perimeter monitors established based on prevailing wind directions.

Mr. Behr asked if the monitors are calibrated.

Mr. Fischer answered that they would be calibrated on a daily basis by certified technicians.

Mr. Behr asked if the site could be kept damp at all times.

Mr. Fischer answered that since the site is near the Great Swamp, it may be naturally damp. However the equipment would be present to keep it damp enough so there would be no dust. If there is any indication, they would water down in advance. It would be constantly being monitored.

Mr. Behr asked if encapsulating the site, as was done on the Tielmann property by the Environmental Protection Agency (E.P.A.) on a previous clean-up, is standard procedure.

Mr. Fischer stated that it is not a standard procedure to enclose. He believed that the technology used was mixing concrete dust with the material out there so they were creating dust clouds as a result and was why they used a dome over it. On this project, he would be using industry standards to control the site through air monitoring and water suppressants and he did not expect any type of problem with any dust issues.

Mr. Hoffman asked what the timeframe would be for the remediation process at this site.

Mr. Fischer answered that a lot would depend on what the final Planning Board approval is for the site however, he anticipated on a construction schedule, a few weeks. The work would not be done on a daily basis since there would be days where there would be no digging or disturbance on the site. It would depend on the construction schedule.

Mr. Hoffman asked lastly if the Mr. Fischer's issuance of a report recommending a certain planner approving that report would be a public document that he would issue. He also asked how any interested citizen could obtain a copy of the report. He asked if all such communications would be on file with the township clerk.

Mr. Fischer affirmed that it was a public report. Once the remediation begins, the township would be put on notice of when the work would happen and those residents within the immediate area would receive notification from him well in advance. Documents would be available at the township level for public review.

Helena Tielmann, 795 Meyersville Road, stated that she was the adjacent property owner. She stated that when the remedial emergency action was taken by the E.P.A. on her property in the 1990's, before the final remediation was done they performed a temporary response and removed an old horse barn or shed. They encapsulated it in plastic and took it down. They used the geotextile fabric as a temporary emergency response. They covered it with that geotextile fabric until they could come back years later and do the final remediation.

Mrs. Tielmann stated that the plans call for the stormwater drainage to fall into leaders or piping throughout the rear of the property into a catch basin. There would be a discharge spill pipe which leads towards her property. She asked as far as the testing of the soil on the property, aside from asbestos, what other testing had been done. What was the full spectrum of testing that had been done?

Mr. Fischer stated that his company did not do that testing. It was done by a prior consultant and it was analyzed for priority pollutant metals and P.A.H.'s and the only compounds that were found to exceed the residential soil remediation standards were a handful of P.A.H.'s. There were no metals found in excess.

Mrs. Tielmann asked if the water that would be discharged off the property was considered completely clean.

Mr. Fischer stated that the surface water would be coming down roof leaders, across the parking lot, and across the cap so it would be surface runoff into the basin, so yes, it would be clean.

Mrs. Tielmann asked if that water would be in contact with the asbestos containing material or historical fill material.

Mr. Fischer said no.

Mrs. Tielmann asked if he could guarantee that there would be no contamination in the water in the future and that it could be used as drinking water, for example.

Mr. Delaney objected to the question stating that he felt no one could make that sort of guarantee.

Mr. Hoffman said that Mr. Fischer was the expert in this field and that it was appropriate for him to give an answer based on his experience and expertise. He advised Mrs. Tielmann that that terminology was preferable to absolute guarantees.

Mrs. Tielmann asked if there was an acceptable risk associated with the water that would be pouring off the property.

Mr. Fischer stated that any stormwater that came in contact with roofs and parking lots, has a potential to be contaminated unrelated to the site contaminants so he could not guarantee that the water would be clean.

Mrs. Tielmann asked if he could guarantee the runoff water would never be associated with the site contaminant.

Mr. Hoffman rephrased the question to ask if it was Mr. Fischer's opinion.

Mr. Fischer answered that in his opinion they were engineering or designing a remediation to prevent that from happening.

Mrs. Tielmann asked if, in his opinion, he could give her a 100% guarantee.

Mr. Delaney directed the witness not to answer the question.

Chairwoman Dapkins stated that the witness had already said that he could not guarantee it.

Mrs. Tielmann clarified that any discharge in the future forever could not be guaranteed to be acceptable to her.

Mr. Delaney asked that the question be stricken since it was a statement and it was inflammatory.

Mrs. Tielmann asked as far as the soil erosion and sediment controls that would be instituted along her property line, how would it be maintained in good order throughout the years.

Mr. Fischer stated that that was an engineering question regarding design.

Mrs. Tielmann stated she assumed that the geotextile fabric would be wrapped around the perimeter.

Mr. Fischer answered that that was correct.

Mrs. Tielmann asked if that is not Mr. Fischer's area of expertise.

Mr. Fischer answered that for the cap, yes, but if she was talking about the design and maintenance of the property--

Mrs. Tielmann thought that the property is going to be treated as contaminated everywhere therefore anything that does not have a paved parking lot or a foundation of any sort, is going to have this geotextile fabric that would also be wrapped around the perimeter of the property. She asked if that was something that Mr. Fischer would be overseeing.

Mr. Fischer said that that would be part of the ongoing maintenance and monitoring that is required for an engineering control or cap.

Mrs. Tielmann asked how she could be assured that it would be maintained properly throughout the years.

Mr. Fischer answered that it would be inspected on a minimum of once every two (2) years as required by the state.

Sally Rubin, Executive Director of the Great Swamp Watershed Association, stated that different types of contaminants have different levels of clean up such as an industrial level clean up or a human contact level clean up or a wildlife standard clean up. She asked if asbestos remediation has different levels.

Mr. Fischer answered that asbestos does not have a clean up standard or soil remediation standard in New Jersey.

Ms. Rubin stated that then it is either remediated or it isn't, black or white.

Mr. Fischer affirmed that statement. He stated that asbestos is not like contaminants that have a residential exposure limit and a non-residential exposure limit.

Ms. Rubin asked if, when the basement is dug, would the asbestos which is on the surface be dug out and placed back underneath the basement.

Mr. Fischer said that it would not be under the basement. Any excess material from that would be incorporated under the footprint of the building since it would be a large, wide, thick concrete cap.

Ms. Rubin stated that the portion that was not under a basement would have the six (6) inch cap on top of whatever contamination is there. The floor of the building in essence would be the cap.

Mr. Fischer said that was correct.

Ms. Rubin asked where the basement was dug out, would that material be spread on site or removed.

Mr. Fischer stated that the material from the basement would go underneath the footprint of the building. If there is excess material, it would be transported off site to a licensed receiving facility.

Ms. Rubin stated that when the basement was being dug, it might be the first couple of feet that has asbestos contamination however it would be necessary to dig deeper than that for a basement. She asked if the contaminated part of the soil would be mixed in with clean soil.

Mr. Fischer answered that it would not be cost effective to try to segregate out the contaminated soil so it would be cheaper and easier to treat it all as contaminated.

Ms. Rubin asked if all the material that is dug out would be placed where the "non-basemented" portion of the building would be located and then the foundation of the building would be placed on top.

Mr. Fischer stated that that was correct.



Ms. Rubin asked what would be done where the stormwater basin is located. What would be the difference in how that would be capped?

Mr. Fischer answered that the basin would be in a clean zone. The basin would be cut five (5) plus feet deep and then the walls of that would be lined with the geotextile material with clean material on that. It would be seeded and hayed to maintain a detention basin. The base of the basin would be clean material. The sides would be nine (9) inches minimum of clean material.

Ms. Rubin stated that it was her understanding that the geotextile fabric was purely for visual delineation, not for keeping the asbestos in place.

Mr. Fischer stated that since asbestos is a fiber, it would keep it in place but the fabric was more for a visual demarcation.

Ms. Rubin asked if when the fabric is placed in a detention basin, the material would be completely permeable.

Mr. Fischer affirmed that.

Ms. Rubin asked if the water seeped through, could it carry the asbestos fibers anywhere.

Mr. Fischer answered that asbestos material is not like benzene where there is a dissolve phase, where there is a plume of it moving because it dissolves into the water. Asbestos is bound up in the soil and would not move like a benzene plume.

Ms. Rubin asked if different L.S.R.P.s specialize in different types of contamination remediation.

Mr. Fischer answered that for the most part, L.S.R.P.'s do not specialize.

Ms. Rubin asked if Mr. Fischer had specific experience in asbestos remediation.

Mr. Fischer answered that he had worked on sites that contained asbestos but it was not the asbestos driving the cleanup.

Ms. Rubin asked if he felt he is qualified to be responsible for an asbestos centric remediation.

Mr. Fischer affirmed that he is. He stated that there are other contaminants. The P.A.H.'s are driving the cleanup just as much as the asbestos.

Ms. Rubin asked if there are different clean up standard levels for P.A.H.'s and if they move in water.

Mr. Fischer answered that P.A.H.'s are considered immobile compounds by the D.E.P. They adhere to the soil similar to asbestos. He added that there are different clean up standards for P.A.H.'s. There is a residential standard and a non-residential standard. When the residential standard is not going to be met, is an engineering control or cap is put in place. He noted that in New Jersey it is called "historic fill" and is prevalent throughout the state. Typically it gets capped because it is so prevalent.

Ms. Rubin asked if there is any issue with the property's geographic relation to the Great Swamp and the wildlife and the level of P.A.H. remediation.

Mr. Fischer answered that there would be a receptor evaluation completed as part of the work plan to look for sensitive receptors and it would take into account an ecological evaluation. The work plan process would begin after the final plan approval is known, and all of that would be taken into consideration.

Dennis Taylor, 588 Meyersville Road asked if his family and dogs would be in any danger since he lives next door to the property.

Mr. Fischer answered that all precautions would be put into place during the remedial phase to prevent any exposure.

Mrs. Tielmann, 795 Meyersville Road, asked for further clarification with respect to perimeter of the property. She wanted to know how the soil erosion and sediment control measures would be maintained throughout the years.

Mr. Hoffman felt that that was a more appropriate question for the engineer however he asked Mr. Fischer to respond within his area of expertise.

Mr. Fischer answered that the responsible party which at this point is Restore Meyersville LLC has an obligation to maintain the cap moving forward. All the certifications moving forward must be done by an L.S.R.P. That L.S.R.P. would inspect and ensure. It is the ultimate responsibility of the responsible party to maintain that portion of the site.

Mrs. Tielmann asked if that extended to the maintenance of the basin.

Mr. Fischer affirmed that this was correct.

Mrs. Tielmann asked if the adjacent houses could be power washed when the project was completed.

Mr. Delaney stated that that was up to the applicant, Mr. Kaufman.

Mr. Hands asked if the entire site was contaminated and, regardless of whether it was this application or another application, would the steps be the same. He asked, for example if it was a single family home or back to its natural state, because it is demolition and some sort of ground alteration, would there be similar steps.

Mr. Fischer answered that regardless of what the future development of the property is, these same remediation steps are necessary.

Mr. Hands asked if Mr. Fischer would characterize this as a complicated procedure for this particular development.

Mr. Fischer said that the complication would be coordinating elevations on the planning stage but the implementation stage would be pretty straight forward.

Mr. Fischer was allowed to step down.

Mr. Delaney asked if Chairwoman Dapkins wanted to hear from Mr. Fedosh or was that moot in light of the testimony of Mr. Fischer.

The Board had no questions of Mr. Fedosh.

Arthur Brown, 479 Meyersville Road, said that it looked as if they were in the process of demolishing the house although it had not started yet. He asked if this would be addressed as asbestos also. Would there be monitoring? He felt that the "demo" would be messier than the actual construction site.

Mr. Delaney asked that the record reflect who was going to answer the question.

Mr. Fischer said that the information they have from the E.P.A. states that there had been asbestos monitoring in the structure and on the grounds outside and they were all clean. However, all precautions would be made during the demolition phase and certainly nothing that would disturb soil would happen demolition-wise out there.

Mr. Brown stated that they do dig up the foundation when they do "demo" work.

Mr. Fischer answered that that was addressed under what was previously discussed.

Chairwoman Dapkins asked the audience if there were any questions for Mr. Fedosh.

Mr. Delaney then indicated that Mr. Fedosh's portion of the testimony was complete.

Mr. Delaney then asked Christian M. Kastrud, engineer, to respond to concerns outlined in a memo from Mr. Lemanowicz.

Mr. Kastrud affirmed that he had attended the three (3) previous meetings and had worked with Mr. Lemanowicz on four (4) different reports. He felt that the most important issue to be discussed first is the construction or design of the detention basin. After the first two (2) hearing the applicant decided to acquiesce and design a detention basin that would comply with Long Hill Township's ordinance in reducing the stormwater flows from the site. The nature of the site is that there is 57% lot coverage under existing conditions and by the nature of the development it would be reduced to 41%. There would be a reduction of impervious coverage on the site which through the methodology that is used would reduce the flows from the site albeit not enough to comply with Long Hill Township's ordinance. That being said, a detention basin has been designed at the back of the site not only as a water quality basin to address the concerns of the D.E.P. but as an infiltration basin with a sand bottom which would address the total suspended solids from all the run off from the site. The run off would be collected through a series of inlet pipes and roof leaders, and would be directed towards this basin. It was enlarged back in December to achieve reductions in flow for the two (2), ten (10), and one hundred (100) year storms. The exact reductions from a percentage standpoint are included in his stormwater management report dated December 2013. The water quality storm would not leave the basin. In fact, a majority of the two (2) year storm would not leave the basin. The two (2) year storm would be reduced down to approximately 15%, an 84% reduction. It is required to be reduced by 50% and it would be reduced by 84%. The ten (10) year storm would be reduced by 76%. That is required to be reduced by 25% to a number, 75% of what is existing and it would be reduced to 25% of the flow. He noted that these reductions are large. There is a large basin in the back with a large footprint. The one-hundred (100) year storm would be reduced by 60%. That requirement is currently required to be a 20% reduction down to 80% of the existing flows. The flow would be 60%. He stated that he is more than meeting and achieving the standards for water quality in volume and rate control on the site from a stormwater standpoint. He felt that this was the largest point to be addressed and he was easily able to do that by enlarging the basin slightly and adding an outlet structure to control the different flows from the different storms and reduce the flows from the site.

Mr. Kastrud affirmed that Mr. Lemanowicz has a report dated Jan 18, 2014 that does have remaining items outstanding. The majority of those have been addressed at the previous meetings. He added that he would continue to work with Mr. Lemanowicz to address the remaining items: slopes on pipe, coverage on pipe, slopes along the western property line exceeding 3:1 slopes that can be easily fixed on the plans and in the design.

Mr. Delaney asked if Mr. Kastrud would like to add anything else.

Mr. Kastrud felt that he could comply with every item in Mr. Lemanowicz's report.

Mr. Lemanowicz had information for the Board. He stated that under the permit that the township holds, it was required to pass an ordinance with respect to stormwater from major developments. This project is considered a major development. There are three pieces to that design: run off rate, water quality, and groundwater recharge. There are some points that still need to be addressed but the explanation of the stormwater system needed to be placed on the record. The requirement is that the site has to discharge flow slower than it does now. Mr. Kastrud said that the water quality storm, which is 1-1/4", or the two year storm won't leave the basin. Mr. Lemanowicz clarified that he felt Mr. Kastrud meant that it would not leave the basin *over the surface*. It would be infiltrated through the bottom of the basin.

Mr. Kastrud agreed. There would not be a pond sitting there.

Chairwoman Dapkins referred to the report of the 19<sup>th</sup>, and noted that there seemed to be a lot of items missing. She asked Mr. Lemanowicz to address that.

Mr. Lemanowicz stated the Mr. Kastrud had just addressed some of those. The outstanding issues need to be addressed but none of them are game changers.

Mr. Hoffman asked Mr. Lemanowicz if meeting all of his recommendations became a condition of any favorable action this Board might take, would it be necessary to refer only to his most recent report as to what is still open and in need of being addressed or would he have to list other documents.

Mr. Lemanowicz stated that this document is a running document. All the comments that have been made to date are in here and it is noted that they are addressed. Therefore this report is a historical document.

Mr. Hoffman asked if the January 19, 2014 document is the most recent.

Mr. Lemanowicz affirmed that it is.

Mr. Delaney stated that they had no problem with that being a condition.

There were no further questions from the professionals.

Chairwoman Dapkins asked if the audience had any further questions of the engineer.

Christopher Webbe, 99 Hickory Tavern Road, asked if the impermeable surface had been reduced.

Mr. Kastrud answered that at this point they had not reduced any. The design reduces the impervious coverage.

Mr. Webbe stated that in these changes that have been made, the impermeable surface had not been reduced.

Mr. Kastrud answered that that was correct.

Mrs. Tielmann, 795 Meyersville Road, asked if she had just heard that there would not be discharge through the pipe. She asked if Mr. Kastrud was referring to the spill pipe in the detention basin. She said that Mr. Kastrud said he raised the depth of the detention basin and therefore it would not run off as often.

Mr. Kastrud clarified that the original design was for water quality only, which is a 1-1/4" storm in two (2) hours. That detention basin was designed for that storm. Through discussions with the Board's attorney and engineer, the applicant has decided to comply with the Long Hill Township ordinance and in doing so the basin needed to be enlarged. He did enlarge the size of the basin slightly by going deeper. The other option was to raise the berm along northerly property line and add an outlet structure to control the flows for the larger storms—a two (2) year, ten (10) year, and one hundred (100) year storm.

Mrs. Tielmann asked if there would still be a discharge pipe on the northwest corner of the property.

Mr. Kastrud affirmed that there would be. During the two (2) year, ten (10) year, and one hundred (100) year storm there would be water coming through the pipe.

Mr. Hoffman asked if the rate of that run off through that pipe would be greater or less or the same as it currently exists.

Mr. Kastrud answered that it would be much less and that was the purpose for going through the statement of the actual reductions.

Mrs. Tielmann asked about the Long Hill Township Stormwater Management Regulations. Her questions were directed to Mr. Lemanowicz. She asked if the regulations call for on site retention of the property's own water discharge, why the applicant is allowed to design something that would spill onto her property.

Mr. Lemanowicz answered that that property in question spills on to her property now and what the ordinance, which was a state mandated ordinance for a project of this size, states is that if property is developed, the rate of run off must be reduced. It used to be designed for a “zero net” which meant whatever was there now could be done after. But the state cranked that back a little bit and now says that you have to discharge water at a lesser rate than what currently exists. He stated that that is what the retention basin is for. It holds the water back and lets it trickle out.

Mrs. Tielmann asked if he thought it would trickle out or would it be at a concentrated level when there are heavy storms.

Mr. Kastrud answered that for most of the storms, she would not see much coming out of the pipe. During the larger storms such as Hurricane Irene and Hurricane Sandy, there would be water coming out of the pipe. He noted there is a site that drains from the street back to that northwest corner today. Morris County had installed the drainage systems pushing the water in that direction so the water would continue to go in that general direction. In this instance, it would be less than the flow as it comes today.

Mrs. Tielmann asked if the pipe had to be directed towards her property.

Mr. Kastrud answered that her property borders two sides of the subject side—on the westerly side and on the northerly side. He noted that the discharge pipe could be moved to the east and discharge the water in a northerly fashion but it would still be her property. The general topography, even if the water was discharged towards the easterly corner, would still flow in a northwesterly direction into the wetlands on her property.

Mrs. Tielmann stated that she was not satisfied with that.

Mr. Delaney stated that Mrs. Tielmann would have an opportunity to comment at a later time.

Mrs. Tielmann asked about the 3:1 ratio with the pitch of the property line because they are adding nine (9) inches of fill as a cap. She voiced concern about the stability and longevity of that cap. She asked if there was any way to have it held back with some sort of a retaining wall or block. She also voiced concern about the erosion associated with that nine (9) inch soil cap that slopes towards her property.

Mr. Kastrud answered that he prepares plans weekly which comply with the soil erosion standards of the State of New Jersey, in this case the Morris County Soil Conservation District. The plans that are designed don't exceed slopes and create erosive issues on the properties. He noted that special care is taken along the property lines. Contaminated soil would be removed and replaced with clean fill at a 3:1 slope and planted and stabilized. He stated that care must be taken during the establishment of vegetation on that slope. Once it is established, the drainage area would not have the amount of water that she anticipates to create an erosive condition.

Mrs. Tielmann noted that in the past, there had been running water through that property line. She asked if there could ever be a situation where the integrity of that sloped cap could be compromised such as if a water pipe broke in the street. If something did happen, who would be responsible for addressing that situation on her property.

Mr. Kastrud answered that he could not answer what would happen if a water pipe broke in the street. He didn't know what measures would be taken to stop erosion from adjoining properties, however, he stated that once the situation is stabilized, inspections would be made to ensure that either additional material is replenished.

Mrs. Tielmann asked how the snow would be handled. Was there room to keep the snow on site?

Mr. Kastrud answered there was plenty of room to remove the snow from all the concrete or asphalt surfaces. There would be no snow removal in any of the landscaped areas or detention basin areas.

Chairwoman Dapkins asked if there were further questions from the public for the applicant's engineer. There were none.

Mr. Hands referred to the January 19<sup>th</sup> document with responses from the engineer and noted that there are still numerous open issues.

Mr. Delaney addressed the Chair and said that they had already stated that completion of all open issues would be a condition.

Chairwoman Dapkins stated that Mr. Lemanowicz had answered that question already.

Mr. Hands wanted to be assured that all of those open issues would be addressed.

Mr. Hoffman asked if there were any items in the list that Mr. Hands felt warranted special consideration.

Mr. Hands felt that there were a considerable number. He explained that he would feel more confident and comfortable if more were specifically addressed.

Mr. Lemanowicz stated that the items remaining from a site plan standpoint are “coordination items” meaning that they are simply notes that are in conflict. There is some drainage design work that must be done with respect to the outlet protection which is basically heavy gravel at the end of the pipe so that the ground is not washed away. Those are all “housekeeping” type items. He offered to go through each one if the Board felt that was necessary.

Chairwoman Dapkins stated that she had asked Mr. Lemanowicz the same question that Mr. Hands was currently asking so she wanted to know if there were any particular items he wanted addressed.

Mr. Hands said that there were still a considerable number of open items however if Mr. Lemanowicz was comfortable, he would not request individual explanations.

Chairwoman Dapkins stated that there were two (2) documents from January 19, 2014.

Mr. Lemanowicz indicated that this format was new. Basically, at the end of each comment number there are dates. The reader must look for the 01-19-14 comments to everything. He briefly addressed the open items and explained each one. He asked Mr. Kastrud if there was still a landscape architect.

Mr. Kastrud answered that there was, Mr. DeStephano, and he would design the landscaping independently. His plans would be included in the applicant's plans.

Mr. Lemanowicz felt that they should review the landscaping details in more depth. He made a comment that the plantings along the front of the building seemed sparse. One of the elevations had some substantial trees but that they were not on the landscape plan. It seemed to Mr. Lemanowicz that the plantings in front of the building were far apart and everything was on the low side. He noted that there are no windows to be blocked so it seemed as if something more interesting could be done.

Mr. Kastrud stated that the landscaping could be increased. However, he noted that there is not a lot of room because they had to add a sidewalk along the majority of the frontage of the building. They are only left with six (6) feet between the sidewalk and the building itself so they could not do a lot of large plantings. He noted that there would be street trees which would address another open comment.

Chairwoman Dapkins also commented on the plantings. She felt that they should take into consideration that there are a lot of deer in that area. The ten (10) to twelve (12) foot arborvitaes would be salad for deer. She noted that some of the other plantings should be replaced with something more deer unfriendly.

Mr. Hoffman added that the township's Shade Tree Commission is usually helpful in giving recommendations in that regard.

Mr. Lemanowicz continued briefly addressing each of the open items.

Mr. Hands wanted assurances that the professionals were in sync.

Mr. Hoffman noted there was one item where Mr. Lemanowicz indicated that the applicant had not shown sidewalks that would provide access to the building from all the parking areas. Mr. Kastrud stated that that would be determined by the Board. Mr. Hoffman felt there was confusion as to who would be making the decision.

Mr. Lemanowicz stated that testimony had been offered by the applicant. When it came time to vote, the Board would have to decide whether they wanted it that way or not.

Mr. Hoffman indicated that since on this issue there is not a 100% meeting of the minds between the engineers, he felt it would be helpful if the Board could be supplied with a list of "still to be determined" items such as this one.

Mr. Lemanowicz stated that at this point, as far as the design waivers, that sidewalk issue is the only one. The issue is that the side walk goes from the main entrance around the left side of the building, past that parking area and down to the side of the building. There is nothing going out to the right side of the building where the large overflow parking lot is located.

Mr. Kastrud referred to a colored site plan and pointed to the southeasterly part of the building. He noted that this colored rendering was not the actual exhibit that was marked at a previous hearing, however it was an exact copy of page 3 of 7, Site Plan Revision #3 dated December 4, 2013. He pointed to a large brown area with faded shading in the center and identified it as the building, roughly 13,000 sq. ft. In the tan area that runs between the building and the parking lot shown in a darker gray is the proposed sidewalk. The sidewalk immediately to the east of the entrance to the right as one is looking at the building is merely a waiting area. He noted that the issue Mr. Lemanowicz is pointing out is that that sidewalk should be continued around to some point in the temporary parking. Previous testimony from the traffic expert and from him stated that it was their opinion that it is not necessary since this is temporary parking. There really isn't any issue with people walking along the aisle to get to the front door of the building.

Mr. O'Brien noted that the last exhibit number was Exhibit A-5 so this would be Exhibit A-6. He did note that it is a repeat of a prior exhibit. Mr. Hoffman asked that Exhibit A-6 be noted on this rendering.

Mr. Lemanowicz added that the issue was that there are thirty-eight (38) parking spaces there and to get them to the front door, they would have to walk in the traffic aisle. The ordinance specifically says that the sidewalk has to go to the parking lot. If the Board is satisfied with Mr. Kastrud's explanation that it is overflow parking and used only for those events as described earlier, the Board could elect to have that waiting area extended to some point either wrapped around the building part way or continued to the parking space with the circled #4 in it. The issue is that people do walk along parking aisles until they get to a sidewalk.

Mr. O'Brien clarified that this would be a variance not a design waiver.

Mr. Lemanowicz stated that given the amount of concrete it would take to extend the sidewalk to that parking space with the #4 in it, that that might be a reasonable thing to do so that when they do have that overflow lot in use, they would walk behind two cars and be right on the sidewalk.

Chairwoman Dapkins added that it would be one variance less.

Mr. Hoffman felt that before the Board itself undertook the determination and evaluation on these unresolved or open items, board members should wait until the conclusion. It would be conceivable that members of the public might weigh in on either side. He preferred to err on the conservative by advising the Board to wait until the entire record was established.

Chairwoman Dapkins adjourned for a ten minute recess 9:20 P.M.

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The meeting was called back in session at 9:30 P.M.

Mr. Delaney called Christine Nazzaro-Cofone, a licensed planner, to testify.

Mr. O'Brien reminded Chairwoman Dapkins that there were some open questions concerning the testimony of the traffic expert, Karl A. Pehnke. He asked if Mr. Pehnke would be called to testify this evening since he had submitted reports following the last meeting.

Mr. Hoffman clarified that Mr. Penke had testified and in response to that, the Board asked him for additional studies. If those studies resolved all the questions of the Board, Mr. Penke would not be needed to testify however the door was left open if the Board had further questions.

Chairwoman Dapkins stated the Mr. Aroneo had some specific questions for Mr. Penke.

Mr. Lemanowicz said that the data given to the Board and the Board's professionals had generated further questions. He noted that he had a question about item "F" in his January 19, 2014 memo. The question referred to some of the parking counts and how they related to the remote parking spaces. He felt that it seemed like the counts were very close to an average day.

Mr. Delaney stated that he had not planned to call Mr. Penke. He asked if that could be made a condition.

Mr. Hoffman answered that he did not feel that would be appropriate because a satisfactory traffic circulation plan and adequacy of parking is too much to delegate to the Board's consultants to make the final call. He felt that the Board itself must be satisfied that there is a fundamentally adequate traffic circulation plan.

Mr. Delaney asked if a vote could be taken without that information.

Mr. Hoffman said that if the Board felt it was not important to get that input, which Mr. Lemanowicz just stated he would like to see, and Mr. Delaney wanted to elect to go for a vote, he would do so at his own risk.

Chairwoman Dapkins asked Mr. Delaney if he wanted her to poll the Board. He answered that he would because he felt that Mr. Penke gave extensive testimony and that his conclusions were very clear and unambiguous that parking and circulation were not an issue.

Mr. Lemanowicz said that the report observed from 7:00 P.M. to 8:15 P.M. and his question was that since that was in the middle of the session, it would get the athletes but not the coaches and staff. Also, based upon the data that was provided, the report stated that the athletes required a maximum of twenty-four (24) parking spaces again, not discussing coaches or staff. He noted that this site only provides twenty-five (25) spaces not including the handicapped spaces so unless all the coaches are handicapped, there would be a problem. Having now seen the numbers, Mr. Lemanowicz wanted to hit those points with Mr. Penke.

Chairwoman Dapkins polled the Board. Committeeman Roshto stated that he was going to concur with Mr. Lemanowicz's opinion and request that Mr. Penke provide additional testimony. The remainder of the board members agreed. She advised Mr. Delaney that the Board wanted Mr. Penke to return to testify further.

Mr. Lemanowicz said that the person who created the data would be best person to field questions concerning that data.

Mr. Delaney advised Chairwoman Dapkins that they would be guided accordingly.

Christine Nazzaro-Cofone was sworn in by the court reporter. She stated that she was employed by **The Cofone Consulting Group, LLC** located on 125 Half Mile Road, Suite 200, Red Bank, New Jersey as a licensed planner in the State of New Jersey. She added that she had a Masters Degree in City and Regional Planning from the Bloustein School, Rutgers University and that she had been practicing consulting planning for about seventeen (17)

years. She added that in addition to being licensed in the State of New Jersey and she is also a national A.I.C.P. (American Institute of Certified Planners) licensee.

Mr. O'Brien indicated that he had worked with Ms. Nazzaro-Cofone in a number of municipalities and provided she was currently licensed, he recommended her to the Board as a professional planner.

Chairwoman Dapkins accepted Ms. Nazzaro-Cofone as professional planner.

Mr. Delaney asked Ms. Nazzaro-Cofone to describe her role in the project.

Ms. Nazzaro-Cofone stated that she had evaluated the application that was before the Board and had evaluated the township's zoning criteria, evaluated the Land Use Plan Element for the Meyersville Hamlet to see if this plan and the variance relief required is consistent with those documents.

Mr. Delaney asked her to describe the proposed conditions at the time.

Ms. Nazzaro-Cofone stated that the property was developed with a considerable amount of lot coverage with uses that are both non-conforming with respect to use as well as their setbacks. She added that there is also contamination on the property. She noted that Mr. O'Brien, in his letter, acknowledged that the lot coverage proposed in conjunction with the application that is pending before the Board would be a substantial reduction in the lot coverage that is currently on the site.

Ms. Nazzaro-Cofone said the property is in a commercial district, located in the Meyersville Hamlet Zone. She explained that the Meyersville Hamlet Zone permits a number of commercial uses that include retail uses, trade uses, food and convenience stores, home and garden, hobby supply centers, bakeries, pharmacies, and most importantly, health clubs, fitness centers, and studios. She had reviewed the four (4) letters issued by Mr. O'Brien, with the latest being dated January 22, 2014, and at no time had there ever been any alluding to or issue relative to the use being permissible in the district.

Mr. Delaney asked if she had visited the site and Ms. Nazzaro-Cofone affirmed that she had. He asked her to describe what she had seen and what is called for by this project.

Ms. Nazzaro-Cofone said that the property is in a commercial district and approximate to other commercial uses. She estimated the property size to be about one-and-one-half (1-1/2) acres and said that the coverage on the property is readily observable. She stated that the applicant proposed to develop a barn-like structure for the housing of three (3) interior volleyball courts and the ancillary parking associated with that. She reiterated the testimony of prior witnesses who stated that this was a practice facility and that there would be no tournaments held on the site.

Ms. Nazzaro-Cofone stated that she had reviewed *all* the application documents along with *all* the professional reviews that were issued by Mr. O'Brien and Mr. Lemanowicz as well as the ordinances that were present in this township as part of her preparations.

Ms. Nazzaro-Cofone stated that the relief sought by the application and the permissibility of the use is important because they are here properly before the Planning Board seeking C or Bulk Variance Relief. She explained if they were seeking any type of D Variance relating to the use and occupancy of the structure, they would be before the Zoning Board of Adjustment.

Mr. Delaney added that they were not seeking any height variances.

Ms. Nazzaro-Cofone stated that they were seeking *no* dimensional variances for this structure. She explained that dimensional variances are commonly referred to as setback variances. The lion's share of zoning districts would have setbacks, stating how far the building has to be from the front yard setback, from the side yard property line, and from the rear yard property lines. She emphasized that this project complies with all of that.

Ms. Nazzaro-Cofone stated that this application is seeking three (3) bulk variances. The first would be for the parking in the front yard setback. That comes out of the design guideline section of the township's ordinance. After discussing this with Mr. O'Brien, he directed her to another section of the ordinance that elevates it to a C variance. This first variance is for the location of parking in the front yard setback. There is a requirement in the township's ordinance that prohibits parking in the front yard setback. She indicated that the parking could be taken out of the front yard setback since the building is set back sixty (60) feet and only needs to be set back twenty-five (25) however that would be a less desirable plan.

Ms. Nazzaro-Cofone explained that the other two (2) variances are for building coverage and total lot coverage. In the Meyersville Hamlet, maximum building coverage is restricted to 20%. This project proposes approximately 22%. For total lot coverage, the project proposes 40.9% where 40% is allowed in the district. The property is currently covered by almost 60% impervious coverage so while it is a de minimis increase over what the zone allows, it is a radical reduction in what currently exists on the property.

Ms. Nazzaro-Cofone reiterated that the project was seeking three (3) C or Bulk variances as the use is permitted in the district.

Ms. Nazzaro-Cofone explained the reasons why relief should be granted. She said that under the Municipal Land Use Law (M.L.U.L.) there are two (2) mechanisms that allow any board to grant variances. One is for hardship

where the Board would have to find that there would be something unusual about the property such as a radical change in topography or an unusual property line jog that would preclude the applicant from complying with the intent of the ordinance. That would be a C-1 Hardship Variance. However, in the absence of any hardship, the Board would have to find that one or more of the purposes of the land use law are advanced by the granting of the application. There are fifteen (15) purposes of land use law identified in the M.L.U.L. in Section 40:55d-2. She noted that this is the statutory language governing boards throughout the state. In order to satisfy the proofs for a C-2, the applicant would have to submit to the Board that one or more of those purposes would be advanced by the grant of the application and that it presents a better zoning alternative than complying with the letter of the ordinance.

Ms. Nazzaro-Cofone submitted to the Board that these variances could be properly granted as C-2 Variances. She started with the parking in the front yard. She noted that variances have associated with them the negative criteria and the impact on the surrounding properties. In order to offer the position that this application would not have a negative impact on the character of the surrounding area, she visited the area in order to understand that character. During her visits, she found, in almost every instance on properties surrounding the subject property, that there is parking located in the front yard. She offered an exhibit, which was marked "Exhibit A-7". It is an aerial photograph of the subject property and the surrounding area obtained from the applicant, Mr. Kaufman (Google Earth Image of PIQ and surrounding properties) and shows the subject property with direct frontage on Meyersville Road. She noted that across from that property is the Casa Maya Restaurant which clearly has parking located in the front yard setback area. She also noted the Meyersville Presbyterian Church with parking clearly located within the front yard setback area. She continued with the Meyersville Deli, the Meyersville Inn, Long Hill Public Park and Pump Station, and the Meyersville Veterinary Building, all with parking located in the front yard setback. Ms. Nazzaro-Cofone noted that Exhibit A-7 is an excellent example of what already exists in the area. So while the applicant is looking to introduce parking on to the site in the front yard setback, she stated it is certainly not a condition that is out of the ordinary in this hamlet district. She felt that this was a very important consideration for the negative criteria because it is something that is occurring in the area already.

Ms. Nazzaro-Cofone felt that the second part of the justification for the variance was spoken to at quite length by Mr. Penke at the last meeting when he discussed that the building could be reoriented and pushed towards the road so that the parking could be located in the side yard setback. But, by keeping the building set back some sixty (60), it would have less of an impact on the area. Clearly with the parking, there is more of an open feel. With the structure closer to the road, there would be more impact on light, air, and open space than an open parking field would. As a planner, it is her opinion that this is clear justification of a C-2 Variance for a better zoning alternative. Allowing parking in the front yard setback is consistent with almost every other business in the Meyersville Hamlet and in a way that allows the site to be developed with less of an impact of the structure relating to the road.

Mr. Delaney asked Ms. Nazzaro-Cofone, in her professional opinion, if she felt the variance was appropriate.

Ms. Nazzaro-Cofone answered affirmatively. She felt it is appropriate to the subject property and to the character of the area. She said Criteria G of the Land Use Law which talks about sufficient space and appropriate location for a variety of uses would be advanced by having the parking in the front yard setback. She also felt that Criteria I of the Land Use Law which talks about a desirable visual environment is achieved particularly when one looks at the architecture of the building. It is a barn-like structure which was to her, iconic of a rural area. Also the township's ordinance gives guidance with respect to the colors that should be implemented. She added that there is a section of the ordinance (152.4) that specifically discusses building materials and colors. In Section 152.4h, it discusses the use of earth tone colors such as browns and beiges. She noted that the colors of the proposed barn structure are brown and beige, the first two (2) colors that are recommended in the Building Materials and Colors Section of the ordinance. Therefore, she was very comfortable that Criteria I of the Land Use Law could be achieved by having the parking in the front yard setback.

Ms. Nazzaro-Cofone felt that the criteria for free flow of traffic would be advanced. She referred to testimony by the traffic expert, Mr. Penke, as well as the operator of the Volleybarn, Ms. Mottern. Ms. Mottern provided testimony as to the live demand that she has in her Flemington facility. Ms. Nazzaro-Cofone was confident that based on the data provided by Mr. Penke and the experience of Ms. Mottern, the site would be an adequately parked site.

Ms. Nazzaro-Cofone felt that the positive criteria are certainly substantiated to allow the parking in the front yard setback. She referred to Exhibit A-7 and reiterated that it is absolutely consistent with the character of the area, having no substantial impairment to the public good or the township's zoning plan.

Ms. Nazzaro-Cofone stated that the other two (2) variances that were being sought both relate to building coverage. She stated that the structure would comply with all the dimensional requirements. It would be set back far in excess of what the ordinance requires and there would be no height variance requested. In regard to the coverage variance, she felt that there is an opportunity for the Board to consider this as a C-1 Variance because a unique situation impacting the property is one of the land use criteria for the foundation for a C-1 Hardship Variance. She referred to testimony that a substantial portion of the property would be dedicated to the county for road widening purposes. She estimated the size of the dedicated portion at approximately 5,800 square feet. If that dedication were not necessary, the application would comply with the building coverage. From a planning point of view, in her opinion this is exactly the type of unique situation affecting a piece of property that would speak to the justification for a C-1 Hardship Variance.

Ms. Nazzaro-Cofone then discussed the impervious coverage, the 40.9%. The sidewalks requested by the Board are contributing to the maximum coverage. She felt that this was de minimis particularly on the subject application. If the subject property were a vacant site and the applicant was looking to introduce all this coverage, the Board might



not be persuaded by the fact that 40.9% is de minimis however, currently, there is almost 60% coverage on the site. She referred to testimony from prior witnesses that there would not be any adverse drainage impact. She felt that the overall reduction of the impervious coverage would outweigh any detriment. In evaluating a variance, she wanted to remind everyone that when the land use law asks a Board to evaluate the negative criteria, they don't ask the Board to find that there is absolutely no detrimental impact from any variance. They ask the Board to have a balancing act and the benefits must outweigh any detriments. Therefore, the application's burden of proof with respect to the grant of a variance is not to convince board members that there is absolutely no detriment. She explained that the benefits have to outweigh the detriments. In this case, the totality of the relief being requested, Ms. Nazzaro-Cofone stated she saw no substantial detriment for either the building or total lot coverage variance to be granted in conjunction with this application. She noted that the applicant is introducing in excess of thirty (30) new plantings on to the site, he is substantially reducing lot coverage, and cleaning up and capping environmental contamination. All of those would leave the site better than it is today.

Mr. Delaney asked, in her professional opinion, would it be fair to say that this would be a significant improvement to the site.

Ms. Nazzaro-Cofone answered that it would be. She noted that Mr. O'Brien asked to have the applicant comment on the consistency of this application with some of the goals and objectives for the Meyersville Hamlet Element of the Master Plan (report dated January 22, 2014). She noted that this request had been carried over from all the reiterations of that report. She explained that in 2009, the township adopted a Master Plan element specifically for the Meyersville Hamlet. There are a number of goals and objectives in that document and Mr. O'Brien asked for comment on those.

Ms. Nazzaro-Cofone outlined some of the goals that she felt were advanced by the application: "... preserve and maintain the current low density, semi-rural character of the hamlet by limiting future commercial development in the present hamlet business zone and by limiting the provision of new streetscape improvements in the area to those deemed necessary to the health, safety, and welfare of local residents and businesses." She felt that this application is in an appropriate location limiting commercial development in the hamlet business zone. She felt that this use had the potential to support other businesses in the hamlet that currently exist therefore having a desirable impact on the hamlet zone.

Ms. Nazzaro-Cofone noted that another goal was to "...encourage the businesses in the area to continue to improve their sites and to generally improve the visual appearance of the hamlet." She felt that the barnlike architecture of the structure is an iconic rural structure and embraces and implements the tones and color palettes suggested in the ordinance.

Ms. Nazzaro-Cofone referred to another goal, "To encourage the continued cooperation of merchants, property owners, residents and government in the future planning of Meyersville." She felt that the application would have a synergistic impact in the opportunity for this business to help and support other businesses in the hamlet.

Ms. Nazzaro-Cofone addressed one more goal. "Require that all new developments or renovations in the hamlet provide an architectural design that is compatible with the low density and semi-rural character of the area." She felt that the design is low density and compatible and represents an excellent opportunity for the township to implement some of the goals and objectives that are identified in the Meyersville Hamlet Element of the Master Plan. She saw no impairment of the Meyersville Hamlet Element of the Master Plan if this application is granted.

Ms. Nazzaro-Cofone reiterated that this was *not* a use variance so there is a presumption of validity that this building and its use is proper here because it is a permitted use in the district.

Mr. Delaney asked Ms. Nazzaro-Cofone, based on her professional experience and qualifications, if she believed these three (3) variances should be granted.

Ms. Nazzaro-Cofone answered that they should be granted. She added that they could be properly granted with either the C-1 or C-2 Criteria without any substantial negative impact to either the zone plan or to the public good. She felt that they could be granted in such a way that the township would have the opportunity to implement the 2009 Meyersville Hamlet Element of the Master Plan.

Mr. Delaney advised Chairwoman Dapkins that the witness had concluded her testimony.

Chairwoman Dapkins asked if there were any questions from the Board.

Mr. Wallisch asked Ms. Nazzaro-Cofone to comment about the size of the proposed structure in comparison with the other structures and how that would fit in with the overall layout of the hamlet.

Ms. Nazzaro-Cofone stated that the proposed building is smaller than the church and smaller than the Meyersville Inn so it is smaller than some and bigger than others.

(loud public comment that this was incorrect)

Chairwoman Dapkins gavelled for the public to be quiet.

Mr. Moholkar asked if by bigger, Ms. Nazzaro-Cofone meant every dimension. He felt that lengthwise, it seemed rather large.

Ms. Nazzaro-Cofone stated that it certainly is not taller.

Mr. Moholkar stated that from a length and width perspective, it's larger than the Meyersville Inn.

Mr. Delaney asked Mr. Hoffman and Chairwoman Dapkins to admonish the public for its outbursts.

Mr. Hoffman stated that the Board would take into consideration only the evidence presented at the hearing by people who were duly sworn as witnesses.

Mr. Moholkar said that compared to the other buildings' dimensions, the proposed building is considerably larger. In reference to the parking, he pointed out that most of the other businesses have more than one street and their addresses are actually the short side so there is no parking in front of them. Meyersville Inn, the vet, Casa Maya, and the church are actually fronted on the streets that don't have any parking. Their addresses are Hickory Tavern Road, Meyersville Road, and New Vernon so he did not agree with the first part. However, he did agree if the parking was placed in the back, it would result in a rather large building right on Meyersville Road.

Ms. Nazzaro-Cofone stated that Casa Maya has a parking lot almost directly across from the applicant's property that is used for parking. That parking is definitely in the front yard setback. The cars are shown on Exhibit A-7 and were also present when she visited the area. She noted that it is right along Meyersville Road and that there is even a sign indicating that it is parking for Casa Maya.

(loud public comment)

Chairwoman Dapkins gaveled and asked those members of the public who were interrupting the proceedings if they would like to be removed.

Committeeman Roshto asked to revisit the size statement that Ms. Nazzaro-Cofone made. He asked what she was referring to when she said the applicant's proposed building is smaller than two (2) other buildings.

Ms. Nazzaro-Cofone stated that the proposed building is smaller in height than the Meyersville Inn and the church. She added that in terms of dimensions, there might be some elevations or walls of the proposed building that may be longer however Casa Maya is probably consistent with not being radically larger or smaller than the proposed building. Even though Casa Maya is two (2) separate structures, they are fairly linear buildings. She also indicated that she was unsure what would be gained by comparing the linear dimensions of the proposed building to other structures particularly in light of the fact that the proposed structure is well compliant with all the setbacks. The proposed building is a barn-like structure and there are other barn-like structures in the hamlet. A barn is not expected to have the jogs and different building elevations that the Meyersville Inn for example does.

Committeeman Roshto asked if she was stating that the square footage is out of character.

Ms. Nazzaro-Cofone answered that she did not believe the size of the square footage is out of character. The building coverage is a very de minimis increase and the setbacks are being met so she felt the building is consistent to other buildings seen in the area.

Committeeman Roshto asked Ms. Nazzaro-Cofone if she knew the square footage of the next largest building.

Ms. Nazzaro-Cofone replied that she did not.

Mr. O'Brien stated that the size of the proposed building is 13,144 sq. ft. Referring to the Meyersville Hamlet Master Plan 2009 on page 27, he said that Casa Maya is 2,385 sq. ft., the Meyersville Café is 1,148 sq. ft., and the Meyersville Inn is 5,170 sq. ft.

Committeeman Roshto asked if Mr. O'Brien knew the sizes of the two (2) adjoining properties including the residential property that is immediately adjoining to the east.

Mr. O'Brien stated that he did not.

Committeeman Roshto said when planning was discussed on this Board, the discussion revolved around where the Board wanted the future to go. He added that when recommendations were made in the element or in the Township Committee on ordinances, the members were looking to change things that were not wanted. He asked Ms. Nazzaro-Cofone, in terms of parking and the justifications that she made, if it was her belief that just because everyone else has parking in the front, that that is a good thing if the direction is just the opposite of that.

Ms. Nazzaro-Cofone stated that that was a mischaracterization of her testimony. She stated that her testimony was that it is present in the district currently. Her testimony as to the C-2 was that it was possible to get the parking out of the front yard but the building would have to be turned and a larger side of the building would be closer to Meyersville Road which would be less desirable and less consistent with the Master Plan's vision. The open parking field would create more open space along Meyersville Road. All of the businesses cited on Meyersville Road have parking adjacent to the road in what would be the perceived front yard setback. She did not see the benefit to be derived by comparing a barn structure to a restaurant structure, or a barn structure to a church structure. Those, dimensionally, would be very different types of buildings so she did not see how one could make the comparison that simply on the net conclusion that this building is larger, it must have more of a negative impact. She felt that the

board members had to be guided by the items in their ordinance that talk about how buildings should look and the setbacks that show where buildings should be. In her opinion as a professional planner, the application offers a structure that would not have any negative impact on this area.

Mr. Hands referred to the "Historical Society" memo dated October 4, 2013, which talks about the blacksmith shop which has been considered a plan in process and asked for comments from Ms. Nazzaro-Cofone.

Ms. Nazzaro-Cofone said that these are volleyball courts and therefore did not have to go into a barnlike structure. The surrounding area was considered which is why it was envisioned to be a barnlike structure.

Mr. Hands stated that Ms. Nazzaro-Cofone had addressed the colors which were changed from a previous version.

Ms. Nazzaro-Cofone said that again, direction was taken from the "Building Colors and Design Materials" section of the ordinance. It discusses using earth tones, browns and beiges, which were certainly incorporated.

Mr. Hands asked if the lighting had been addressed

Ms. Nazzaro-Cofone stated that she believed that was addressed. She believed that Mr. O'Brien's latest review did indicate that change.

Mr. Hands asked if the soundproofing had been addressed.

Mr. O'Brien stated that the architect had addressed that issue.

Mr. Hands stated that he was puzzled about the blacksmith comment and whether that building has relevance to be incorporated in this design in any way shape or form or is it just a structure for comparison of design. He was not sure if the blacksmith comment has been addressed. It is not depicted in the key to all drawings and has not thus far been considered in the planning process. He asked if that was something that needed to be addressed or concerned with or is it just a comment.

Mr. Delaney was unsure whether that was architectural but the architect, Mr. Kaufman was present.

Ms. Nazzaro-Cofone stated that the colors and the designs were incorporated features that are recommended in the ordinance for this district. To that extent, the application is consistent with the ordinance.

Chairwoman Dapkins asked about the H.V.A.C., specifically air conditioning. It was her understanding that it was not proposed and she was wondering how that would work for the participants practicing in the facility.

Ms. Nazzaro-Cofone indicated that she was not the best witness to answer that question. She felt that Mr. Kaufman was a more appropriate choice to address that question.

Chairwoman Dapkins asked about the snow removal in the grassy parking lot.

Mr. Delaney answered that Mr. Kaufman would address both issues.

Seeing as there were no further questions from the Board or its professionals, Chairwoman Dapkins opened the meeting to the public for questions for the planner.

Chairwoman Dapkins reminded the audience that the meeting was scheduled for 7:30 P.M. to 10:30 P.M.

Cecelia Cilli, Sassafras Place, Gillette, asked, since Ms. Nazzaro-Cofone had discussed this with the planner, what is the exact use of the facility and where does it fit.

Ms. Nazzaro-Cofone stated that she did not say that she had discussed the use with the planner.

Mrs. Cilli said that obviously someone did. She asked in which of the uses the facility fits within the Meyersville Hamlet.

Ms. Nazzaro-Cofone stated that it fit in the health club and fitness center.

Mrs. Cilli reiterated that response. She directed her next comment to Mr. O'Brien and stated that there was lengthy discussion over two (2) Planning Board meetings in 2008 when this was put together. She asked what was the definition of "fitness center" and "health club" that the Planning Board was working with so they could fit this in.

Mr. Delaney addressed Mr. Hoffman and stated that it would be more appropriate for Mrs. Cilli to cross examine his witness.

Mr. Hoffman advised Mrs. Cilli that this was the opportunity for the public to question the witness that had testified. Mrs. Cilli asked Ms. Nazzaro-Cofone what her understanding of a fitness center or health club would be.

Ms. Nazzaro-Cofone felt it could be very broad. A fitness center could be a club for fencing, a hot yoga studio, cross fit could be a fitness center. As has been seen in many centers and industrial parks, a gymnastics school could be a fitness center. She felt it is a broad category. She clarified her testimony by stating that the township's planner had

issued four (4) review letters. He had identified the variance relief that would be required in conjunction with this application. If there was a use variance required because the use wasn't permitted in the zone, presumptively and typically the planner would have identified that. Further, if in fact there was an issue with regard to the use of this property for the proposed use which is the indoor volleyball courts, this Board would not have been able to take jurisdiction of the application because the only board in the State of New Jersey that can properly grant a D Variance for use is the Zoning Board of Adjustment. This is the township's Planning Board.

Mrs. Cilli stated that she agreed with Ms. Nazzaro-Cofone on that. She stated however that there was a point in time where there were two (2) Planning Board sessions and one of the members of the Board asked for a definition of the fitness center—

Mr. Delaney interrupted stating that this was not questioning the witness. This was a statement.

Mrs. Cilli answered that she might get around to a question.

Mr. Delaney answered that she might also have an opportunity to comment.

Mrs. Cilli stated that she would get around to a question.

Mr. Hoffman stated that a lengthy presentation of something followed by "Do you agree with that" is not a question.

Mrs. Cilli stated that she agreed with what Ms. Nazzaro-Cofone said but that she also had to tell Mr. Hoffman that when the Planning Board—

Mr. Delaney interrupted again. He stated that "I have to tell you..." does not constitute a question.

Chairwoman Dapkins said that it was a statement.

Mrs. Cilli asked if the Planning Board had put together a definition and had eliminated in that definition game courts, swimming facilities, sauna, eating facilities, shops, facilities for running and jogging, would this be considered an appropriate use of that area. She felt that there was some type of willful omission in leaving out "game courts". She asked Ms. Nazzaro-Cofone if she agreed with her.

Mr. Delaney stated that this was speculative, irrelevant, and totally inappropriate questioning.

Mr. Hoffman stated that although that argument could be made, he felt that the planner had shown that she was fully capable of handling this.

Ms. Nazzaro-Cofone stated that she did not have enough information to give Mrs. Cilli a good answer since she was not privy to those discussions and she did not know what those board members were considering when they used the term "game courts". Had they known that this application was not going to have any tournaments, then typically a game is something which would have a tournament, and there would be no tournaments at this facility. She could not say that they meant to exclude this application's type of operation which is clearly not going to have tournaments. She had no minutes to review or anything else. She stated that, based on what she was told by Mrs. Cilli, she could not say that because they used the term "game court" they would choose to eliminate a use such as this which is absolutely not going to host tournaments.

Mrs. Cilli asked Ms. Nazzaro-Cofone if she meant that a volleyball court was not a game court just because there would be no tournaments.

Mr. Delaney stated that he felt that the question had been answered.

Mrs. Cilli stated that she would continue this in the commentary portion of the meeting. She also stated that she would question Mr. O'Brien.

Olga Argumova, 691 Meyersville Road, asked Ms. Nazzaro-Cofone, as a professional, if she thought a retail or service use including barbershops which would look like a cape cod and be half the size of the current proposed building would look more fitting than the proposed building.

Ms. Nazzaro-Cofone stated she would only comment on the application that was pending before the Board.

Ms. Argumova repeated the question and in addition asked if the building was half the size, could it stay closer and could all parking stay behind it so that it would fit better.

Mr. Delaney objected to the question as inappropriate. He felt it did not relate to the witness' testimony.

Mr. Hoffman advised Ms. Argumova that she could ask the witness if she felt it was an appropriate use for the area.

Maria McCoy, Hickory Tavern Road, wanted clarification as to the actual square footage of the proposed building. She felt it was 13,000 or something like that.

Mr. Hoffman clarified that that would include all the floors.

Ms. Nazzaro-Cofone answered 13,144 square feet.

Ms. McCoy asked about the square footage of the Meyersville Inn. She felt it was approximately 5000.

Chairwoman Dapkins interrupted to ask for a motion to extend the meeting. Mr. Moholkar motioned to extend the meeting 30 minutes. Mr. Hands seconded. A Voice Vote was taken. The motion passed unanimously.

Mr. O'Brien answered that the Meyersville Inn was 5,170 square feet.

Ms. McCoy asked if that was the largest building presently there as far as anyone knew.

Mr. O'Brien indicated that they did not have a measurement on the church.

Ms. McCoy stated that it was mentioned that currently there was 60% impervious coverage at the site.

Ms. Nazzaro-Cofone answered that it was *almost* 60%.

Ms. McCoy asked if the tin-like buildings without floors were considered impervious coverage. She said that there were no floors in most of those structures.

Ms. Nazzaro-Cofone stated that impervious surface is any structure or surface covering on the property. She added that Ms. McCoy would have to ask the engineer how he arrived at that figure. Her office did not do the calculations.

Ms. McCoy wanted to clarify the parking situation at the Casa Maya. She stated that she believed it is handicapped parking that is located next to the building and there is a sign that says they are supposed to park in the back of the structure. She noted that there is a walk way.

Mr. Hoffman indicated that that belonged in the public comment section of the hearing. He advised Ms. McCoy that she could ask if Ms. Nazzaro-Cofone knew that.

Ms. McCoy asked if Ms. Nazzaro-Cofone was aware of the parking legalities of the Casa Maya.

Ms. Nazzaro-Cofone stated that she was aware that there were vehicles parked subordinate to the Casa Maya use in what would appear to be a similar fashion as to that which is proposed in conjunction with the subject application.

Ms. McCoy asked if Ms. Nazzaro-Cofone was referring to the picture or when she was actually there.

Ms. Nazzaro-Cofone indicated that it was both Exhibit A-7 in evidence and her office visit.

Ms. McCoy asked if Ms. Nazzaro-Cofone was actually in the Casa Maya.

Ms. Nazzaro-Cofone answered no.

Ms. McCoy asked if Ms. Nazzaro-Cofone was aware that the Casa Maya has residential property as part of the building on the same property.

Ms. Nazzaro-Cofone answered yes.

Arthur Brown, 479 Meyersville Road, asked if Ms. Nazzaro-Cofone knew of another hamlet or small village town like this where there is a building this big.

Ms. Nazzaro-Cofone answered that that analysis was not done. She added that in her experience, she felt the Board would find it offensive if she brought to them what was going on in other municipalities. She did not see the relevance. She noted that she had been practicing for over eighteen (18) years and had testified in over fifty (50) municipalities as well as Superior Court and never, in one of those instances, did she show a Board what was going on in someone else's town and tell them why it would be appropriate in their town. Rather they are guided—

Mr. Brown interrupted and stated he did not ask her to be appropriate--

Ms. Nazzaro-Cofone interrupted and stated that she would finish her answer and after that Mr. Brown could ask another question however she needed to finish her answer for the record. She stated that she was guided by her field visits and the Township of Long Hill's 2009 Meyersville Hamlet Element plan for this area in this municipality.

Mr. Brown reiterated his question. He felt it was a yes or no question.

Ms. Nazzaro-Cofone felt she had already answered the question.

Elaine Zindel, 317 Meyersville Road, asked for clarification on the difference between front setback parking and parking in front of the building.

Ms. Nazzaro-Cofone answered that it is when parking is located in front of the building or in the front yard setback. There is a twenty-five (25) foot setback requirement in this zone. It was her understanding of the ordinance is that

no one is allowed to park in that twenty-five (25) foot setback and there is no parking allowed in front of the building. She asked Mr. O'Brien if those statements were correct and he affirmed that they were.

Mrs. Zindel noted that these buildings had been around for many years. They have not been subject to any ordinances about parking. She asked if the Meyersville Inn has parking in front of the building.

Ms. Nazzaro-Cofone answered no because it is non-compliant with respect to the setbacks. It could not physically get parking in the front yard.

Mrs. Zindel asked if the veterinary office has parking in front of the building.

Ms. Nazzaro-Cofone referred back to the previous question about the Meyersville Inn and clarified that it had parking immediately adjacent to the street whatever yard that is considered. She was not sure, since it is a corner property, how the township's ordinance treats it.

Mrs. Zindel asked if the church has parking in front of the church.

Ms. Nazzaro-Cofone stated that there is a driveway in front of it and people park in it, so yes it does.

Mrs. Zindel stated that it is not in front of the church.

Ms. Nazzaro-Cofone respectfully disagreed. She reiterated that there is a driveway in front of the church.

Mrs. Zindel stated that the driveway is for dropping off people but it is not a parking lot. She felt that people needed to realize that when you are trying to compare it to the other places in the hamlet, parking directly in front of the building is *not* a majority of the businesses as Ms. Nazzaro-Cofone specified. Mrs. Zindel asked if Ms. Nazzaro-Cofone believed that the majority of the businesses in the hamlet have parking in front of the building.

Ms. Nazzaro-Cofone stated that there is parking adjacent to the road in what would be perceived as the front yard setback. At the Casa Maya, for example, there could not be parking in front of the building because the building practically sits on the streetline so to say that there is no parking in front of those buildings, those buildings are also substantially non-compliant with respect to the setbacks so not only do they have parking in a non-compliant location, but the buildings Mrs. Zindel was referencing are non-compliant with respect to the setbacks.

Mrs. Zindel asked when the buildings that are already there are compared with what is being proposed, is it substantially different because parking is being proposed for directly in front of the building when the majority of the existing buildings do not have parking directly in front of the building.

Ms. Nazzaro-Cofone answered that some of them do. She noted the Meyersville Deli has parking in front of the building. She also noted that there is parking along the road. Therefore she did not feel it was a substantial difference particularly since the sites that were referenced were not compliant with respect to building setbacks and parking.

Mrs. Zindel asked if you could expect those buildings to be compliant when they were built fifty (50) years ago.

Mrs. Tielmann asked why the detention basin was not planned for the front of the property. She asked if the building could be brought forward and put the parking in the rear.

Mr. Hoffman felt that the bulk of that question was more suitable for the engineer. He asked Ms. Nazzaro-Cofone, as a planner, if she would have any input as far as the placement of the detention basin.

Ms. Nazzaro-Cofone answered that the engineer would be the best person to ask about the location of the detention basin and why it is located where it is.

Mrs. Tielmann asked if there would be an opportunity to bring him to the stand.

Mr. Hoffman stated that there had been several opportunities. He stated that he felt that Mr. Kastrud had been discharged.

Chairwoman Dapkins affirmed that.

Mr. Hoffman asked the applicant, if this were to go on to another meeting, would he be amenable to have Mr. Kastrud return to answer any additional questions.

Mr. Delaney took it under advisement because he felt that, "there comes a point in time where patience ceases to be a virtue."

Mrs. Tielmann stated, in reference to the fifty (50) year old buildings and the parking in the front, she has a building that would be 200 years old this year. She went through the process in the township for several years as the Master Plan was redesigned for the Hamlet of Meyersville and it was to incorporate smart growth. She did not understand why that was not considered. She wanted to know why there is a non-compliance here.

Mr. Delaney objected to the question as being totally incomprehensible. However, he added if the witness can figure it out, she can answer it.

Ms. Nazzaro-Cofone felt that it was a very broad and vague question and she did not know how Mrs. Tielmann made the connection to this application and the relief being requested to not being consistent with smart growth. She felt that developing within the Hamlet would be consistent with smart growth. This is where the township's Master Plan specifically says don't allow commercial businesses to go in locations that aren't already zoned for such. She noted that she did not share the opinion of Mrs. Tielmann that this is not smart growth. She felt the location was appropriate and the substantial reductions in coverage are more consistent with smart growth than inconsistent with smart growth.

Mrs. Tielmann referenced the elements placed in the Master Plan signed in 2013 and asked why is the applicant not respecting or using those elements for example parking in the rear of the building.

Ms. Nazzaro-Cofone answered that those are requirements that are contained in the ordinance not the Master Plan and she noted that she had given at least four (4) goals contained in the Master Plan that were identified and advanced by this application. She reiterated that she did not share Mrs. Tielmann's opinion that the application is not consistent with smart growth.

Ed Zindel, 317 Meyersville Road, wanted to discuss the 1996 Master Plan comments. He read, "...To encourage neighborhood oriented land uses in the village business districts of Gillette, Meyersville, Millington, and Stirling and to ensure that such development does not encroach upon the surrounding residential areas in established neighborhoods." He asked what the "neighborhood oriented land use" here is.

Ms. Nazzaro-Cofone answered that this application is a permitted use in this zone.

Mr. Zindel answered that that is questionable. He stated that that was not the question he asked and he repeated the question.

Ms. Nazzaro-Cofone stated that the application is for an indoor volleyball court.

Mrs. Zindel stated that he understood that but he felt that that did not serve as a neighborhood oriented land use.

Ms. Nazzaro-Cofone asked if that was Mr. Zindel's opinion or was that a question.

Mr. Zindel answered that it was a fact and he asked the question again. He stated that she would not answer it.

Mr. Delaney directed the witness not to answer.

Mr. Hoffman stated that it was not a question.

Mr. Zindel read that, "... new buildings, additions, and renovations should be located in Gillette Meyersville Millington and Stirling business districts to complement the existing building designs in the village." He asked how this complemented the designs in the village.

Mr. Hoffman felt that this was a question and was within the expertise of the witness.

Ms. Nazzaro-Cofone stated that it is a barnlike structure and a barn is iconic of a rural area. It implements materials and colors that are specifically listed in the zoning ordinance for this area.

Mr. Delaney interrupted Mr. Zindel's next comment and asked that it be stricken. He felt that if Mr. Zindel was going to be surly and wise, he should not be allowed to ask the witness any further questions.

Mr. Hoffman indicated that it was close to the end of the productive time of the meeting and that that should be taken into account.

Mr. Zindel read, "...the purpose of the Meyersville Hamlet Zone is to preserve a quiet, peaceful, and unrushed corner of Long Hill." He asked how this building does that.

Ms. Nazzaro-Cofone stated that that passage goes on the state other things. She read, "The purpose of the Meyersville Hamlet District Zone is to preserve a quiet, peaceful, and unrushed corner of Long Hill. The Hamlet of Meyersville serves as a gateway the Great Swamp National Wildlife Refuge, a major recreational asset and a defining feature of the rural essence of Long Hill Township." She pointed out that this was a recreational use that is permitted in the zone so, as a planner, she would be in a difficult position to find that a permitted use in a zone impaired the purpose of the zone. She felt it is consistent with that. There was traffic testimony in the record that supports that this is a low intensive insignificant traffic use.

Chairwoman Dapkins asked if there were any further questions for this witness. There being none, the witness was discharged. She noted that it was late and the Board had other business to attend to. She asked if a Consent for Extension was needed.

Ms. Kiefer answered affirmatively.

Mr. Delaney offered to give that extension and a letter as well. He noted that for the record, he granted an extension that would be open ended. He offered to put that in writing as well.

Chairwoman Dapkins asked when this would be carried to.

Ms. Kiefer answered that the next available date was February 11, 2014.

Mr. Hoffman felt that they were not factoring in the potential need for the applicant to submit additional documentation.

Mr. Delaney wanted to confer with Mr. Kaufman. After that, he agreed that February 11, 2014 was amenable.

Chairwoman Dapkins asked if the traffic engineer would be available at that meeting.

Mr. Delaney answered that he would find out about that.

Chairwoman Dapkins announced that Restore Meyersville LLC would be carried to February 11, 2014 at 7:30 with no further notice.

Mr. Delaney asked if the earlier start time was a deviation from the normal start time of 8:00 P.M.

Chairwoman Dapkins advised him that that had been changed.

Chairwoman Dapkins stated that there was one more item on the agenda which was the revised 2014 Planning Board Budget Line Item regarding the educational schools and training. She stated that there was also an explanation from Dawn Wolfe, Planning and Zoning Administrator. Mrs. Wolfe noted that the amount was reduced to \$925.00 from \$2,150 because she had no way of knowing how many board members would be reappointed and therefore she did not know how many board members would have to take the training.

Chairwoman Dapkins asked for a motion to accept the amended budget. Committeeman Rae moved and Mr. Moholkar seconded. A Roll Call Vote was taken. All in favor: Mr. Moholkar, Committeeman Rae, Committeeman Roshto, Mr. Wallisch, Mr. Hands, and Chairwoman Dapkins. Those opposed: None. Motion passed.

Committeeman Roshto stated that one of the things that the Township Committee is discussing in some way is the Recreation Element. He stated that the Township Committee has a draft and he wanted to know when it could get to it at the Planning Board level so that it could be made official that it has been reviewed.

Chairwoman Dapkins answered that it could be put on the agenda for the 11<sup>th</sup>.

Committeeman Roshto stated that he would get the document to the Board for review. He stated that he had read it and felt that it was in a state where the board members could start to have some discussions about it. He asked that it be put on the agenda for the 11<sup>th</sup> to at least begin discussions. It could be postponed if there was no time remaining at that meeting.

Chairwoman Dapkins did not know if Mr. O'Brien would have it prepared in time.

Mr. O'Brien stated that he would like the opportunity to review it.

Committeeman Roshto then felt that late February or early March was more appropriate.

Chairwoman Dapkins asked for a motion to adjourn. Mr. Moholkar motioned and Mr. Wallisch seconded. A Voice Vote was taken and the motion passed unanimously. Meeting was adjourned at 10:56 P.M.

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CYNTHIA KIEFER  
Planning and Zoning Secretary