

1 Andover Township
2 Land Use Board

3

4 THE TRANSCRIPT OF THE MINUTES . TRANSCRIPT
5 OF THE . OF
6 ANDOVER TOWNSHIP LAND USE BOARD . OPEN PUBLIC MEETING
7

8
9 Date: March 15, 2011

10 Time: 7:36 p.m.

11 Place: Municipal Building
12 134 Newton-Sparta Road
13 Andover Township, N.J. 07860

14 B E F O R E:

15 JOHN O'CONNELL,
16 Chairperson

16 BOARD MEMBERS:

17 Diana Boyce
18 Suzanne Howell
19 Gerald Huelbig
20 Ellsworth Bensley
21 CeCe Pattison
22 Christine Kretzmer
23 Rick Melfi
24 Paul Messerschmidt

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1 CHAIRPERSON O'CONNELL: We're on the record. I'd like
2 to call order to this meeting of the Andover Township Land Use
3 Board. Please stand for a flag salute.

4 (Flag salute conducted.)

5 CHAIRPERSON O'CONNELL: All right. Call the roll,
6 please.

7 BOARD SECRETARY: Ms. Boyce.

8 BOARD MEMBER BOYCE: Here.

9 BOARD SECRETARY: Ms. Howell.

10 BOARD MEMBER HOWELL: Here.

11 BOARD SECRETARY: Mr. Huelbig.

12 BOARD MEMBER HUELBIG: Here.

13 BOARD SECRETARY: Mr. Melfi.

14 BOARD MEMBER MELFI: Here.

15 BOARD SECRETARY: Ms. Kretzmer.

16 BOARD MEMBER KRETZMER: Here.

17 BOARD SECRETARY: Ms. Pattison.

18 BOARD MEMBER PATTISON: Here.

19 BOARD SECRETARY: Mr. Bensley.

20 BOARD MEMBER BENSLEY: Here.

21 BOARD SECRETARY: Mr. Messerschmidt.

22 BOARD MEMBER MESSERSCHMIDT: Here.

23 BOARD SECRETARY: Chairman O'Connell.

24 CHAIRPERSON O'CONNELL: Here. This is an open public
25 meeting of the Andover Township Land Use Board. Notice of this

1 meeting was given in accordance with the Open Public Meetings
2 Act, Chapter 231, Public Law 85. The rules are, no new cases
3 after 9:30 p.m. or testimony after 10:00 p.m. Comments from
4 the public are limited to five minutes per item. Transcript
5 requests are to be in writing with a check for 100 percent of
6 the costs.

7 Material for the meeting is to be filed 14 days before
8 the next meeting, once it has been heard, for completeness.
9 Individuals or members of a partnership must be present at the
10 meeting or be represented by an attorney. Testimony is under
11 oath. False testimony constitutes perjury.

12 Just to make an announcement here, Cambridge Pavers is
13 not being heard tonight. Now, I don't know if anyone is here
14 for that. I just wanted to let you know right up front. So
15 the first item on the agenda is the Master Plan, the
16 re-examination report of the Master Plan.

17 MR. MCGROARTY: Yes, Chairman of this Board, good
18 evening, Chuck McGroarty, for the record. We are doing two
19 things tonight. The first is the discussion and consideration
20 for vote by this Board of a re-examination report of the
21 Township's Master Plan. And the Board will recall that a
22 similar effort was done last year, and you will also recall
23 that you are entitled to do as many re-examination reports as
24 are warranted, that you would not be limited to every six
25 years.

1 So the focus of this re-examination report is a
2 continuation of what the Land Use Board began last year, which
3 is a focus on the industrial zone districts in the Township.
4 And in 2010, that effort led to the creation of a new, general,
5 industrial zone in one location. And the re-examination
6 report, at that time, recommended that the remaining industrial
7 zone areas be examined for potential changes. And two things
8 were noted in that regard.

9 The first is, certain lands within the industrial
10 zones in the Township are, for all intents and purposes, off
11 the table for development at this point. Either they're owned
12 by the DEP, or through Green Acres Acquisition here in the
13 Township, or they're in the custody of the New Jersey Land
14 Conservancy. And so therefore, they are preserved.

15 There are, however, some other properties in the
16 industrial zones that lend themselves to more than just the
17 limited range of uses that the zoning now allows for in that
18 zone district. And with the effort, the input of the Economic
19 Development Committee, and of course, this Board's own Master
20 Plan Committee, it was determined that it would be appropriate
21 to consider other kinds of uses in these zone districts.

22 And they would include sports facilities, studios for
23 dance and photography, things of that nature. There would be
24 some limited retail, and that will be discussed at some length,
25 and that would be held to a percentage of the floor area in the

1 building.

2 In these rooms, there would also be the potential for
3 renting facilities, hiring out these facilities for birthday
4 parties and things of that nature. The bulk standards will
5 remain, those that apply to an industrial zone. And the
6 thinking here, of course, is that if those bulk standards, lot
7 area and bulk standards, are sufficient to work for industrial
8 uses and have worked well over the years, apparently, for the
9 industrial uses, then they should work equally well, if not
10 better, for these less intensive kind of uses that are being
11 anticipated.

12 And so that's the focus, then, of this re-examination
13 report. It is to look at those remaining industrial areas with
14 the recommendation that consideration be given to changing as
15 an industrial zone to something a little bit more flexible,
16 which we'll talk about in a few moments with regard to an
17 amendment to the Township's land use element of the Master
18 Plan.

19 Chairman, let me point out, I asked Linda -- and I
20 believe she's done so -- to distribute some papers this
21 evening. I have one corrected page, subject, of course, to any
22 other changes this Board wishes to make. I have one corrected
23 page to the re-exam report. The remaining pages that you got
24 this evening deal with the Master Plan so you can follow. The
25 one change for the re-exam report is page seven and if you have

1 that in front of you, you'll see at the bottom of the page, it
2 is the category. I'm sorry. It's Section 6.0. And the
3 paragraph below begins, "This re-examination report
4 recommends..." Everybody have that?

5 CHAIRPERSON O'CONNELL: Mm-hmm.

6 MR. MCGROARTY: Okay, the only thing I changed there,
7 I added -- in that sentence, it now reads, "This re-examination
8 report recommends the industrial zone district be modified ..."
9 and here's the addition, "... in certain areas to permit sports
10 facilities," et cetera, and it goes on. And the reason why I
11 inserted and suggest that we keep in the language, "In certain
12 areas," is because there are and will be remaining portions of
13 the industrial zone.

14 I can point them out on that exhibit, if the Board
15 wishes, but you have these exhibits attached. For the benefit
16 of the public, they're on there. There are certain areas in
17 the industrial zones, for example, along Stickles Pond Road,
18 where the industrial zone change that is being recommended will
19 apply to those properties that, number one, are privately
20 owned, and front upon Stickles Pond Road. Portions of that
21 area on both sides of Stickles Pond Road are owned either by
22 the DEP or the land conservancy.

23 So the recommendation here is not to change those
24 properties, but leave them in the industrial zone for now,
25 because one other thing that was discussed last year was

1 ultimately creating a public zone in the Township which would
2 encompass publicly-owned land, preserved land, everything from
3 Kittatinny State Park down to parcels that the DEP or land
4 conservancy owns.

5 That's an ongoing effort, as I understand it, Mr.
6 Chairman, and that hasn't been finalized yet. So rather than
7 complicating matters more than perhaps is already being done,
8 we felt that we would leave the publicly-owned properties in
9 the industrial classification at this time. That summarizes
10 the re-exam report. Certainly, if there are questions,
11 changes, or discussions --

12 CHAIRPERSON O'CONNELL: If you would, Chuck, for the
13 public's benefit, would you please point out areas are --

14 MR. MCGROARTY: Sure. And we'll touch on this --
15 probably turn the easel a little bit. I imagine the Board
16 still has the draft copy with the exhibits attached?

17 CHAIRPERSON O'CONNELL: Yeah.

18 MR. MCGROARTY: That work? Well, again, the areas
19 that are identified in the legend here are -- this is an
20 exhibit from last year. We didn't re-create it, but this
21 particular area has since been rezoned to general industrial.
22 The remaining parcels that are identified in color are, as of
23 this evening, they're in the industrial zone district, just
24 plain "I" industrial zone. Again, this is the general
25 industrial. So, we're not talking about this property or these

1 properties anymore this evening, okay?

2 When we get to the master plan amendment, we'll focus
3 in on the specific properties, but as long as I'm here, Mr.
4 Chairman, since you asked me to do that, I will do that now.
5 The areas that we're looking at, I mentioned. This area up
6 here is primarily owned by the DEP. There's one isolated land
7 lot parcel.

8 So the recommendation is to leave that alone, leave
9 that in the industrial zone. We move down to Stickles Pond.
10 It's evident in the exhibits, which are attached to the master
11 plan amendment, not so on this larger exhibit, but I think you
12 get the gist of it. It's the properties which front on
13 Stickles Pond Road will be rezoned, should the Board agree, and
14 the Township committee do so, they would be rezoned to this new
15 commercial/industrial. The larger pieces in the back, which is
16 here and here, will remain industrial. And there are separate
17 lots, so it's very easy to draw the zone boundaries. And we'll
18 leave those in that condition. The property back here is owned
19 by the DEP. The property on the other side, to the northwest,
20 is in the custody of the land conservancy. And so, for that
21 reason, as I explained earlier, we'll leave it for now. I move
22 down to the -- airport for a point of easy reference.

23 Now, I should point out -- and we'll talk about this
24 in a few moments -- the recommendation here is to include all
25 the properties here. Actually, there's a portion of a third

1 lot that will be rezoned, but the remaining portion will not.
2 And again, you can look at it here. But anything which is
3 presently zoned industrial today would be rezoned to this
4 commercial/industrial, with one distinction: We recommend we
5 keep the A-2 designation at the end of it, because it still is
6 an airport, and all of the requirements in the ordinance for
7 airport station zones still apply.

8 So while the proposed list of permitted uses will be
9 identical to those in the other commercial/industrial zones, it
10 will still have that A-2 designation in recognition of its
11 airport status. Now, we move down further. And I guess this
12 is known as the strawberry farm. And here, there's a little
13 bit of a modification we're doing, as well. This property --
14 and again, this is referring to the master plan amendment, but
15 the property itself actually has frontage at two points on
16 Route 46. So it looks --

17 CHAIRPERSON O'CONNELL: Route 206.

18 BOARD MEMBER PATTISON: Route 206.

19 UNIDENTIFIED MALE: 206.

20 MR. MCGROARTY: -- if I may hold this up like this --
21 what did I say, 46?

22 CHAIRPERSON O'CONNELL: 46.

23 BOARD MEMBER PATTISON: 46.

24 MR. MCGROARTY: I apologize.

25 UNIDENTIFIED FEMALE: Mm-hmm.

1 MR. MCGROARTY: Wrong town, I apologize. The last one
2 won't let me forget that -- on Route 206. And the front
3 portion that extends onto the highway in both locations -- I do
4 that just to make sure everybody's listening -- is presently in
5 the highway commercial zone.

6 And the recommendation here is then to bring the
7 entire parcel into this new commercial/industrial zone so that
8 the finger portions, as it were, that touch the highway or
9 likewise will be rezoned. They're absolutely of no value to
10 the property owner in highway commercial because they're
11 substandard, as you can sort of see from this back here.
12 They're narrow and they really just provide access.

13 We move down and I'll finish here. On the northerly
14 side of Route 206, as we come in to the town from the Borough,
15 these properties here, again identified in the exhibit that we
16 have, will be rezoned. They're presently in the "I" industrial
17 zone. And similar to the strawberry farm we just talked about,
18 one of the parcels, again, fronts on the highway, falls in the
19 highway commercial. It's completely impractical, so the idea
20 here would be to rezone the entire three parcels that are
21 involved, which is the commercial/industrial.

22 Lastly, down here, this is the largest -- as you can
23 see, just by your perception of it -- this is the largest of
24 the industrial zones. The recommendation here is to -- one
25 second -- focus only on four lots. And again, they're evident

1 in the master plan amendment exhibit, not on this one. But the
2 four lots in question on the southerly side here of 206 are
3 those properties that have direct frontage on the highway.

4 The balance of this very large tract of land, which
5 comprises a number of tax lots, is recommended to stay in the
6 industrial zone until further analysis and decisions are made
7 when this Board has more time to analyze what to be done down
8 here. There's been different ideas over the years about what
9 to do with that industrial, whether it changes to residential
10 or some other use. So again, it's a rather modest effort here.
11 It's just four lots on the southerly side and those are the
12 changes.

13 CHAIRPERSON O'CONNELL: Okay.

14 (Pause.)

15 MR. BRIGLIADORO: Chuck, that's all you have on the
16 re-examination report?

17 MR. MCGROARTY: Yes, it is.

18 MR. BRIGLIADORO: Okay. Mr. Chairman, really at this
19 point if the Board has any additional questions on the
20 re-examination report, this would be the time to ask Mr.
21 McGroarty about that.

22 This portion is not a public hearing, but once we
23 resolve the issue of whether or not to accept his
24 recommendations in the re-examination report, we can then move
25 on to the amendment to the Master Plan, which is a public

1 hearing, and for which members of the public will be able to
2 come up. They'll be sworn in and they'll be able to give us
3 their comments.

4 CHAIRPERSON O'CONNELL: Thank you.

5 UNIDENTIFIED MALE: Time for questions.

6 CHAIRPERSON O'CONNELL: Any Board members, any
7 questions, discussion? Anyone?

8 (No verbal response recorded.)

9 MR. BRIGLIADORO: Mr. Chairman, at this point the
10 Board should make a motion, either to adopt the re-examination
11 report as prepared by Mr. McGroarty, or to suggest any changes.

12 CHAIRPERSON O'CONNELL: Okay, and we'll adopt, as per
13 amended --

14 MR. BRIGLIADORO: Right.

15 CHAIRPERSON O'CONNELL: -- with page seven there.

16 MR. BRIGLIADORO: Right.

17 CHAIRPERSON O'CONNELL: So is that --

18 MR. MCGROARTY: Yes, that --

19 CHAIRPERSON O'CONNELL: Someone wants to make that a
20 motion?

21 BOARD MEMBER MESSERSCHMIDT: I'll make the motion.

22 CHAIRPERSON O'CONNELL: Is there a second?

23 UNIDENTIFIED MALE: I'll second.

24 BOARD MEMBER PATTISON: I'll second.

25 CHAIRPERSON O'CONNELL: And if we can, call the roll.

1 Call the roll, please.

2 BOARD SECRETARY: Ms. Boyce.

3 BOARD MEMBER BOYCE: Yes.

4 BOARD SECRETARY: Ms. Howell.

5 BOARD MEMBER HOWELL: Yes.

6 BOARD SECRETARY: Mr. Huelbig.

7 BOARD MEMBER HUELBIG: Yes.

8 BOARD SECRETARY: Mr. Melfi.

9 BOARD MEMBER MELFI: Yes.

10 BOARD SECRETARY: Ms. Kretzmer.

11 UNIDENTIFIED FEMALE: She recused herself.

12 BOARD SECRETARY: I'm sorry, recused. The record

13 shows that Ms. Kretzmer recused herself. Ms. Pattison.

14 BOARD MEMBER PATTISON: Yes.

15 BOARD SECRETARY: Mr. Bensley.

16 BOARD MEMBER BENSLEY: Yes.

17 BOARD SECRETARY: Mr. Messerschmidt.

18 BOARD MEMBER MESSERSCHMIDT: Yes.

19 BOARD SECRETARY: Chairman O'Connell.

20 CHAIRPERSON O'CONNELL: Yes.

21 MR. MCGROARTY: All right.

22 MR. BRIGLIADORO: Mr. Chairman, at this point, we

23 should move on to the public hearing in regard to the amendment

24 to the Master Plan land use element. And I would like to swear

25 in Mr. McGroarty.

1 MR. MCGROARTY: All right.

2 C H A R L E S M C G R O A R T Y, BOARD'S WITNESS, SWORN.

3 MR. BRIGLIADORO: Okay.

4 MR. MCGROARTY: Again, for the record, Chuck
5 McGroarty, Banisch Associates. In the same document, just for
6 the ease of keeping some of this paper together, and to
7 minimize, to the extent possible, some of the paper that's
8 generated from these efforts, we have an amendment to the land
9 use element of the Master Plan that has been discussed by this
10 Board.

11 And by the way, Linda has done the notice requirements
12 that are set forth in the statute, and has provided a copy to
13 the county, and notice to the surrounding municipalities. So
14 the statutory requirements for a hearing on the Master Plan
15 have been satisfied, as far as I know. And obviously, our
16 attorney will advise if there's any problems, but Linda, I'm
17 correct in saying that, right?

18 MS. PAOLUCCI: Yes.

19 MR. MCGROARTY: Everything's been done?

20 MS. PAOLUCCI: Yes.

21 MR. MCGROARTY: Right, so this amendment to the Master
22 Plan, again, like the re-exam report, is very focused. It
23 deals specifically with the recommendation that I just
24 discussed, which is to take certain areas in the industrial
25 zones. I'd be more than happy to go back up to the easel and

1 get the highway right this time. But you know, the areas that
2 I talked about last, for the last document, are the same and
3 they are identified in Exhibits 2 through 4, which are attached
4 to the amendment to the master plan. They are also identified
5 in a table, which is on page nine, listing the block, and lots,
6 and the acreage of the properties affected.

7 And again, the idea here is to modify the Town's zone
8 plan to create this new commercial/industrial zone for these
9 very specific properties. It would then allow the kinds of
10 uses that I described. And the remaining pages that I handed
11 out this evening -- I think there were four of them, but it
12 should be pages nine through 11. Paul was very helpful last
13 time. He pointed out a couple of mistakes that I had in there.

14 And also, in doing that, I found a few others. So the
15 modified pages you have in front of you this evening are
16 recommended and they would go into the plan. They're not
17 substantive changes. I will mention them for the benefit of
18 the record and the public. And I'll be as brief as possible.

19 On page nine, first of all, they were simply -- the
20 permitted principle use category was given a number. And that,
21 obviously, made no sense. So the permitted existing uses in
22 that zone today are number one through six and they're listed
23 there.

24 Where Paul's recommendation to me at the end of last
25 meeting was to make sure that it's consistently referenced, in

1 terms of when the ordinance, as it does today, refers to other
2 sections of the ordinance, such as for agriculture, farm, and
3 horticulture, it refers the reader to a different section of
4 the ordinance. And I appreciate his editorial and help there.
5 And so those changes have been inserted, as well.

6 Next, page 10, under Warehousing, Storing, and
7 Wholesaling -- by the way, it's bold and italicized in your
8 version. It will not appear that way in the final version.
9 That was just done so that you can grasp it quickly. I had the
10 wrong cite there. It's actually Section 190-54, not 52. And
11 again, the only other changes on this page, again putting
12 references in where they should be for agriculture, farm, and
13 horticulture at the bottom, we talked about the ordinance
14 today.

15 When it allows for fences as accessory uses, it refers
16 the reader to Article 12 in the ordinance and so that was
17 added. Lastly, on page 11, for signs, a reference to Article
18 11 was added.

19 And finally, again, the same correction with
20 warehousing, storing, and so on, Section 190-54, not 52. Those
21 were the changes that I made to the documents there and that's
22 why you have those pages. As you see, none of them are
23 substantive. Certainly, if the Board wishes to make other
24 changes, that's what the purpose of this hearing is about.

25 But in sum, it would create this new zone district for

1 the properties that have been identified, and it would
2 introduce this limited range of additional uses so that the
3 industrial uses remain intact and the opportunity to do some of
4 these other land uses are created. One of which, by the way --
5 they're not just new stuff like a party room, or retail,
6 limited retail sales, or sports-oriented sort of facilities.
7 The Township presently has, in the highway commercial zone, a
8 category for flex buildings.

9 And for whatever reason, that was never in the
10 industrial zones and that's the ideal location for that kind of
11 a category because a flex building is where you can have a
12 small office for your business if you're running a landscaping,
13 or a carpentry business, or what have you, or an electronic
14 business, or again, as an electrician, you have that
15 flexibility, thus, the name. So the suggestion here is to,
16 well, leave that category in the highway commercial. Also make
17 it a permitted use in this new zone. And that, Mr. Chairman,
18 summarizes the master plan amendment.

19 CHAIRPERSON O'CONNELL: Any questions, anyone?

20 (No verbal response recorded.)

21 CHAIRPERSON O'CONNELL: Well --

22 UNIDENTIFIED FEMALE: You did a great job.

23 MR. MCGROARTY: Well, thank you.

24 CHAIRPERSON O'CONNELL: I have a question, then,
25 Chuck, regarding these proposed changes here.

1 MR. MCGROARTY: Mm-hmm.

2 CHAIRPERSON O'CONNELL: We had had a meeting of the
3 Ordinance Review Committee and we've discussed this particular
4 commercial industrial zone.

5 MR. MCGROARTY: Right.

6 CHAIRPERSON O'CONNELL: Did any of our notes or
7 anything get sent over to you, or any of our suggestions?

8 MR. MCGROARTY: They did. And as a matter of fact,
9 I've incorporated them in the ordinance.

10 CHAIRPERSON O'CONNELL: Okay.

11 MR. MCGROARTY: I didn't feel it was necessary, but we
12 can certainly do that. I know, actually, one that Mr. Golden
13 had pointed out early on. The language about the testing
14 raises some concerns. I would recommend we just -- and the
15 draft ordinance -- or let me say it this way. The ordinance
16 has been revised to reflect these changes. Assuming you make,
17 or rather, you vote in favor of this, this evening, that
18 ordinance will go to the committee for first reading and then
19 come back here so that you can make sure that it's consistent
20 with what you want it to do.

21 But I took Joe's point on the testing and just removed
22 the language about testing altogether, which I think has
23 simplified the matters. And then, Mr. Chairman, your committee
24 -- Linda had forwarded the comments about limiting retail sales
25 to a certain portion of a site, 25 percent, or I think it was

1 1,000 square feet, whichever is less.

2 CHAIRPERSON O'CONNELL: Well, actually, that's where
3 my concern is coming in right now, because adopting or working
4 with this, as we have 25 percent or 1,000 square feet,
5 whichever is less.

6 MR. MCGROARTY: Mm-hmm.

7 CHAIRPERSON O'CONNELL: Yeah.

8 MR. MCGROARTY: I did put that in there, yeah.

9 CHAIRPERSON O'CONNELL: Yeah, it's --

10 UNIDENTIFIED FEMALE: Yeah.

11 CHAIRPERSON O'CONNELL: I'm looking at page 11. I
12 think it's in there several times --

13 MR. MCGROARTY: Yeah, mm-hmm.

14 CHAIRPERSON O'CONNELL: -- and under different --

15 MR. MCGROARTY: Right.

16 CHAIRPERSON O'CONNELL: There's the fact that, if some
17 of these units were subdivided, you know, 1,000 square feet may
18 be the entire unit, then. Located at Stickler Pond were some
19 of the smaller buildings, or even if you took like the old
20 steel plant there, if that was broken up into additional units
21 --

22 MR. MCGROARTY: Mm-hmm.

23 CHAIRPERSON O'CONNELL: -- potentially, you know, the
24 25 percent or 1,000 square feet, you know --

25 MR. MCGROARTY: Mm-hmm.

1 CHAIRPERSON O'CONNELL: We're just thinking of taking
2 out the minimum of 1,000 square feet, because if you had the
3 whole steel plant on Stickle Pond Road --

4 MR. MCGROARTY: Well, I thought you wanted to leave
5 that in. That's the --

6 CHAIRPERSON O'CONNELL: Well, correct me. The numbers
7 of the review committee hadn't -- did we want to leave that in
8 that way?

9 UNIDENTIFIED MALE: Yes.

10 CHAIRPERSON O'CONNELL: Okay.

11 UNIDENTIFIED MALE: Yeah.

12 MR. MCGROARTY: That's --

13 CHAIRPERSON O'CONNELL: Then I stand corrected and --

14 UNIDENTIFIED MALE: Okay.

15 CHAIRPERSON O'CONNELL: -- I won't pursue it any
16 further.

17 MR. MCGROARTY: Well, I mean, it could be changed if
18 you want to change it.

19 CHAIRPERSON O'CONNELL: No, no, that's --

20 MR. MCGROARTY: Okay.

21 CHAIRPERSON O'CONNELL: My other members are
22 correcting me. That's no problem. Thank you, sir.

23 MR. MCGROARTY: Okay. And on that point, Mr.
24 Chairman, as I said, the ordinance itself has been modified and
25 that will go to reflect those changes. That will go to the

1 Township committee, but you will certainly have the opportunity
2 to look at it again before final reading. And if you want to
3 change it at that time, you have that right --

4 CHAIRPERSON O'CONNELL: Okay.

5 MR. MCGROARTY: -- or recommend changes, I should say.

6 CHAIRPERSON O'CONNELL: Procedurally, where do we go
7 now?

8 MR. BRIGLIADORO: If the Board has no further
9 questions of Mr. McGroarty, then we should open it up to the
10 public.

11 CHAIRPERSON O'CONNELL: Okay. We'll go. Does the
12 public have any comments regarding these changes that are being
13 proposed? Yes, sir.

14 MR. BRIGLIADORO: Sir, please stand up.

15 MR. CHRISTDLOUS: I have a question, not a comment.
16 Stan --

17 MR. BRIGLIADORO: Well, I'm going to swear everybody
18 in.

19 MR. CHRISTDLOUS: I have no --

20 MR. BRIGLIADORO: That --

21 MR. CHRISTDLOUS: I'm not making testimony.

22 MR. BRIGLIADORO: That's okay.

23 S T A N C H R I S T O D L O U S, MEMBER OF THE PUBLIC, SWORN.

24 MR. CHRISTDLOUS: Yes, but I'm not giving testimony.

25 MR. BRIGLIADORO: I understand that.

1 MR. CHRISTDLOUS: Yes, I'd just like to know if this
2 new commercial/industrial zone has any prohibited uses?

3 UNIDENTIFIED MALE: No testimony. You said that you
4 don't --

5 MR. MCGROARTY: No, it does not. It does not
6 specifically -- the prohibited uses that are in the ordinance
7 under Section 15, I think it is, will remain.

8 MR. CHRISTDLOUS: So I don't remember the ordinance,
9 Chuck. For example, could a 24-hour gas station or --

10 MR. MCGROARTY: No, no, the --

11 MR. CHRISTDLOUS: That would be prohibited?

12 MR. MCGROARTY: It wouldn't allow the limited range of
13 uses. Mr. Christdlous, I would -- let me just get in front of
14 me. Mr. Chairman, may I just read the -- they're not long.

15 CHAIRPERSON O'CONNELL: Certainly.

16 MR. MCGROARTY: They would keep the industrial uses
17 that are in place and would add, as principle uses -- there are
18 seven of them -- administrative corporate offices, business
19 services, childcare centers, which are required anyway, or are
20 allowed under the Land Use law anyway -- so that's really --

21 MR. BRIGLIADORO: That's in all zones, right, Chuck?

22 MR. MCGROARTY: Exactly right. Flex-space buildings
23 -- I described that a moment ago -- health clubs, sports
24 facilities, studios for the instruction of arts, dancing,
25 music, language, or photography.

1 MR. CHRISTDLOUS: So those are the seven categories
2 that would be allowed?

3 MR. MCGROARTY: That's correct.

4 MR. CHRISTDLOUS: Okay.

5 MR. MCGROARTY: And then there are some accessory
6 uses.

7 MR. CHRISTDLOUS: Yeah.

8 MR. MCGROARTY: And there are no additional
9 conditional uses.

10 MR. CHRISTDLOUS: Okay.

11 MR. MCGROARTY: I wanted to make sure of that.

12 MR. CHRISTDLOUS: Okay.

13 MR. MCGROARTY: So there are some accessory, no
14 further conditional uses, only what's presently allowed in that
15 zone.

16 MR. CHRISTDLOUS: Okay, thank you.

17 CHAIRPERSON O'CONNELL: Anyone else? Yes, sir.

18 J O H N R E E D, MEMBER OF THE PUBLIC, SWORN.

19 MR. BRIGLIADORO: Okay, please state your name and
20 spell your last name.

21 MR. REED: John Reed, R-e-e-d, 161 Pinkneyville Road.
22 Also, just a question -- I noticed that you're proposing in
23 your recommendation, Mr. McGroarty, that the additional
24 commercial uses be added onto the industrial, the existing "I"
25 industrial --

1 MR. MCGROARTY: Yes.

2 MR. REED: -- zones. You did make clear the reason
3 why you don't want to incorporate that into the properties that
4 are currently in the hands of the Environmental Protection or
5 Land Use Conservancy. But why wouldn't it just make sense to
6 apply that to all of the industrial zones, other than that?

7 MR. MCGROARTY: Mm-hmm. That's a good question. I
8 think the one property -- the one area, that, that concern
9 would apply is probably down at the bottom, adjacent, just west
10 of the Borough --

11 MR. REED: Okay.

12 MR. MCGROARTY: -- the brownish color, I believe,
13 because Jump Airport (phonetic) is three lots there, that are
14 changed. The strawberry farm is one parcel which is being
15 changed. Stickles Pond Road, further up, is the area that we
16 talked about was Conservancy and DEP. Why I would not
17 recommend -- and I don't think the Board has sought to advance
18 this idea at this time -- in that brown area is because most of
19 the land has no frontage on the highway, okay? To the extent
20 it has -- it may have frontage on the county road, but we're
21 talking here about a limited range of non-industrial types of
22 uses, as it were, that it would seem more of a leap if we're
23 going to take in the acres that comprise that large zone at the
24 bottom there.

25 MR. REED: Okay.

1 MR. MCGROARTY: And I think the concern there was to
2 avoid a situation where you might suddenly have 50 acres or 80
3 acres assembled, and then suddenly, someone could come in with
4 one of these retail -- or not retail, but one of these new uses
5 that I just described, and it's out of scale and an intensity
6 that was not anticipated.

7 Not that it's wrong, but this Board really hasn't had
8 a chance to analyze the impact to that area. So that's why
9 that particular area was -- that's why the suggestion is
10 limited. Just those properties with highway frontage, we
11 think, it will work better in that way.

12 The idea is that it's really designed for the kinds of
13 uses that one would expect primarily the residents and the
14 Township will avail themselves of. You know, there'll be
15 people from surrounding municipalities that may use them as
16 well. Like, if it's a dance studio, generally it's, you know,
17 kids in town, there may be some adjacent towns that will go
18 there, as well. But that was the thinking behind that.

19 MR. REED: And there's no further recommendation for a
20 general industrial zoning in any of these zones?

21 MR. MCGROARTY: No, sir, only the one that was done
22 last year, which has since been rezoned. Up by Sparta, by the
23 Sparta and Lafayette border.

24 MR. REED: The green in the upper right-hand corner?

25 MR. MCGROARTY: That's correct, or across the road

1 from the quarry.

2 MR. REED: And so why would that zone be exempt from,
3 let's say, making it a commercial and industrial, as you
4 proposed, for some of these others?

5 MR. MCGROARTY: It could work there, but given the
6 nature of the uses that are there today, there are essentially
7 three tracts to them. One of them is greatly disturbed. It
8 was a former excavation/mining operation. The other is the
9 mulch plant facility.

10 MR. REED: Mm-hmm.

11 MR. MCGROARTY: And the third is a small lot on the
12 opposite side of the street. It just did not seem like it
13 would work there, to be honest with you. I don't think there's
14 any great harm if that change were introduced, but the thought
15 was, that's a new zone. General industrial was a different
16 orientation, as opposed to these, which are, to a greater
17 extent, accessed closer to different residential neighborhoods.
18 And just the scale of things seemed to work better in these
19 remaining areas.

20 MR. REED: Well, I'm concerned that that general
21 industrial zone then appears to have been created just for
22 special interests?

23 MR. MCGROARTY: Well, I'm not going to respond to
24 that, other than to say it was done, in my opinion, properly.
25 Even though it may affect only one location or one area, I have

1 absolute confidence that it will withstand any scrutiny. So
2 that's all I can say about that.

3 MR. REED: Well, I find it odd that that's the only
4 general industrial zoned tract within the entire Township and
5 that there are not others that may also have been feasible for
6 that same use.

7 MR. MCGROARTY: Well, at the risk of immodest, I think
8 I covered that last year, when we focused on that. And since
9 that was not the subject of this evening's discussion, I didn't
10 address it. I certainly will if the Board wants me to, but
11 when we went through the hearing on that general industrial
12 zone, I addressed the issues, why I thought it was appropriate
13 there.

14 MR. REED: Okay. All right, thank you.

15 MR. MCGROARTY: Okay.

16 CHAIRPERSON O'CONNELL: Anyone else? Okay.

17 UNIDENTIFIED MALE: No.

18 CHAIRPERSON O'CONNELL: All right. Then we'll close
19 it to the public and put it back to the Board at this point.

20 MR. BRIGLIADORO: If the Board doesn't have any
21 further questions of Mr. McGroarty, it would be appropriate to
22 have a motion, I would assume, to accept the amendments to the
23 Master Plan, as proposed by Mr. McGroarty, with the amendments
24 that were handed out tonight for pages nine, 10, and 11 for the
25 amendment to the Master Plan and Land Use Plan only.

1 BOARD MEMBER MESSERSCHMIDT: I'll make that motion.

2 BOARD MEMBER BENSLEY: Second.

3 CHAIRPERSON O'CONNELL: Call the roll, please.

4 BOARD SECRETARY: I'm sorry. Who did first?

5 CHAIRPERSON O'CONNELL: That is Mr. Messerschmidt.

6 BOARD SECRETARY: And second was?

7 BOARD MEMBER BENSLEY: Bensley.

8 CHAIRPERSON O'CONNELL: Bensley.

9 BOARD SECRETARY: Was quiet tonight. Ms. Boyce.

10 BOARD MEMBER BOYCE: Yes.

11 BOARD SECRETARY: Ms. Howell.

12 BOARD MEMBER HOWELL: Yes.

13 BOARD SECRETARY: Mr. Huelbig.

14 BOARD MEMBER HUELBIG: Yes.

15 BOARD SECRETARY: Mr. Melfi.

16 BOARD MEMBER MELFI: Yes.

17 BOARD SECRETARY: Ms. Pattison.

18 BOARD MEMBER PATTISON: Yes.

19 BOARD SECRETARY: Mr. Bensley.

20 BOARD MEMBER BENSLEY: Yes.

21 BOARD SECRETARY: Mr. Messerschmidt.

22 BOARD MEMBER MESSERSCHMIDT: Yes.

23 BOARD SECRETARY: Chairman O'Connell.

24 CHAIRPERSON O'CONNELL: Yes. Okay, next on the agenda

25 is Hummel/Andover Animal Hospital.

1 MR. MCGROARTY: Mr. Chairman, I think you don't need
2 me for this next one, so I'll say goodnight.

3 UNIDENTIFIED MALE: Thanks.

4 MR. MCGROARTY: Thank you and --

5 CHAIRPERSON O'CONNELL: Thank you.

6 UNIDENTIFIED MALE: Thanks.

7 (Indiscernible due to unidentified speakers talking
8 over one another.)

9 CHAIRPERSON O'CONNELL: Thank you for your
10 presentation, sir.

11 MR. BRIGLIADORO: Thank you. Could you give that to
12 Linda, please, sir?

13 UNIDENTIFIED MALE: Thank you.

14 MR. MCGROARTY: Unless Mr. Selvaggi would like me to
15 stay.

16 MR. SELVAGGI: No, because you're going to bill my
17 client's escrow, so we want you out of here.

18 (Pause.)

19 MR. SELVAGGI: Good evening, Mr. Chairman and Board
20 members, Michael Selvaggi from Courter, Kobert and Cohen on
21 behalf of the Andover Animal Hospital, and Jill and Harvey
22 Hummel.

23 MR. BRIGLIADORO: Mr. Selvaggi, I'm sorry.

24 MR. SELVAGGI: Yeah.

25 MR. BRIGLIADORO: If I may, I just wanted to make some

1 --

2 MR. SELVAGGI: Okay.

3 MR. BRIGLIADORO: -- preliminary remarks to the Board
4 and to the members of the public just to bring everybody up to
5 speed on where we are.

6 Mr. Chairman, members of the Board, members of the
7 public, this is a bifurcated application. This application for
8 Dr. and Mrs. Jill Hummel was previously presented to this Board
9 on October 19th, 2010, and at that time the Board approved the
10 use variance in regard to this application in order to allow
11 Dr. Hummel to have an animal, a veterinary clinic, animal
12 hospital, at this location. At that time, the application was
13 bifurcated. It was presented to us, and the Board granted the
14 use variance, and also granted some "C" variance relief in
15 regard to a building addition, providing for a certain
16 front-yard setback. Now, the Applicant is returning to the
17 Board in regard to seeking site plan approval.

18 Now, because the application, as originally presented,
19 was for a use variance, this Board sat as a zoning board. Now
20 that you're back again, the Board will continue to sit as a
21 zoning board in regard to this application. The law is a
22 little bit different when an applicant comes before a zoning
23 board for site plan approval.

24 Under Section 76-B of the Municipal Land Use Law, when
25 the applicant's proofs in regard to approving site plan

1 approval, also there's an additional requirement because you
2 got a use variance, which is that the applicant has to
3 demonstrate that the granting of site plan approval would be
4 without detriment to the public good or impairment of the
5 intent and purpose of the planning and zoning ordinance. So
6 there's an element of negative criteria in regard to the site
7 plan aspect as well here, okay? I just wanted to put that on
8 the record.

9 Mr. Selvaggi, you're free to proceed with your
10 presentation.

11 MR. SELVAGGI: Thank you, Mr. Brigliadoro. I think
12 your attorney set the stage for the application. We had
13 followed up after the use variance approval. We filed an
14 application in January. We are here for site plan.

15 And in essence, what we're trying to do, or hopefully
16 we can do, is provide some further detail with regards to the
17 representations, as well as some of the conditions that you
18 imposed on us, by virtue of the resolution that was adopted. I
19 believe it was more or less on November 9, 2010.

20 In that resolution, there were conditions imposed.
21 There were findings of fact. Mr. Brigliadoro, for the sake of
22 brevity, you know, Mr. Hummel had testified at length with
23 respect to the operational aspects of it.

24 I can tell you that nothing has changed with respect
25 to those representations and they continue on, as well as

1 there's going to be, as you'll see, there's no changes with
2 respect to the representations we made to what we would do on
3 the site.

4 So what I'd like to have the opportunity now is,
5 rather than continuing to go back and forth in time, have Mr.
6 Glasson, who's the Applicant's civil engineer, kind of walk us
7 through the site plan. In the course of doing that, we will
8 take particular note of Mr. Golden's February 24 report,
9 wherein not only did he look at it for completeness, but he did
10 offer some substantive comments that Jim will address during
11 the course of his testimony, as well. So Mr. Glasson? He may
12 have to be sworn.

13 MR. BRIGLIADORO: Right.

14 J A M E S G L A S S O N, APPLICANT'S WITNESS, SWORN.

15 MR. BRIGLIADORO: Okay, Mr. Selvaggi. I know that you
16 testified, Mr. Glasson, during the use variance aspect of the
17 application and you were qualified by the Board at that time.
18 I would just ask you to indicate on the record that you're
19 still a licensed professional engineer in the State of New
20 Jersey, your license is valid as you stand here before us
21 tonight.

22 MR. GLASSON: It is.

23 MR. BRIGLIADORO: Okay. Mr. Selvaggi, I think you
24 need to --

25 MR. SELVAGGI: Okay, thank you.

1 MR. BRIGLIADORO: Okay.

2 DIRECT EXAMINATION BY MR. SELVAGGI:

3 Q. Jim, why don't you start? And we're looking at, I
4 guess, Exhibit A-1, we'll call this. And what is that?

5 A. This is a marked-up copy of my sheet, two of 12, Existing
6 Conditions Plan that's in your package.

7 MR. BRIGLIADORO: Mr. Selvaggi, that's a colorized
8 version, so --

9 MR. SELVAGGI: Yes.

10 MR. BRIGLIADORO: -- we'll mark that.

11 MR. SELVAGGI: Yeah, A-1.

12 (Applicant's Exhibit No. A-1 was marked for
13 identification.)

14 MR. BRIGLIADORO: Okay, thank you.

15 MR. GLASSON: Well, if I could, this is -- if I could
16 just walk you through what the existing conditions are on the
17 site -- and then I'll move on to what we're proposing. Our
18 property contains 3.50 acres. It's located in both the R-2 and
19 the CV zone.

20 The line that's bisects this property is almost the
21 middle, directly opposite Park Lane. We're located on the
22 northeast side of the intersection of Newton-Sparta Road and
23 Limecrest Road. Our property has 715 feet of frontage on
24 Limecrest and another 200 feet on Newton-Sparta Road itself.
25 Again, the property is located in two zones, but the property

1 right now is presently developed in the CV zone and the CV zone
2 is what we've outlined in our requirements.

3 As your CV zone requires a minimum lot size of 20,000
4 square feet, this area that's within the CV zone is about an
5 acre and a half, so we're compliant there. Your minimum lot
6 width there is 100 feet. We are more than compliant with the
7 lot width requirement. Maximum impervious coverage is 60
8 percent. The impervious coverage that exists presently today
9 -- and I'll get into what the site is now -- is about, I
10 believe, 19.2 percent.

11 Your maximum structure coverage is 20 percent and the
12 structure coverage that's out there presently is 2.68, so both
13 of those are well below the allowable limits in your CV zone.
14 Setbacks of your CV zone requires a 100-foot front and this
15 property has a double front. It requires a 20-foot size. This
16 particular developed area is covered by two fronts and a side.
17 Its rear setback or additional side setback would be on this
18 part of the property, so it has no real effect.

19 With regard to the existing site itself, there is a
20 two-story framed building that was previously, at one point,
21 Keller and Kirkpatrick. I'm sure you know the history of that
22 building, the red barn. It was, at one point, a furniture
23 store, and I believe it was last known as a photography studio,
24 or photography business, or a painting business, I should say,
25 because they had painted portraits in the building. That's

1 what I saw when I went in there.

2 The building itself has a footprint of 3,853 square
3 feet. It's two story in this larger white area and it's a
4 single story in this smaller area, over adjacent to Limecrest
5 Road. The building itself is non-compliant in the fact that
6 it's only 4.7 feet from the right-of-way of Newton-Sparta Road
7 and 23.6 feet from the right-of-way of Limecrest Road.

8 The building size itself, the 3,853-square-foot
9 footprint, has a gross floor area of 6,844 square feet
10 presently. And that building, right now, has an ingress/
11 egress that's located almost at the intersection here, just a
12 little bit off the intersection on Limecrest Road. And an
13 ingress/ egress goes to a parking area that I'll call the lower
14 parking area. And that has presently four spaces that are
15 striped out there. And there's an entrance to the building
16 that was previously, I guess, the main entrance to the
17 building. That was into the first-floor area. As you travel
18 up this aisleway to the back of the building and this aisleway
19 gets as small as 16.9 feet to what I'll call the "upper parking
20 area," that has 20 spaces that are presently striped out.

21 Although there's 24 spaces on the site -- and I'm sure
22 Mr. Golden will attest to it -- these are not compliant spaces
23 in any way, shape, or form. There's striped parallel parking
24 spaces and whatnot that are in areas that do not have compliant
25 aisles. So although there's 24 spaces that are striped out

1 there, they're non-compliant spaces, or most of them are
2 non-compliant, I would say.

3 The building itself has a wood deck with an access off
4 of this second floor on the easterly side. It has an appendage
5 that sticks out that we are going to be removing in this upper
6 right corner. It's cross-hatched out in your plan, if you
7 look, and it's denoted as a portion of existing building could
8 be removed. It's the small section in the corner that's
9 closest to Newton-Sparta Road.

10 Presently, there are two sheds on the property.
11 There's a metal shed that's sitting right outside the upper
12 entrance that's shown in yellow here, the upper entrance off
13 the upper parking lot, and then there's a wooden shed, a little
14 bit bigger, more of a permanent structure, located along the
15 side of Limecrest Road. That's 162 square feet.

16 This other shed is a small, 79-square-foot metal
17 building that will be removed. In regard to our utilities, we
18 presently have an existing well located on the site that's up
19 in this parking area. It's denoted by this dot here because
20 it's in a manhole, below grade. And then we have a septic
21 system that services the building. It's kind of an old system.
22 We actually have done testing on there and we found even an
23 older system, but it's comprised of a 1,000-gallon septic tank
24 and a seepage pit that's located right adjacent to the
25 right-of-way of Newton-Sparta Road. The building itself is

1 served by overhead utilities from a pole that is across
2 Limecrest Road, adjacent to Chase Bank, and that feeds the
3 overhead poles to the site.

4 The adjacent properties to our east is a vacant lot
5 that's also located in both the CV and R-2, a vacant property,
6 13.5 acres. To our north, past our site, adjacent to the
7 wooded portion of our site, is a single-family residential home
8 in the R-2 on 2.9 acres. On the lower side of our site, which
9 would be our westerly side, there are a number of houses in the
10 R-2 on lots that are around a half an acre that front our
11 property, basically in the wooded area, so they have no real
12 effect of anything going on, on the property, that is down at
13 this end.

14 This end of the site in the CV is directly opposite
15 the Chase Bank on Limecrest and that is also located in the CV
16 on a 1.72-acre parcel. Across Newton-Sparta Road, which was
17 previously Jensen's Service Station, now is a vacant lot, or I
18 should say, a vacant building, that's located also in the CV on
19 1.7 acres. Our proposal that we have before the Board -- and
20 this is a colored version of my sheet four.

21 MR. SELVAGGI: We'll mark that, yeah, A-2.

22 (Applicant's Exhibit No. A-2 was marked for
23 identification.)

24 MR. GLASSON: I'll go through, first, the building
25 modifications and then I'll go through what we're doing. As I

1 said in the previous hearing, we have a use variance now to
2 transform this into the Andover Animal Hospital. And our
3 proposal to do so involves some building modifications.

4 As I said on the previous existing conditions, we took
5 out a corner of the building that's located on the first-floor
6 level here. It was 112 square feet. We're adding two other
7 sections. We're adding a 61-square-foot vestibule entrance
8 here. This now is intended to be the main access for clients,
9 this upper parking area.

10 This lower door that was previously the main access to
11 the building is now going to be an employee entrance and a
12 delivery entrance. And I'll explain that as I get into the
13 parking area, but this would be the main client entrance in
14 this upper area because all of the animal hospital would be
15 housed on that second-floor area. The first floor will be
16 strictly for offices relating to the animal hospital and
17 storage for the animal hospital.

18 They're going to have, you know, a lunchroom area for
19 the employees, offices for the doctors. That would be on the
20 first floor, in this area that you view when you first pull in,
21 but this upper area will all be the animal hospital itself.
22 We're also proposing, besides adding this vestibule that sticks
23 out here -- and this is just an entrance with a handicap
24 entrance so it makes it more attractive when you enter the
25 building.

1 Right now, when you go to that second-story area and
2 you pull up here, you look at the building and it looks as
3 though, you know, it's barn shaped, but it doesn't have any
4 type of door that sticks out or any type of entranceway. And
5 that's just to give it a vestibule so you come out of the rain
6 or come out of -- you have a place to open one door, walk in,
7 open a second door, and have a handicap ramp that's going to
8 come up on this westerly side to access, so we get handicap
9 access. That's only 61 square feet in that area. The major
10 addition that we're proposing is on the easterly side.

11 And it's a second-floor addition, and it's 1,118
12 square feet, and it sticks out. I've outlined it in red on
13 this plan. It sticks out from the existing structure by 34.8
14 feet, returns 25, and then there's a jog in this area, and it
15 attaches, actually, to the silo area. This is a two-story silo
16 that is still part of the building. And we looked into making
17 it a potential stairway, but we're actually going to use it. I
18 believe it's going to be a conference room.

19 UNIDENTIFIED MALE: A consulting area.

20 MR. GLASSON: Consulting area. What this second-floor
21 addition is mainly for, for exam rooms, for dog cages, cat
22 cages, and you'll see, outside of this area is this white area.
23 And that is a fenced-in area that is strictly for walking of
24 pets that are there that are injured or have been operated on
25 that have to stay there. This is not a boarding hospital.

1 This is strictly for treatment of animals.

2 And that area is a 17-by-20 fenced-in area and that is
3 strictly accessed only from inside the building. There's no
4 gate to the outside. It's not as if anyone can walk from the
5 parking area to this area. This is an area that's only
6 accessed by doors from within the building.

7 Right now, on the plan, we have a six-foot-high
8 chain-link vinyl-coated fence and we've put shrubbery around
9 that. It would leave this area so it's buffered from not only
10 Newton-Sparta Road by the building itself, but buffered by the
11 plantings from any visible sight from the parking area. To the
12 right or easterly side is the wooded area. So this will sit
13 up, elevated, off the road. There's about a 10-foot difference
14 from the road to where this area will be.

15 One thing we would ask for that will be a variance
16 that is not within our plans right now is, we would ask that we
17 be allowed to make that fence eight feet high, as opposed to
18 six feet. It wouldn't be, at all -- I will say, it won't stick
19 out at all in that area, in that it would be underneath our
20 roof overhangs, but because of that, it would enable us to have
21 larger dogs out there, so if the doctor or the technician had
22 to let out a larger dog, it's not a six-foot-high fence. We
23 want to make sure that nobody can get over the fence.

24 MR. SELVAGGI: There are some dogs, larger dogs, that
25 could clear the six-foot-fence?

1 BOARD MEMBER PATTISON: I don't -- they climb them.

2 MR. GLASSON: I'm going to guess yes, because they
3 want it. I don't have one, but I'm going to guess, yes.

4 UNIDENTIFIED FEMALE: I have one.

5 MR. GOLDEN: I just ask the question, has it been --
6 has there been a notification for --

7 MR. SELVAGGI: We did notice and the notice included
8 the --

9 MR. GOLDEN: And any other --

10 MR. SELVAGGI: Yeah.

11 UNIDENTIFIED MALE: Any and all --

12 MR. SELVAGGI: Yeah, the Applicant will request such
13 further variance, waivers, permits, approvals, or licenses that
14 may be necessary or appropriate. So --

15 MR. BRIGLIADORO: I think the language that Mr.
16 Selvaggi read that was provided in the public notice is
17 sufficient to cover this issue that just arose.

18 MR. SELVAGGI: Yeah, because there's been a fence.
19 There's always shown a fence back there and we'll certainly --
20 I think one of Mr. Golden's comments was to see a detail on the
21 fence. And that's what prompted us to realize that the clients
22 wanted eight feet, needed eight feet, actually. So --

23 MR. GLASSON: The building itself, the footprint of
24 the building, changes from 3,853 to 4,920. So there's some
25 additions and subtractions of that 112, the addition of the

1 1,118 here, and the 61 here. So the addition is about 1,100
2 square feet that's going to be added to the size and the
3 footprint of the building.

4 The gross floor area of the building goes from 6,844
5 to 8,054 square feet. That's including that single-story
6 first-floor portion here, which would be utilized for offices
7 or a conference room.

8 With regard to our utilities on site -- and I'll get
9 to the part here. But the utilities on site -- we are
10 proposing a new well for water supply. This well will be
11 abandoned and placed. I'm not going to -- the well had a very
12 low yield, not a sufficient yield for what we wanted with
13 regard to sinks within the building.

14 So we're proposing a new well that's located outside
15 of this parking area here, adjacent to the wood shed that
16 exists over there.

17 Septic system. We've resized this septic system and
18 proposed a new system that's going to be located under the
19 parking lot in this lower area. The septic system will be an
20 infiltrator-type system, traffic rated so that it can be parked
21 on, it can be paved over.

22 It's been sized based upon, believe it or not, the
23 amount of dog cages and cat cages, besides the employees. I
24 don't know how they figured it out, because none of the waste
25 goes to those, but you know, that's the way it's been. But we

1 have sized the system and it's a 50-by-14 infiltrator bed, and
2 we've added a second septic tank to have a 1,500-gallon tank
3 system.

4 And we're going to filter within that tank, strictly
5 related to pet hairs. That is, to take out pet hairs before
6 they go to this system. This system will be underground. It's
7 been reviewed and approved by the Sussex County Health
8 Department.

9 Storm drainage on site -- right now, there is no storm
10 drainage for this parking area, other than two inlets that are
11 located to the front corner here. What we've proposed to do
12 is, we have some addition of pavement. We have an impervious
13 addition from 30,642 square feet, which is the new, which is
14 2,009 from the previous 29,415. So we have a slight increase
15 in impervious coverage.

16 And what we've proposed to do, in the absence of
17 having any drainage system in this area, is take a large
18 portion of the roof and, actually, an added area of the roof so
19 that we can get our design storms down below what's considered
20 to be the acceptable rates and infiltrate it into a drywall
21 system.

22 So we've taken about 2,400 square feet of this roof,
23 not only the new addition area, but a portion of the existing
24 roof here, and put it in a drywall system that will be located
25 up in this area. It will be comprised of four underground

1 pits. The 2,400-square-foot section of the roof will be
2 underground piping to those pits. So we've taken out an area
3 of runoff, so we can reduce our flows below the pre-development
4 rates.

5 Utilities for overhead, for our electric, and our
6 telephone. Previously, we had a pole here and we had a pole
7 located internally on our site that actually fell in this area,
8 that we're proposing two new parking spaces. So we are moving
9 that pole, but we are still going to have our overhead
10 utilities serving our electric and our telephone.

11 With regard to our parking lot, we have a number of
12 modifications. The present parking lot has a railroad-tie wall
13 that runs around most of the sides of it. We have had a
14 structural analysis of that wall. The structural engineer came
15 out and basically divided the wall up into certain numbered
16 sections. That was in the report that was given to Mr. Golden.

17 And the area of most concern is in this corner. The
18 wall is about four feet high in this area here. And it's
19 really the part of the wall that seems to be rotted the most,
20 and it's really because what's happening here is, the runoff is
21 channeled to this area and it's actually jumping over the
22 corner of the wall.

23 So any runoff in the parking lot, instead of being
24 channeled down to this inlet, is really leaping over the edge
25 of the wall here. And every time it rains, that's going right

1 through the wall, so the wall has become really brittle. So
2 this portion of the wall will be reconstructed. I had spoken
3 to Mr. Golden previously, before the meeting, about when we are
4 going to do some modifications and overlay this parking lot.

5 One of his suggestions and something that we'll carry
6 through on is basically making a bituminous curb to direct this
7 water that sheet flows to this corner, once we fix that wall,
8 and get it around the corner, and get it down here to this
9 drain that exists. What's happening now is it's basically
10 jumping over the edge of the wall. So that'll be incorporated
11 into what we do with the parking lot.

12 You enter this parking lot now in this area. And on
13 my plan, I show a cross-hatched area here. You can see,
14 really, two shades. There's a shade that is an addition in
15 that area. It's 277 square feet of pavement to accommodate a
16 loading space. That loading space is 10 by 30. It's not in
17 compliance. Your ordinance requires 15 by 40, but the 10-by-30
18 will work for our needs. We will ask for a waiver.

19 We have SU-sized trucks, just small delivery trucks.
20 You know, they could access this very simply by pulling in and
21 backing into that spot. We have four additional spaces down
22 here that we would stripe at 10 by 20. And they would be
23 strictly for employee use. We will have it signed accordingly,
24 so that there will be a sign on this corner that will direct
25 any clients to the upper parking area.

1 We'll say client entrance and client parking at the
2 top. These spaces will be filled, first in the morning, by the
3 employees when they come in. The loading space is striped as
4 such, with a no-parking loading-space sign. And then you will
5 travel up this area. We've proposed two new additional spaces
6 in this location that are cross-hatched, 10 by 20. And we've
7 proposed, based upon Mr. Golden's recommendation, a widening of
8 this access aisle here.

9 The access aisle was as small as 16.9 feet as you went
10 up the hill. So what we've done is, we've pulled this curbing
11 back about halfway across the building, and we were able to
12 pull it closer to the building, and rework this Belgian block
13 curbing there to provide an 18-foot-wide aisle so that we have
14 ease of two cars passing each other, going in and out of there.
15 Right now, you can pass. It gets as small as 16.9 in one area,
16 though. So we would widen that to 18 feet.

17 We have two new spaces as you come up the hill on the
18 right. There'll be the Belgian block curb spaces. We will
19 move that utility pole, as such, which would be to the north
20 side of those spaces. And then we've striped, up in this area,
21 an additional six spaces. Now, when our employees come in, in
22 the morning, they will fill these spaces, these spaces, and
23 these spaces here first so that everyone who pulls in would be
24 kind of herded up to that area that is the client entranceway.

25 By the ordinance, we're required to have 18 spaces.

1 The way we figured it was, we have eight employees plus two
2 doctors. That would be 10 spaces up front just for our, you
3 know, our maximum employees. We have 10 with the doctors. And
4 then we have four exam rooms. So taking a single exam room to
5 be a space and having one person staged and waiting in each
6 one, which is being rather conservative, we figured that as
7 another eight.

8 So we would have 18. We have 22 spaces now that are
9 shown on the plan, compliant in size, 10 by 20. We have a
10 handicap space up at the top with handicap accessibility with a
11 handicap ramp. So we feel that we're fine on the parking
12 count. We added these two spaces since the last time we were
13 here to see you because we wanted to make sure that we had no
14 problem in the future with parking, but we have 22 spaces shown
15 and we only feel that we're going to ever need a maximum of 18.

16 With regard to our coverages, as I said earlier, we're
17 increasing slightly to 20.09 from the 19.29. With our
18 structure coverage, I believe we're going up to 3.33 from 2.68.
19 So we have a slight increase there. With regard to the size
20 we're proposing on the site, besides the loading space sign,
21 the sign that is going to direct customers to the upper parking
22 area, as well as the handicap sign, we have our stop sign and
23 stop bar, but we also have two signs related to the animal
24 hospital.

25 One of them is shown in a "V" here on the plan and I

1 took a blow-up here from my construction detail sheet to put it
2 on here. It is a 4.5-by-7 sign. It'll be a freestanding sign,
3 two-sided, basically in a "V" configuration so you can get
4 visibility in both directions and try to get visibility off of
5 Limecrest Road. It'll be sitting five feet off the ground.

6 Then we have a building-mounted sign that's located
7 eight feet up on the face of the building in this area, to the
8 right of the employee entrance. And it's 3 by 21, so 63 square
9 feet. So those were our signs that we proposed for the animal
10 hospital.

11 Lighting. We have eight lantern-style pole-mounted
12 lights. Five of them are existing. One of them is to be moved
13 because it also falls in this area presently. It's going to be
14 moved to the left of here. We have eight lights in conjunction
15 with the parking lot area. We also have three building-mounted
16 lights, gooseneck lights, decorative lights, that are going to
17 be used for the sign that's mounted to the building.

18 We have ground-mounted spots to the face of the
19 freestanding sign. And there are a number of lights on the
20 building that are proposed within the architectural plans for
21 the entrance lights and whatnot, but I didn't show them on my
22 lighting plan.

23 Landscaping. We have approximately 40 new shrubs and
24 bushes that we've proposed. We've proposed to clean up this
25 area in the upper edge of the walls. It's kind of overgrown

1 with vines and whatnot from the woods, creeping down. And
2 we're going to plant a burning bush along this area, because
3 basically, if you plant anything else, we're afraid the deer
4 will come and eat it. That's basically adjacent to where they
5 would walk. And it's out there, level, as opposed to the lower
6 parking lot area here.

7 We have proposed bushes around this fenced-in area.
8 We have a number of plantings around an area that I forgot to
9 discuss, my recycling and refuse area, a 7-by-10 area located
10 in this upper parking area that's fenced. And it also is
11 buffered by plantings. We've added some plantings and we've
12 avoided added plantings along the frontage on Newton-Sparta and
13 Limecrest, only because the salt, if you go out there today,
14 the salt and the embers are 10 feet up onto the property. So
15 anytime the plows go by here, really the best you're going to
16 do is plant grass here in these areas because everything will
17 basically be hit by the salt.

18 So we've proposed a new planted aisle in here with a
19 larger tree here, a specimen tree, and we've proposed some
20 planting in here. But we've concentrated our plantings more
21 around the building, as opposed to along the edge of the road
22 because growing grass there is tough enough. I met with the
23 county last week regarding our site line, pulling out of here.

24 And we're going to do some grading right in this area.
25 There's basically a boulder in here and there's just a little

1 hump. Basically, it looks like it was almost caused by the
2 plows because they plowed so close to that shoulder, they've
3 actually pushed up some of the dirt on that area.

4 But we're going to do a slight bit of grading
5 basically in this area. That will enable us to get about 500
6 feet of sight distance in that far direction, which they were
7 very happy with.

8 What didn't I talk about? Our waivers. In
9 conjunction with this parking area, we do need two waivers. We
10 need waivers for our aisle width. Whereas you require 25 feet,
11 we have two non-compliant areas. We have an area up here by
12 this client entrance. That's 21.6 feet, where 25 feet is
13 required, and we have an area down in the lower area that was
14 the 16.9. We've now increased it to 18, but it's still
15 non-compliant because your two-way aisle width is 25 feet. So
16 we do need waivers for both of those items. And we also need
17 that waiver for the loading space size, where the 15-by-40 is
18 required, and we've proposed it 10 by 30.

19 We are proposing a complete overlay of the parking lot
20 with an inch and a half, after we are done with all the
21 improvements. And that would be basing areas that are new,
22 doing full construction of the area of the septic system that
23 pulled out, you know, full width of pavement in those areas,
24 and then an overlay of any of the other areas. We did remove a
25 large portion, if you look at the existing conditions. There

1 was a paved area that went around this portion of the silo and
2 over to the deck area. We did remove a large portion of that
3 paved area.

4 We are proposing a pet memorial garden that's shown in
5 the plan here. That, basically, would have an exit from the
6 building so that if someone were to have to put their pet down,
7 it would happen somewhat in this area and they could use this
8 back entrance. And there would be, like, you know, a memorial
9 garden and they would leave through this entrance, as opposed
10 to walking out through the main client entrance into the lobby.

11 We have also provided another area to the left or to
12 the right, looking at the building, to the right of this
13 vestibule area, which I'll call a "pet relief area," only
14 because we were thinking about, how are we going to have a
15 place where you pull up, and you have your dog or cat, and
16 they're excited from the ride, and we don't particularly want
17 them to walk over here by our well, so we've provided an area
18 here that will be planted as such, so that we have background
19 plants.

20 But we're going to have more of a mulch area with a
21 bag dispenser and a garbage can, kept clean at all times. But
22 we want to just promote a certain area. And there'll be maybe
23 a little fire hydrant or something funny that kind of directs
24 you to that area. But it'll be the area to the right of the
25 door there. And we've taken that area that was pavement, taken

1 the pavement out, and just, you know, made a little area there
2 because that will happen. Everyone knows about the pets. You
3 want to walk me through it?

4 BY MR. SELVAGGI:

5 Q. Yeah, well, Jim, just a couple of quick questions.
6 Well, first of all, the site plan that you've discussed is
7 substantially similar to what you had conceptually presented
8 during the use variance, correct?

9 A. Yes, it is.

10 Q. And this lot is a split zone, correct?

11 A. Yes.

12 Q. And is there any building development proposed in the
13 R-2 residential zone to the back?

14 A. No, there is not.

15 Q. Okay, you also talked about -- it looks like there's
16 some increased coverage, pavement area. Will that runoff in
17 any way impact adjacent properties, and particularly the
18 residential properties nearby?

19 A. No, it will not. I believe, if we fix this curbing problem
20 with directing this water to this drain, by taking on a roof
21 area, we're going to actually decrease the runoff from the
22 site.

23 Q. Okay, and again, besides the new well going in the
24 rear there or to, I guess --

25 A. North.

1 Q. -- a little further on Limecrest, there is no other
2 structure associated with that or building near to that closest
3 home in that section, correct?

4 A. No, that other home -- I'll tell you what the setback is
5 for that. The closest structure or the closest this property
6 line is to this building is to the property line to the rear
7 and it is somewhere in the neighborhood of 500 feet.

8 Q. Okay, so again, all of the activity, all of the
9 development or redevelopment will take place in that commercial
10 zone, correct?

11 A. Right, and with regard to the slopes in that area, this is
12 the area of the site that really falls within your slope
13 category of zero to 15 percent. If you look at this larger
14 version of the map or the existing conditions, you can see
15 these tighter contours back here. These are the areas that are
16 the steep slopes of the property. They're in the wooded areas.
17 You see the rock outcrops here. They're not areas that we
18 intend to touch or have any development on.

19 Q. And I bring that up only because, as Mr. Briigliodoro
20 had spoken to earlier, we do -- you have an obligation to at
21 least make a finding with respect to the negative criteria.
22 And in your resolution in November on page 11, you went to
23 great lengths to talk about findings that it was no closer than
24 275 feet to the nearest residential property, yadda, yadda. I
25 won't go through all of those.

1 So we want to establish that the development still is
2 consistent with what you had seen, so that hopefully, that same
3 finding, or lack of finding of any impact, negative impact is
4 still there.

5 Jim, let me go through -- I think you have reviewed
6 Mr. Golden's report, have you not?

7 A. Yes, I have.

8 Q. And isn't it true, we tried to move quickly on this,
9 but you were able, within the last day or two, to get Mr.
10 Golden, at least for his eyes, a revised plan?

11 A. Yes, I was.

12 Q. Was there anything in the plan revisions that you've
13 given to Mr. Golden, which you'll give to the Board later, that
14 you take exception to?

15 A. No, Mr. Golden discussed with me, prior to the meeting, a
16 number of minor items, but I know that anything, you know, that
17 he had brought up, I can be compliant with.

18 Q. Okay. So, in so far as you're concerned, there's
19 nothing -- and by the way, just for purposes of the record, Mr.
20 Golden had noted, at least on the initial submission, about the
21 proposed sign, where he was talking about a variance for the
22 proposed directional sign, item number 11 on page --

23 A. Right.

24 Q. Okay.

25 A. That was the sign just directing the customers to the upper

1 parking area and we've reduced that in size, so there was no
2 variance.

3 Q. So there's no variance there? Okay. Other than that,
4 we agree with all of Mr. Golden's comments?

5 A. Yes. I mean, he had some comments for me tonight before
6 the meeting that were not within this. They were kind of
7 related to the walls and the reconstruction of the walls. And
8 I tried to just address that in the curbing. And that will be
9 at his discretion also, the wall situation with the structural
10 report.

11 MR. SELVAGGI: Okay. I don't have anything further
12 for Mr. Glasson. And certainly, if the Board or its
13 professional staff have any questions, as well as the public --

14 MR. BRIGLIADORO: Mr. Selvaggi --

15 MR. SELVAGGI: Yes.

16 MR. BRIGLIADORO: -- so the only variance that you're
17 seeking tonight is in regard to that little fenced-in area,
18 raising the fence from six feet to eight feet?

19 MR. SELVAGGI: Yes, yeah, that reminds me.

20 MR. BRIGLIADORO: Okay.

21 BY MR. SELVAGGI:

22 Q. Will that fence be visible from the road?

23 A. It should not. It will definitely not be visible from the
24 road. It's tucked behind the building. It shouldn't be
25 visible from any side, because we're planting it on this side.

1 That would be from the parking area. And it shouldn't be
2 visible from this side, only because it's wooded and there's a
3 vacant lot past us, so I don't feel that any side should see
4 that fence.

5 Q. And as far as it's your understanding, that's really
6 just to provide some additional safety for larger --

7 A. Yes.

8 Q. -- or, perhaps, cats that can jump that high?

9 MR. SELVAGGI: So yeah, that's the only variance.

10 MR. GOLDEN: Okay, I just want to go over a couple
11 more items. You talked about replacing the retaining wall. Is
12 there a material that's intended, railroad tie?

13 MR. GLASSON: We figure railroad tie.

14 MR. GOLDEN: Keys to keystone --

15 MR. GLASSON: We've got to go back with it. They're
16 going to try to repair this. I mean, this corner is the
17 particular corner. That's the corner.

18 MR. GOLDEN: Yeah, I went and looked at it again
19 today.

20 MR. GLASSON: Yeah.

21 MR. GOLDEN: That corner appeared to me as if the
22 portion to the left of that "W" should probably be replaced at
23 the same time, especially since you have jointing issues, et
24 cetera --

25 MR. GLASSON: Right.

1 MR. GOLDEN: -- connected to the old wall. So I'd
2 recommend repairing it, more or less, to where the -- in front
3 of the wood shed, I think --

4 MR. GLASSON: Right.

5 MR. GOLDEN: -- is about where that's more or less --

6 MR. GLASSON: Right here, it goes from a one to two
7 grade.

8 MR. GOLDEN: -- the bad grade. Yeah.

9 MR. GLASSON: And it just gets bigger --

10 MR. GOLDEN: Yeah.

11 MR. GLASSON: -- in that corner, yeah.

12 MR. GOLDEN: Yeah, so I would --

13 MR. GLASSON: So probably --

14 MR. GOLDEN: -- recommend taking that, basically the
15 whole length of it, even where the Belgian block curb is. We
16 had talked about it, and I think you agreed to, to show some
17 spot grading and I wasn't sure if I understood correctly. We
18 will add the asphalt berm, if you will, when you do the paving?

19 MR. GLASSON: Yes.

20 MR. GOLDEN: Okay. I wasn't sure --

21 MR. GLASSON: In other words, you get --

22 MR. GOLDEN: -- if you were doing that later or --

23 MR. GLASSON: No, when we do the paving.

24 MR. GOLDEN: Now, the report does state that the
25 railroad tie in the back has got about five years of useful

1 life left. I looked at it. It doesn't appear to be in -- I'm
2 not concerned that it's going to breach or fall over, but it is
3 in poor condition. The structural engineer did state that it
4 appears to have five more years, more or less, of useful life
5 to it. I would imagine that the Applicant will replace it when
6 the appropriate time comes, if you will.

7 I think Mr. Glasson, with his revised set of plans,
8 and the Applicant have done a lot towards what I had asked.
9 Just for the record, I want to indicate that the revised set of
10 plans that Mr. Glasson gave me were last revised March 10th,
11 2011. And I did review those plans. The only other comment
12 I'd had is, I'd like to see one regular manhole-type lid on the
13 seepage pits, so if --

14 MR. GLASSON: Right.

15 MR. GOLDEN: -- we need to inspect them, as opposed to
16 the concrete lid --

17 MR. GLASSON: Right.

18 MR. GOLDEN: -- we can see those. It appears as if
19 the seepage pits are interconnected with overflow pipes and you
20 have an overflow area indicated, so that satisfies that. The
21 waivers are, the aisle width, parking, and the access, and the
22 size of the loading space. The loading space has been
23 modified. It will require two or three movements for a vehicle
24 to get in there, but the vehicle can do it without going onto
25 Limecrest Road.

1 So I think that's reasonable. If possible, it would
2 be nice that no one park in that last space on days when
3 there's an anticipated delivery. And that's more or less just
4 to keep the delivery truck, who invariably will end up riding
5 up on the grass or on the lawn, so it would be nice if we give
6 that person plenty of room. The dog-walking area, I think, by
7 scale, is about 12 by 21. Would you agree that the space
8 that's going to be mostly cared for -- no, no, that one.

9 MR. GLASSON: Over here?

10 MR. GOLDEN: Yes.

11 MR. GLASSON: Yeah, can you give me a number on that?

12 MR. GOLDEN: It's a lot harder to tell.

13 UNIDENTIFIED MALE: You want a number?

14 MR. GOLDEN: I have it as roughly 12 by 21. Just you

15 --

16 MR. GLASSON: I'll trust you.

17 MR. GOLDEN: Okay, so as long as the Board's
18 comfortable, that's a large enough space for dogs to relieve
19 themselves. I think that they've proposed some nice amenities
20 with the mulching --

21 CHAIRPERSON O'CONNELL: Is there --

22 MR. GOLDEN: -- and the --

23 CHAIRPERSON O'CONNELL: Does the

24 MR. GOLDEN: -- dog features.

25 CHAIRPERSON O'CONNELL: -- State have any standards

1 for dog relieving?

2 MR. GOLDEN: Not that I'm aware of. I think they --

3 MR. GLASSON: No.

4 UNIDENTIFIED MALE: That's next.

5 MR. GOLDEN: -- also had indicated --

6 MR. SELVAGGI: RSIS doesn't address it.

7 MR. GLASSON: We don't intend that to be an area that
8 is not kept clean.

9 MR. GOLDEN: No.

10 CHAIRPERSON O'CONNELL: No.

11 MR. GLASSON: We intend that to be a clean area.

12 MR. GOLDEN: I mean, in Mr. Glasson's written report
13 to me, which he didn't completely -- I mean, he might have gone
14 into it, but there will be a receptacle and a plastic --

15 MR. GLASSON: Yes.

16 MR. GOLDEN: -- bag dispenser --

17 UNIDENTIFIED FEMALE: Yes.

18 MR. GOLDEN: -- for the folks to pick up their own
19 stuff. You didn't mention that there's some additional
20 lighting. The walkway near the --

21 MR. GLASSON: Pet memorial?

22 MR. GOLDEN: -- pet memorial, yes. I was curious if
23 there was -- is there a building light in the back there and/or
24 a bala (sic) of sorts, so that if people are leaving at night,
25 there is some sort of --

1 MR. GLASSON: They're going to have it. I don't have
2 it.

3 MR. GOLDEN: Okay, yeah, because I didn't see that was
4 on the lighting plan --

5 MR. GLASSON: Yeah.

6 MR. GOLDEN: -- so I figured.

7 MR. GLASSON: It's on the -- they have it on the
8 architectural plan.

9 MR. GOLDEN: Okay, so just ensure that we have that.
10 I believe that, generally speaking, you and I talked about
11 getting the light apex proper --

12 MR. GLASSON: Yeah.

13 MR. GOLDEN: -- so we don't have glare.

14 MR. GLASSON: Mm-hmm.

15 MR. GOLDEN: That was a little bit of a concern some
16 of these lights might throw some glare out to the county road.
17 So Mr. Glasson's agreed to take a look at that to verify we're
18 okay with that. Otherwise, I think that they've done a nice
19 job on the plans. Well, Mr. Glasson is satisfied with a
20 majority of my comments.

21 They've made some modifications, including the
22 dog-walking area and widening the entranceway. The entranceway
23 is a bit tight at 18 feet, but the residential site improvement
24 standards actually do allow alleyways and things like that to
25 be 18 feet. It's a bit tight there, but there are a lot of

1 constraints to make it wider.

2 So I think Mr. Glasson has also done well to move the
3 curb to ensure that we have 18 foot of access throughout that
4 entranceway at a minimum. I think that's it. You added some
5 extra landscaping. Beyond that, I really don't have anything
6 else to offer.

7 CHAIRPERSON O'CONNELL: Well, I think, at this point,
8 we're at a good breaking point. Why don't we take a 10-minute
9 break here, and reconvene, and the Board can ask any questions,
10 take it from there, okay?

11 MR. SELVAGGI: No problem, Mr. Chairman.

12 (Recess taken from 8:54 p.m. to 9:07 p.m.)

13 CHAIRPERSON O'CONNELL: Any Board members have any
14 questions on this? Well, unfortunately, being the Chairman, I
15 always have a couple anyways. So please bear with me. One
16 thing, we keep referring to this as a two-story building.
17 There is the hay loft. Is there any access or any planned use
18 for the hay loft area?

19 UNIDENTIFIED MALE: Over on the right attic or over
20 here?

21 CHAIRPERSON O'CONNELL: Yeah, you call it the "attic."

22 UNIDENTIFIED MALE: The hay loft.

23 UNIDENTIFIED MALE: Okay, there's --

24 MR. BRIGLIADORO: Wait, wait, wait.

25 MR. SELVAGGI: He should be sworn, too. Doctor, come

1 on up.

2 CHAIRPERSON O'CONNELL: Come on up. Have a seat.
3 Relax. This is not going to be painful.

4 H A R V E Y H U M M E L, APPLICANT'S WITNESS, SWORN.

5 DIRECT EXAMINATION BY CHAIRPERSON O'CONNELL:

6 MR. BRIGLIADORO: Thank you.

7 Q. Now, again --

8 A. It's just going to be storage space --

9 Q. Just storage?

10 A. -- paperwork and stuff like that --

11 Q. Okay.

12 A. -- nothing else up there, though.

13 Q. Okay, so you're not planning to use that as any kind
14 of office space or --

15 A. No, no.

16 Q. -- anything else like that? No occupancy --

17 A. No.

18 Q. -- to speak of?

19 A. No.

20 Q. Okay, now, I was just curious, because we keep
21 referring to it, and I drove by it, and I said, well, wait a
22 minute. There's that whole big hay loft up there.

23 A. Yeah.

24 Q. Yeah, one thing we want to make sure --

25 A. If you went up in it, I wouldn't want to put someone up

1 there.

2 Q. Well, yeah, I don't know. So also, with the addition
3 that you're talking about, by the silo there, that's at the
4 second-story --

5 A. Correct.

6 Q. -- level only? You're not going to have a first-story
7 portion to that, that is going to go down?

8 UNIDENTIFIED MALE: The only portion of the first
9 story is, there's a stairwell. That's it. There's a small
10 stairwell of 121 square feet that basically is a stairwell
11 access to get to that first floor to connect to this. But
12 there's no other first floor under this, other than that
13 stairwell.

14 CHAIRPERSON O'CONNELL: So it's just going to be
15 either crawl space or right on a slab then?

16 UNIDENTIFIED MALE: Yeah, or I'm envisioning it
17 probably being a crawl space. We're probably going to --

18 UNIDENTIFIED MALE: It's crawl space.

19 UNIDENTIFIED MALE: -- unblock walls up and then up to
20 the second -- you know, up to where that -- even with that
21 second floor, so it would probably be crawl space.

22 BY CHAIRPERSON O'CONNELL:

23 Q. Okay, those were my two previous burning questions of
24 the evening, but one other thing. Now, then, looking at the
25 floor plans, I noticed that on the first floor, there was a lot

1 of empty space there, where you had offices to the left. And I
2 guess it was to the right was empty space. Are you ever
3 contemplating putting in any kind of, I don't know, commercial
4 enterprise with dog grooming, or pet supplies, or anything like
5 that?

6 A. There won't be any retail space. It would be very limited.
7 If you see the floor plans, it shows the retail space on the
8 second story. There's no plans of doing grooming.

9 Q. Okay, I was just curious.

10 A. Yeah.

11 EXAMINATION BY MR. BRIGLIADORO:

12 Q. Doctor, that's consistent with your testimony during
13 the use variance portion, correct?

14 UNIDENTIFIED MALE: Back then, yeah.

15 DR. HUMMEL: Yeah.

16 Q. Right. I thought we covered that.

17 CHAIRPERSON O'CONNELL: Just wanted to redirect?
18 Anyone else, anything? Yes, sir.

19 BOARD MEMBER MESSERSCHMIDT: I just have two
20 questions, first for Mr. Glasson.

21 JAMES GLASSON, CROSS-EXAMINATION, (RECALLED)

22 EXAMINATION BY BOARD MEMBER MESSERSCHMIDT:

23 Q. That V-shaped sign that you're talking about would be
24 fronting on Newton-Sparta Road?

25 A. Yes.

1 Q. Has there been any consideration that's going to be a
2 sight distance problem for people that are looking to make a
3 right-hand turn off of Newton-Sparta Road onto Limecrest with
4 people that are coming out of the parking lot of the building?

5 A. It's actually elevated five feet, so that -- and where --

6 Q. So you can see underneath it?

7 A. Where it's going to sit, but it's also out of the sightline
8 of that intersection. It actually sits back. It's not
9 actually that close to the road. I mean, here, you can see
10 this is the edge of the pavement and this sign sits all -- it's
11 closer to the edge of the parking lot than it is to the
12 roadway.

13 Q. I see.

14 A. So it sits back a pretty good distance --

15 Q. Okay.

16 A. -- outside of that sight line.

17 Q. And the other question that I had is regarding the
18 railroad tie wall portion that has got about five years' use
19 left in it. Mr. Glasson was testifying that, I believe, you
20 had said that water is running off of that now and --

21 A. Well, where water runs is, there's water running over
22 railroad tie walls in the back area here. And these are the
23 ones that we anticipate have about a five-year life.

24 In this front corner here, these are elevated. So you
25 go to the back of the parking lot. It goes up and then you

1 reach the wooded plateau. This is at grade with the parking
2 lot. And then it drops down to this grass area. This area is
3 sheet flows and basically goes over the edge of these walls.
4 So this is the area that is going to be replaced in here.

5 Q. Okay, but that's not the five-year --

6 A. No, that's different.

7 Q. That's that one in the back?

8 A. Yeah.

9 BOARD MEMBER MESSERSCHMIDT: Okay, that's all I have.

10 CHAIRPERSON O'CONNELL: All right. Any other Board
11 members?

12 (No verbal response recorded.)

13 CHAIRPERSON O'CONNELL: No? Okay, I guess we'll open
14 it up to members of the public. Would anybody like to speak on
15 this? Yes, sir.

16 MR. REED: I've been sworn previously. Do I need to
17 --

18 MR. BRIGLIADORO: No, this is a new application.

19 J O H N R E E D, MEMBER OF THE PUBLIC, SWORN.

20 MR. BRIGLIADORO: State your name for the record,
21 please.

22 QUESTIONS BY MR. REED:

23 Q. John Reed, R-e-e-d, 161 Pinkneyville Road. And I know
24 Mr. Messerschmidt kind of got into the same area where I wanted
25 to ask. Was the V-shaped sign and the sight lines for that

1 corner -- one of the things that was mentioned was that, that
2 sign is going to be illuminated by spotlights from both sides.
3 The light coming from those spotlights. Will that interfere
4 with, in any way, shape, or form, motorists that are going to
5 traverse that intersection?

6 A. Well, we're planning ground-mounted lights pointing up at
7 the face of those signs, but we will check that when they're
8 installed to make sure that they're not -- that they have no
9 effect whatsoever. We could put the same type of gooseneck
10 light that we have proposed on this building-mounted sign over
11 those. I just did that recently, and it's decorative, and it
12 looks nice. But you know, I don't know. That'll be up to Mr.
13 or Ms. Hummel. But --

14 Q. Why wouldn't it be prudent to, instead of having a
15 standing, V-shaped sign, put a sign on the corner that would
16 have two exposures of the building, so that --

17 A. Because we can't put it --

18 Q. -- you have that line south and --

19 A. We can't put that on the corner.

20 Q. Okay.

21 A. We're pulling it back from the sight line of the
22 intersection. We can't have it on the corner. We can't have
23 it --

24 Q. No, no, on the corner of the building.

25 UNIDENTIFIED MALE: He's -- on the corner of the

1 building.

2 BY MR. REED:

3 Q. On the south- and west-facing sides of the building,
4 so as not to have a freestanding sign, but actually incorporate
5 it onto the building structure itself, that keeps it off of any
6 sight lines and takes it --

7 A. Well, they're entitled to a freestanding sign and a
8 building-mounted sign, by the ordinance, so that's what they've
9 chosen to do.

10 Q. Okay, all right.

11 A. They're not restricted to one sign. They're restricted to
12 a freestanding sign and a building-mounted sign. He chose not
13 to put a sign on the front face on Newton-Sparta Road. He
14 didn't feel -- it's really tough, when you pull down
15 Newton-Sparta Road, to even see this portion of the building.
16 This tree line is here, so when you pull past here, that
17 building is on you, on your right-hand side.

18 Q. Right.

19 A. It would be more visible to look at the sign as you came
20 towards it, than it would be something mounted along this face
21 of the building because of this tree line that's here.

22 Q. Well, I'm just concerned about that intersection
23 itself and the sight lines because that particular intersection
24 has no right on red on any direction and it's because of poor
25 sight lines, in general, at that intersection. On the

1 opposite, diagonal corner, you've got hedges that are right
2 there. And then, on this side, you've got the building that's
3 relatively close to the road. So that cuts down on the site
4 lines.

5 A. I'll say that the county reviewed the plan, and they were
6 out there on the site with us, and they have all this
7 information, and they were comfortable with where we were
8 proposing that sign. They had no problem with it.

9 Q. Okay.

10 A. It isn't at ground level. It's not blocking your view.
11 And this area of the lawn here actually sits up from the road.
12 So if you look at this, this is probably an elevation
13 difference from this road, of about two feet right now.

14 Q. Okay.

15 A. And it sits up on the lawn and this would -- this sign is
16 going to sit almost back by this pavement.

17 Q. And then that planting, that tree, that's right at the
18 corner of the building --

19 A. Uh-huh.

20 Q. -- also -- will that interrupt the sight lines at all
21 of the intersection?

22 A. No, it will not.

23 MR. REED: Okay. All right. Those are the only
24 questions that I have. Thank you.

25 CHAIRPERSON O'CONNELL: Thank you. Anyone else?

1 (No verbal response recorded.)

2 CHAIRPERSON O'CONNELL: All right. Then we'll close
3 this portion to the public and bring it back to the Board. And
4 what would the Board like to do at this point?

5 MR. BRIGLIADORO: Chairman, just again, for the
6 Board's information, the Applicant is looking for preliminary
7 and final site plan approval. There is one request for a
8 variance for the fence height, from six feet to eight feet.
9 There are three design waivers, as indicated to a parking aisle
10 width, where 25 feet is required, 21.6 feet proposed. Loading
11 space size, 15 feet by 40 feet required, 10 by 30 feet is
12 proposed. In the access aisle, 25 feet required, 18 feet was
13 proposed.

14 CHAIRPERSON O'CONNELL: Does the Board want to grant
15 the approval for the preliminary and final site plan with the
16 waivers as proposed and the one variance for the fence height?

17 BOARD MEMBER PATTISON: You want that motion?

18 CHAIRPERSON O'CONNELL: Yes.

19 BOARD MEMBER HOWELL: I'll move.

20 CHAIRPERSON O'CONNELL: So is there a second?

21 UNIDENTIFIED MALE: I'll second.

22 UNIDENTIFIED MALE: Second.

23 (Pause.)

24 BOARD SECRETARY: Call the roll?

25 CHAIRPERSON O'CONNELL: Just Joe, are we missing

1 conditions or anything here?

2 MR. GOLDEN: I don't believe so, no. The Applicant
3 has agreed to my report and we'll work out any of those
4 details.

5 CHAIRPERSON O'CONNELL: Okay, let's call the roll,
6 please.

7 BOARD SECRETARY: Ms. Howell.

8 BOARD MEMBER HOWELL: Yes.

9 BOARD SECRETARY: Mr. Huelbig.

10 BOARD MEMBER HUELBIG: Yes.

11 BOARD SECRETARY: Mr. Melfi.

12 BOARD MEMBER MELFI: Yes.

13 BOARD SECRETARY: Ms. Kretzmer.

14 BOARD MEMBER KRETZMER: Yes.

15 BOARD SECRETARY: Ms. Pattison.

16 BOARD MEMBER PATTISON: Absolutely.

17 BOARD SECRETARY: Ms. Pattison.

18 BOARD MEMBER PATTISON: Yes.

19 BOARD SECRETARY: Mr. Bensley.

20 BOARD MEMBER BENSLEY: Yes.

21 BOARD SECRETARY: Mr. Messerschmidt.

22 BOARD MEMBER MESSERSCHMIDT: Yes.

23 BOARD SECRETARY: And Chairman O'Connell.

24 CHAIRPERSON O'CONNELL: Yes.

25 MR. SELVAGGI: Thank you very, very much. Thank you

1 for tonight and thank you back in October to make -- really,
2 which made all of this possible.

3 BOARD SECRETARY: Mr. Glasson, can you leave me the
4 exhibits? You don't have to leave me the board, if you don't
5 want, but just the exhibits.

6 MR. GLASSON: No, no, it's not --

7 BOARD SECRETARY: Okay, thank you.

8 CHAIRPERSON O'CONNELL: And next, we have Farace for
9 the site plan waiver.

10 (Pause.)

11 (Indiscernible due to unidentified speakers talking
12 over one another.)

13 CHAIRPERSON O'CONNELL: And let's see. I guess we'll
14 start with swearing you in.

15 A L B E R T F A R A C E, APPLICANT, SWORN.

16 CHAIRPERSON O'CONNELL: Relax, sit down.

17 MR. FARACE: I'll relax and sit down.

18 CHAIRPERSON O'CONNELL: Joe, this is a site plan
19 waiver, so I think you have some input?

20 MR. GOLDEN: Yes, the Applicant proposes to put a
21 Domino's Pizza restaurant at the location of the former
22 Jensen's Auto Repair facility. I received a letter from Mr.
23 Alan Spector, who is their architect, and also from Mr. Cutler,
24 the building inspector, requesting and recommending a site plan
25 waiver.

1 The conditions of the site plan waiver are no changes
2 to the existing site, no changes in drainage. Landscaping,
3 buffering, light, or other considerations of site plan approval
4 -- the Applicant has basically stated there would be no changes
5 to this site. The proposed building will be renovated and the
6 existing parking lot will be repaired. 18 parking spaces are
7 proposed, including one handicap space. The parking spaces are
8 to be striped at 9 by 18 and a conceptual sketch was provided
9 to show that layout.

10 The ordinance basically states that a site plan --
11 first, I want to establish the need for the site plan. The
12 ordinance states that any time you have a change of use -- and
13 this is a change of use, as opposed to a service station. If
14 it was going from a service station to a service station, the
15 Board has often interpreted that as not necessarily a change of
16 use.

17 But the fact that we're going from a service station
18 to a Domino's Pizza facility constitutes a change of use. The
19 Board has allowed the engineer, et cetera, to make
20 recommendations for site plan approval if it meets certain
21 criteria. On the other hand, if it doesn't meet certain
22 criteria, I'm not allowed to grant or make a recommendation for
23 a site plan waiver.

24 And I have a memo to everyone that, on the areas that
25 I was concerned about, specific to the definition of site plan,

1 that is lighting. The ordinance states adequate lighting shall
2 be provided to ensure safe movement of persons and vehicles.
3 And for security purposes, there is no proposed lighting shown
4 on the plan. Or if there is proposed lighting, I don't have an
5 idea of where it is.

6 This is a facility that I would assume will open into
7 the evenings. I believe it's a delivery service, so there will
8 be delivery people coming in, and out, and using the parking
9 lot.

10 Landscaping. There is a question of landscaping. I
11 don't think it's overly pertinent, but it is in there.

12 Drainage. Particular emphasis shall be given to the
13 adequacy of existing systems and the need for improvements,
14 both on site and off site.

15 The concern I have there is that the entranceway on
16 Newton-Sparta Road, most particularly during our last set of
17 storms, the water pond was almost completely across the
18 entranceway and is 5 to 10 feet wide in the entranceway,
19 depending on what portion of the storm we're at.

20 And there's also some potholes, and depressions, and
21 things like that in the entranceway. So that's an area where I
22 believe that the drainage should be resolved. There is no
23 garbage disposal areas shown. That's another requirement. You
24 have to show where the refuse will be put with the
25 board-on-board fence, a screened garbage disposal area.

1 Design standards. The parking space is required to be
2 10 by 20. They're shown as 9 by 18.

3 The pavement. There was actually two recommendations
4 or two things I was given. One stated the parking lot would be
5 overlaid and the other stated that the parking lot would be
6 repaired. The parking lot, I believe, when they took out the
7 tanks for the old gas station, was never paved in the section
8 where the tanks were taken out.

9 So there is some asphalt on the property, but there is
10 also some area that's just the dense, graded aggregates-type
11 thing. It's relatively firm, but it's not paved. The pavement
12 that is existing on the Limecrest Road section is alligatored
13 and is breaking. And there's various potholes through the
14 site, so I didn't feel that I would have the authority to make
15 a recommendation for a site plan waiver.

16 And I did have a discussion with the Applicant. I
17 expressed my reasons why I cannot recommend a site plan waiver
18 and then mentioned that he had some comments to be made. And
19 so I suggested he bring those comments to the Board.

20 CHAIRPERSON O'CONNELL: Okay, well --

21 MR. FARACE: I read Mr. Golden's letter and I wrote a
22 letter that I would like to read to everybody.

23 UNIDENTIFIED MALE: Sure.

24 MR. FARACE: "Dear members of the Board, I currently
25 own a Domino's Pizza down the road and this year will be the

1 16th year this Domino's is doing business in the Town of
2 Andover. I don't have to tell you how tough it is right now.
3 And for me to do this move is a big thing. This is a chance of
4 me to continue to have my shop in a town I have serviced for
5 all these years.

6 I put together a deal here and I want to let you know
7 my budget is incredibly limited. I want to go into this
8 building, and I want it to be a nice place, and have the town
9 be proud of it. I'm spending a lot of money, redoing the
10 inside. But regarding the site plan, I'm not proposing any
11 changes to the outside. And therefore, I believe I should
12 qualify for the waiver.

13 However, I do realize what Mr. Golden said in his
14 letter and I would be willing, at Mr. Golden's discretion, to
15 address all these things under his supervision. I believe and
16 I hope you agree with me, that if I'm willing to address these
17 things, there would be no need for me to come before the Board
18 and spend all this extra time and money I don't have for a full
19 site plan. Here are the things I would like, I would be
20 willing to do:

21 Location for enclosed dumpster area. I agree that I
22 will have a specific location for an enclosed dumpster area.
23 And I will show Mr. Golden where it is and I will do it at his
24 discretion. There is one currently on the site right now. I
25 don't know if you observed that, but there is one currently on

1 the site.

2 Drainage and parking. What I said was pretty much
3 preliminary. I will overlay the entire parking area with base
4 where needed and redirect the flows as intended, so whenever
5 there's a big hole, I will cut it out and fix it. And the
6 water should still flow when the pavement is properly repaired.
7 This parking lot was built this way because the water was
8 intended to flow to the left side and the back. And this way,
9 the water flows right through. I am not changing. I'm just
10 proposing to fix something in the proper manner and in the way
11 this property was designed.

12 When this is completed, there will be no water-ponding
13 problem, as Mr. Golden observed. The water ponding is due to
14 the current deterioration of the pavement. I will restripe
15 with the correct size, 10 by 20. The ordinances require that I
16 have seven and a half parking spots for this specific property.
17 And I know I proposed 18, but even when I do it with a 10 by
18 20, I will have almost double what I actually need and what is
19 required. And I will also make sure I have my handicap signage
20 and handicap striping.

21 Landscaping. I was informed by some experts that any
22 landscaping to this property should be minimum. If this is an
23 issue to the Board, I also propose to do some minimum
24 landscaping with Mr. Golden's approval.

25 Lighting. I would like to mention that there is

1 lighting currently on this site, and it is sufficient to
2 illuminate the parking. But if Mr. Golden is not satisfied
3 with what is there, I would agree to follow his instructions.

4 In summary, I cannot do this if you do not grant me
5 this waiver. The waiver is critical, as I believe the owner of
6 this property will not wait for me, at this point, to go
7 through the full site plan. And in these economic times, I
8 cannot continue to pay double rent in the store's current
9 location.

10 So I ask the members of the Board to look at the whole
11 picture here and strongly consider my willingness to comply
12 with Mr. Golden's concerns. I approached this the right way
13 eight months ago and received a zoning permit to have the
14 Domino's Pizza built in this location. I was given a building,
15 electrical, and plumbing application. And I thought, and was
16 informed by many, that I was done, and had satisfied all the
17 requirements. We were ready to close on this property last
18 week."

19 I hope you take this letter and Mr. Jim Cutler's
20 letter into strong consideration and grant me your approval for
21 this waiver. And that's pretty much -- I tried to cover
22 everything I read on his letter. And I don't know if I can
23 point out anything else.

24 I mean, I really believed that when I came in here, I
25 went to the zoning officer, and I went to Jim, and I asked them

1 what I needed to do. And I asked for him to guide me in the
2 right direction. That's why I pursued to purchase this
3 property. So the changes that I'm making there are mainly to
4 the inside, to the building itself. I observed. I went there
5 during the rain. I did observe the ponding problem at the
6 beginning of the property. There a couple of potholes, pretty
7 big potholes, in the front that is contributing to that
8 ponding. Everywhere else in the property, the water is really
9 flowing right through. There was nothing that I saw that was
10 significant.

11 And I wasn't proposing any changes, which, you know,
12 should qualify me for this waiver. But when I went to request
13 my building permits the other day, I was informed that I needed
14 to do this, so that's why I'm here, in front of you, and
15 hopefully, you can see these as minor changes. I am going to
16 make that place look extremely nice, very nice, and I do intend
17 to fix that entire parking lot.

18 CHAIRPERSON O'CONNELL: Board members, anyone, have
19 any questions?

20 BOARD MEMBER MESSERSCHMIDT: I would like to ask Mr.
21 Golden, what's your response to his saying that he will fix
22 these things to your satisfaction? Would that be satisfactory
23 to you?

24 MR. GOLDEN: The things that the Applicant is
25 proposing, I can break into, really, two areas, why to allow

1 and why not to allow it. He is correct in stating that there
2 really -- there is no expansion of the paving. There's no
3 additional drainage that would be required. I really am not
4 sure about the lighting.

5 The pavement, really the entire parking lot, needs to
6 be reconstructed. It's not out of the question that the
7 parking lot could be reconstructed, basically, within its
8 existing footprint, both entrances, you know, made to work
9 well. We can put the handicap space where it's shown, do the
10 striping as shown. We can locate the dumpster. I didn't see
11 one, but there is a spot that's conveniently faced to the
12 building.

13 To the left of the building, there really is a good
14 spot to put a dumpster enclosure with the board-on-board fence
15 and things like that, that we normally have. We won't have
16 spot grades. We won't have any engineered signed plans,
17 basically verifying that everything is going to be done in
18 accordance with Township standards. You know, it can be done.

19 Now, that being said, on the other hand, what the
20 Board needs to consider is, as a general statement, when a site
21 plan, a formal site plan is required and when a formal site
22 plan is not required. That's a decision I can't make.

23 This is that area that we've discussed before, that
24 it's a change in use, but there really isn't much to happen. I
25 use the example, because there was a modification of the

1 ordinance that was passed to me by Mr. Cutler, that basically
2 says, if you don't change the footprint, you don't expand the
3 parking, you don't do all these things, you don't need a site
4 plan, as long as you're a conforming use.

5 Well, the SMA trucking facility that we had last week
6 -- if they came and said, we're putting an office in there with
7 that same logic, they wouldn't have to do anything to the site.
8 So what the gentleman is requesting is possible. That doesn't
9 speak to making the corner look better. I'm not exactly sure.

10 There's a mounded area behind the railroad tie walls,
11 I believe, that's a septic system. I do know, from previous
12 discussions on this property, you can't really do a lot with
13 the corner, which doesn't look very nice, but you can't do a
14 lot with it because it's within the county site triangle areas
15 for that intersection. If there was going to be any
16 landscaping, it would be on the back side of the parking lot,
17 if at all. Or what was recommended on some other sites was,
18 you do the localized planters just to break it up and show a
19 little green space or something a little different in the front
20 of the building.

21 I know there is a proposed architectural. We don't
22 have an architectural standard, but another consideration would
23 be to have the building of a colonial architecture, because we
24 do have the Andover Animal Hospital across the street, that is
25 a colonial-type architecture. The Board has yet to review, but

1 the Cumberland Farms is coming in with a colonial look, and
2 then you have Lentini's with a colonial look as well, and a
3 single-family home.

4 So I've only briefly saw the architecturalals, but I
5 don't see a lot of what the texture is going to be, the color,
6 et cetera. It mostly was putting glass where the bays were. I
7 believe the Applicant's going to have to go to the county to
8 get a grease trap put in, because it's food preparation. I
9 don't believe there's a grease trap there now. I know that
10 that was what was delaying the pizzeria that was being proposed
11 in Carafello's building was to have the property
12 grease-trapped.

13 So that's something that's going to have to be added,
14 which will require excavation in the rear of the property.
15 Whether that's allowed, it's a previously disturbed area. I
16 don't know if the environmental folks would have issue with the
17 fact that you're potentially going to have to dig in a
18 previously disturbed area. Go ahead, sir.

19 MR. FARACE: No, I don't quite understand that point
20 about the grease trap, because my operations is very different
21 from a regular Mom-and-Pop. Our grease trap is something very
22 small that goes underneath the sink or right next to the sink.

23 MR. GOLDEN: Sure.

24 MR. FARACE: And that's what the Board of Health, you
25 know, requires.

1 MR. GOLDEN: Yeah, I mean, that's not under the
2 Board's jurisdiction.

3 MR. FARACE: So there will be no digging --

4 MR. GOLDEN: That's under the Board of Health.

5 MR. FARACE: -- in the back regarding me having to put
6 a grease trap in the back, so it will be inside the building.

7 MR. GOLDEN: Again, that's at the discretion of the
8 Board of Health, but --

9 MR. FARACE: Okay.

10 MR. GOLDEN: -- you know, I'm not exactly sure how
11 that operation works. I do know there was an issue with the
12 other pizzeria.

13 MR. FARACE: Yeah.

14 MR. GOLDEN: I believe the Applicant is going to need
15 county approval, as well, because you're fronting on two county
16 roads. And frankly, I would -- if the Board is contemplating,
17 from the Township's perspective, how to approach this, I would
18 be interested to hear what the County's position is on whether
19 or not they will grant a site plan approval or site plan
20 waiver. I don't know if the County would accept anything but a
21 regular site plan for their review. So that I can't speak to.
22 So there's a number of a questions there to be answered.

23 CHAIRPERSON O'CONNELL: Well, from the County's
24 perspective, though, I'm not sure because the change of use
25 they're going to require in the site plan?

1 MR. GOLDEN: It's similar to the Andover Animal
2 Hospital that was just here. I mean, they had to get county
3 approval. The county came out there. Mr. Risko checks the
4 site lines and they had Mr. Glasson make some modifications to
5 his proposed plan. So it's not out of the question that the
6 County would require some modifications. I don't know if the
7 County would ask for modifications of the egress/ingress
8 points.

9 But again, these things are difficult to ascertain. I
10 don't even know what the width of the entrance is. I mean,
11 it's there. It appears suitable. Again, I really bring it
12 back to what the Board wants to be the process because this
13 isn't the only application that may fall under these
14 parameters. And is the Board going to be inclined to grant
15 site plan waivers when there's details that we would normally
16 have for the asphalt, details for the fencing, details for the
17 board-on-board, the light lumens, whether or not we get the
18 half-foot candle across the parking lot or not, you need to
19 know what standard light there is, the wattage, if you will, of
20 the lights that are being proposed.

21 Is there going to be a sign? I know the old sign was
22 removed. What type of signage is going to be on the building?
23 I mean, I can go on and on. Not all of those items are site
24 plan issues. Signage and building architecture, really, I
25 believe, are under Mr. Cutler's discretion, hence why I didn't

1 want to grant or make a recommendation for a waiver. I felt it
2 was important to bring it front of the Board to get the Board's
3 perspective on what you want to do here.

4 MR. BRIGLIADORO: Mr. Chairman, maybe I can try to
5 raise something here with the Board. Originally, I thought the
6 Applicant's position was that he needed the site plan waiver
7 because of the cost to not only do the site plan, but to make
8 the repairs. But that doesn't seem like that's an issue.

9 DIRECT EXAMINATION BY MR. BRIGLIADORO:

10 Q. So you are willing to make the repairs, correct?

11 A. I'm willing to make the repairs, yes.

12 Q. Okay.

13 A. I'll --

14 MR. BRIGLIADORO: Let me just finish. I think we're
15 in a little bit of a unique situation here, because Mr. Cutler
16 has weighed in and is recommending that the Board -- that a
17 site plan waiver is appropriate. And you've weighed in and
18 think it's not appropriate at this time.

19 In light of the Applicant's comments, that he's
20 willing to meet with you, satisfy you, and make these repairs,
21 if we were to carry this matter, allow the Applicant to meet
22 with you so that you're satisfied, you guys would come to an
23 agreement on what would be done and when it would be done, and
24 then if you're satisfied, Joe, we can --

25 MR. GOLDEN: Yeah, I mean, what I might ask that --

1 MR. BRIGLIADORO: We could bring this back and then,
2 at that point, if he's going to -- if he's doing everything and
3 doing --

4 MR. GOLDEN: Sure.

5 MR. BRIGLIADORO: -- everything to your satisfaction,
6 then maybe we can grant the waiver.

7 MR. GOLDEN: I mean, if the Board is inclined to go in
8 this direction, I think what I believe is being asked for, as
9 much as anything, is a formal site plan really requires
10 surveying, grading.

11 MR. BRIGLIADORO: Right, right.

12 MR. GOLDEN: I mean, it's an extensive process. I
13 don't know if it's a corporation or not, it would have to hire
14 an attorney, an engineer, you know, et cetera. Mr. -- the
15 architect --

16 MR. BRIGLIADORO: Spector.

17 BOARD MEMBER PATTISON: Spector.

18 MR. GOLDEN: Mr. Spector. Mr. Spector, put together a
19 plan. I mean, his existing conditions were taken from aerial
20 survey, from visual observation. I mean, it's not a formal
21 survey.

22 But that being said, if Mr. Spector could provide a
23 24-by-36 sheet that just put the pavement detail, you know,
24 some of the details that are required, and whatever type of
25 lighting fixture, and the lumens that it throws, and things

1 like that, such that I would have something to just look at,
2 versus what the ordinance requires, which what I'm really
3 saying is, it's a quasi-site plan, but it's not an official,
4 signed, sealed site plan to present to the Board.

5 That would save the time and effort, the time, to
6 create the plan, the completeness hearing, the actual hearing,
7 the memorialization, the attorney, et cetera, et cetera. If
8 that's not out of the question, I would be comfortable doing
9 that if the Board's comfortable with it. But --

10 MR. BRIGLIADORO: Well, I think Mr. Farace wants to
11 say something, okay?

12 MR. FARACE: No, I wanted to understand the part about
13 what you would need from me, because what it is, is, I read
14 your letter. The first thing that I did was to actually speak
15 to an engineer about, you know, what do I need to do this,
16 regarding -- so the gentleman who actually represents Mr.
17 Hummel, you know, he helped me --

18 MR. GOLDEN: Sure.

19 MR. FARACE: -- me out. And I spoke to him regarding
20 that property. And obviously, I have to go there. I was not
21 -- I didn't come, actually, asking to propose massive changes
22 to the parking lot. I would have to say this. Yes, I
23 desperately need the site plan waiver, definitely. That's what
24 I'm here for.

25 So if it is the Board decides to give me the site

1 plan, dependent on, you want to put some more lighting there, I
2 would be willing to do it. The part about the paving, I didn't
3 want to extend this into, because my time is extremely limited
4 about the pressure that I have from the owner, because going
5 back, I did believe that I was ready to go on this, ready to
6 apply. I mean, all my bidding had to be -- was already set,
7 done. So I was ready to go.

8 So I want to find out exactly. Then I wanted to
9 satisfy your needs in order for us to fix the ponding problem.
10 That property, the water flows very nice. It's just that
11 section right on Newton-Sparta Road.

12 And you know, he looked at it and he said, you know,
13 cutting it out, that I wrote, and put in the -- whatever it is
14 that I said, the -- I don't quite understand. I use exact
15 words. Overlay the base on those sections. That would make
16 the water run to the side, to the left side, and the rest of
17 the parking lot would run to the back.

18 MR. GOLDEN: Well, what about the sections of the
19 parking lot that are currently compacted, the quarry process?
20 It's not asphalt.

21 MR. FARACE: No, that would all receive the overlay to
22 match. I would believe the --

23 MR. GOLDEN: Right, because the Township standard for
24 a parking lot, I believe, is three-and-a-half inch stabilized
25 base and an inch-and-a-half top. I can look it up, but that's

1 the standard parking lot.

2 So you'd be really asking for a waiver from the site
3 plan requirements, which, you know, again, the Board would have
4 to determine whether or not we'd want to waive. One issue is
5 waiving the site plan. The second is waiving the requirements
6 of the site plan, which is what I had in my letter there, as
7 far as, you have the --

8 MR. BRIGLIADORO: Joe, can I just interrupt you for a
9 second?

10 MR. GOLDEN: Yeah, it's a total of five, but --

11 MR. BRIGLIADORO: Yeah, I'm sorry. Do we have a
12 meeting of the minds in terms of, when the Applicant says he's
13 going to overlay the parking lot, what does that mean?

14 MR. GOLDEN: What it has --

15 MR. BRIGLIADORO: I just want to make sure we're all
16 on the same page.

17 MR. GOLDEN: You know, I didn't -- I don't have my
18 full file. I believe that Mr. --

19 MR. BRIGLIADORO: Well, why don't we let him explain
20 to us?

21 BY MR. BRIGLIADORO:

22 Q. What does that mean, sir?

23 A. It means most of the parking is -- not most of it. A lot
24 of the parking is existing.

25 Q. Right.

1 A. And they never destroy it. So I believe what they do is,
2 they prepare the parking lot and that section just gets an
3 overlay, a section of -- I mean, I would go back to Mr. Golden
4 and say, would you be satisfied on this section of the parking
5 lot that's completely paved at this moment?

6 I mean, obviously, I wouldn't intend to remove that
7 entire section because it's already paved. I would have to say
8 there, I guess, they prepare that section and they put, I
9 guess, a smaller section of asphalt on top of that.

10 CHAIRPERSON O'CONNELL: Well, let me ask the question.

11 It might be easier.

12 EXAMINATION BY CHAIRPERSON O'CONNELL:

13 Q. What you're proposing to do is to repave the whole
14 parking lot?

15 A. Correct, yes.

16 Q. Okay, I just wanted to --

17 A. To make it uniform, yes.

18 Q. So it's --

19 A. I wouldn't like to be a patch here and another patch.

20 Q. Well, that --

21 A. I think that would look terrible.

22 Q. I agree with you. That's why I wanted to make sure.

23 A. Right.

24 Q. And I figured --

25 A. It would be --

1 Q. -- if I worded it that way --

2 A. Sections of the parking lot needs big repairing in a way of
3 thicker layers, as he mentions. But there's just other
4 sections that I don't believe needs -- but like I said, I'm not
5 an expert on the part of, you know, paving parking lots.

6 Q. No, I understand.

7 A. Obviously, it would be something that would be related to
8 Mr. Golden at his discretion, with a paving company that would
9 also --

10 MR. GOLDEN: Yeah, I mean, from my perspective --

11 MR. FARACE: That's --

12 MR. GOLDEN: -- I don't believe that I have
13 discretionary powers over the pavement section unless the Board
14 wants to ask for less than what's required in the ordinance.
15 But there's a significant amount of the parking lot that was
16 removed when the tanks were taken out, so we're --

17 CHAIRPERSON O'CONNELL: Well --

18 MR. FARACE: Yes.

19 MR. GOLDEN: -- talking 20 feet by 30, 40, 50 feet.

20 Then the entrance way is nothing but QP right now. And the
21 pavement section is QP or stabilized base, you know, solid
22 ground, three inches of base/asphalt mix, I2, and two inches of
23 base/asphalt mix, I5. I would not be adverse to putting in the
24 base and preparing the areas of the parking lot that are
25 completely alligator-cracked, potholed, or where no asphalt

1 exists whatsoever.

2 A visual inspection -- if there's asphalt that's not
3 showing any signs of cracking or very minor signs of cracking,
4 I would not have any objection to putting the two-inch overlay
5 over that section, and then on top of the three-inch asphalt
6 section, subject to the base being compacted, et cetera, for
7 the remaining portions of the lot, I think there was some sort
8 of, I want to say, a manhole, a valve, or something towards the
9 center. I've been doing this from memory.

10 I frankly just, you know, wasn't looking at this with
11 the understanding that I was going to make recommendations on
12 exactly how to do it. I looked at this, really, just as a site
13 plan waiver. The Board would have to determine the amount of
14 an escrow that would have to be put up. Normally, the escrow
15 for the field inspection work is a percentage of the engineer's
16 estimate of total costs to have an inspector there, for me to
17 be there, to give the guidance of what needs to be done and
18 then to have the folks there inspecting it.

19 For example, when we inspect, we come out with a
20 six-foot level. And when they're going to -- before they
21 asphalt, the final topcoat, we take the asphalt level and make
22 sure -- I mean, pardon me, the level, and make sure the asphalt
23 is pitching so that it will drain. So you know, the mechanisms
24 are in place to follow through with this, but you know, when
25 it's said "to my satisfaction," my satisfaction is going to be

1 what's in the ordinance. I'm not going to be --

2 CHAIRPERSON O'CONNELL: I've got --

3 MR. GOLDEN: You know, I don't want to be in a
4 position where I'm --

5 MR. FARACE: No.

6 MR. GOLDEN: -- you know, another engineer would make
7 a decision on a different pavement section than what's
8 required.

9 BOARD MEMBER HUELBIG: So just to clarify, Joe, I
10 guess the question is, you would be looking to direct this so
11 that you'd have the paving done according to standards in --

12 MR. GOLDEN: Yeah, it would be paving. It would be
13 the items in my letter, paving --

14 BOARD MEMBER HUELBIG: Right.

15 MR. GOLDEN: -- drainage, garbage, landscaping. I
16 mean, I don't think we need a heck of a lot. I wouldn't be
17 pushing on that too much. And then the design standards, to
18 meet the design standards that are in our ordinance, I wouldn't
19 want to grant any waivers on my own, so to speak. The garbage
20 disposal, draining, and lighting, and paving, of course -- all
21 of those items would have to be addressed. And I believe Mr.
22 Spector, or whomever, you know, engineers, typically have these
23 details in their library.

24 And you put them on the plans or you sketch them. I
25 mean, I'm willing to accept any piece of, you know, something I

1 can read, understand, and is clear, because I obviously don't
2 want to have a shovel in the ground and have them
3 misunderstand, because at that point, you know --

4 MR. FARACE: No, I don't want to go that way, either,
5 and I don't want to repair the parking lot in the way that this
6 isn't going to be done right, either. My intention was to fix
7 that parking lot the right way. Remember, I'm not looking to
8 sell that Domino's next year or five years from now. I live in
9 this county. This is where I want to stay. And I want to fix
10 that property the right way. So that's not what my intentions
11 are, to keep cutting corners on the parking lot. If there was,
12 like, a major -- like, you know, the Board to give Mr. Golden
13 the discretion to, you know, approve me or block me, as far as
14 repairing the parking lot is concerned, for sure, I do want to
15 fix the parking lot the right way and I had that intention from
16 the beginning, too, because that's not how I wanted to present
17 that building or have my customers come in.

18 MR. GOLDEN: I mean, my recommendation at this point,
19 in line with Mr. Brigliadoro's point here, I believe, again --
20 and I did a very brief inspection of the property. I mean, I
21 have not looked at it in detail. I mean, I saw the potholes,
22 and the cracking, and you know, that pretty much --

23 MR. BRIGLIADORO: Right.

24 MR. GOLDEN: -- told me that, you know, I don't
25 typically have the authority there. But my recommendation

1 would be to possibly meet with the Applicant, go out there. If
2 the Board's okay, I mean, I have details in my library, and I
3 can print a page of each, and say, here. This is the pavement
4 section. This is this. We go out there with a can of spray
5 paint and we spray the parking area. This needs to be removed.
6 This area can be overlaying. I mean, this is not uncommon --

7 MR. BRIGLIADORO: Right, right.

8 MR. GOLDEN: -- you know, in our business-type thing.
9 So I mean, I don't have a problem with that. The Board would
10 have to request an escrow to be put up. I would recommend it
11 be the site plan escrow, under the conditions of the site plan
12 escrow, meaning that you put the initial escrow down and then
13 replenish once it drops under a certain number, that that be
14 filed, you know, put in with the Town in advance, and then we
15 proceed from there. Again, if that's with the Board's
16 blessing. And I would like to qualify this, just for the
17 record, that it's because there is no changing in circulation.

18 MR. BRIGLIADORO: Right.

19 MR. GOLDEN: There would be no --

20 MR. FARACE: Right.

21 MR. BRIGLIADORO: Right.

22 MR. GOLDEN: -- expansion of the parking lot.

23 MR. FARACE: Right.

24 MR. GOLDEN: You know, the lighting would be just
25 added if it's insufficient now.

1 MR. FARACE: Yes.

2 MR. GOLDEN: Everything's staying within the current
3 footprints, because I do think we have to have parameters upon
4 which this decision is made, so --

5 MR. BRIGLIADORO: Right, now, do you have -- you
6 understood what Mr. Golden just said?

7 MR. FARACE: I understood.

8 MR. BRIGLIADORO: Do you have a problem with that?

9 MR. FARACE: I don't have a problem with that.

10 MR. BRIGLIADORO: Okay, and in particular, where he
11 talked about -- once this is done, I'm sure Mr. Spector's going
12 to put something on a plan so we have something in the file
13 here, correct?

14 MR. FARACE: Yeah, like, we've made some changes, like
15 with the correct size --

16 MR. BRIGLIADORO: Okay.

17 MR. FARACE: -- the dumpster area not showing and I
18 have them with me.

19 MR. BRIGLIADORO: Right.

20 MR. FARACE: We already made those changes --

21 MR. BRIGLIADORO: Right.

22 MR. FARACE: -- briefly.

23 MR. BRIGLIADORO: But --

24 MR. FARACE: But yes.

25 MR. BRIGLIADORO: Yeah, I understand.

1 MR. GOLDEN: I mean, I believe the Board has what was
2 submitted, right?

3 MR. FARACE: Yeah, yeah.

4 MR. BRIGLIADORO: Right.

5 MR. FARACE: I made changes to that.

6 MR. BRIGLIADORO: No, but you're looking for -- Mr.
7 Spector --

8 MR. GOLDEN: Yeah, I mean, something a little more --

9 MR. BRIGLIADORO: Right, exactly.

10 MR. FARACE: Yes.

11 MR. BRIGLIADORO: So if Mr. Spector --

12 MR. FARACE: Yes.

13 MR. BRIGLIADORO: You don't have a problem --

14 MR. FARACE: Moving on, no.

15 MR. BRIGLIADORO: -- in having him put something --

16 MR. GOLDEN: Yeah.

17 MR. FARACE: No, yeah.

18 MR. BRIGLIADORO: So when you guys go out --

19 MR. GOLDEN: I mean --

20 MR. BRIGLIADORO: -- he can --

21 MR. FARACE: No, I don't --

22 MR. BRIGLIADORO: -- mark up --

23 MR. FARACE: -- have a problem with that, no.

24 MR. BRIGLIADORO: He can mark up a plan and give it to
25 Joe, so --

1 MR. FARACE: No.

2 MR. BRIGLIADORO: -- we're all on the same page.

3 MR. FARACE: Absolutely.

4 MR. GOLDEN: Right. And then, if we disagree on our
5 first --

6 MR. BRIGLIADORO: Right.

7 MR. FARACE: Absolutely.

8 MR. GOLDEN: -- when we're out there visiting, then
9 you --

10 MR. BRIGLIADORO: Right.

11 MR. GOLDEN: -- have the option of coming back to the
12 Board or whatever.

13 MR. FARACE: Exactly. That's what I was saying, like,
14 you know.

15 MR. BRIGLIADORO: Okay.

16 MR. FARACE: If we're butting heads there, as if the
17 paving company is saying, no, you're right, he should block me,
18 have the power to block me, in which I would have to come back
19 in front of the Board, to ask for a waiver, to ask of anything
20 of that sort if we don't come to an agreement, absolutely.

21 MR. GOLDEN: And I would ask that the Board, if we
22 have the ability to do this, to ask that the building have
23 somewhat of a colonial flair to it and not just be a glass -- I
24 don't even know what texture was proposed besides the glass.

25 MR. FARACE: There is no glass. I mean, there was --

1 glass was only where the garage doors are.

2 MR. GOLDEN: Right.

3 MR. FARACE: And it's only --

4 MR. GOLDEN: I mean, is it going to stay with the same
5 roof, the cupola --

6 MR. FARACE: No, my intentions were to change the roof
7 and the building would look more as Carafello's building down
8 the road.

9 MR. GOLDEN: Right, see, that's something that I don't
10 -- I know that has been discussed in the past. That's not
11 necessarily the look that we want in the center of town. We
12 prefer the colonial approach, which is why Cumberland Farms has
13 revised their plans to be more of a colonial look. I mean, you
14 can leave the building with a cupola or, you know, just fix it.
15 And you know, I think that without adding a significant
16 expense, it can be made to look somewhat colonial. Again, it's
17 up to the Board, if you want another box.

18 CHAIRPERSON O'CONNELL: Well, keeping with the
19 buildings within that area, as you pointed out, would be the
20 animal hospital across the street, and Lentini's, and what --

21 MR. GOLDEN: Yeah, I think it's red brick right now.
22 Is it existing?

23 MR. FARACE: Yeah, I wanted to change to stucco.

24 MR. GOLDEN: I'm not an architect, so I mean, you
25 know, my thinking is, I'd like to see something colonial. I

1 don't know if, you know, there would be a discussion with Mr.
2 Spector, if you can keep the brick look and just, with the peak
3 roof, and the cupola, if that would give us some look of
4 colonial, if at all. On the other hand, you know, I don't know
5 if you want to have it look like a gas station converted to a
6 pizzeria, either. So I mean, that's what I say, as --

7 UNIDENTIFIED MALE: Well, it's not going to, if you
8 look at this.

9 MR. GOLDEN: But I question whether we have an
10 architectural standard. But I believe the Board does have the
11 ability to make certain requests under what's being proposed.

12 CHAIRPERSON O'CONNELL: What's your level of comfort
13 administering this, if we should go forward with this waiver?

14 MR. GOLDEN: I'm reasonably comfortable. You know,
15 again, as long as we have, you know -- I don't want to get into
16 disagreements with the Applicant, hence, why I'd like to meet
17 out there. You know, it's not going to be that difficult to
18 ask some stuff to be shown on the plan, you know, handwritten
19 notes, or, you know, pavement detail, handwritten notes, you
20 know, will light be added, you know, this will drain. You
21 know, we want it to drain somewhere.

22 MR. FARACE: Right.

23 MR. GOLDEN: That front entrance has got it. You
24 know, we have to make a little bit of a swale or something to
25 get the water going back into that wetland, staying within the

1 footprint. I mean, if that's all acceptable, you know, and
2 with the understanding that I also have to call the County and
3 ask if they have jurisdiction here.

4 CHAIRPERSON O'CONNELL: Well, my biggest concern right
5 now -- and I hope you're fully aware of it -- is, this Board
6 could give you everything --

7 MR. FARACE: Right.

8 CHAIRPERSON O'CONNELL: -- tonight.

9 MR. FARACE: Right.

10 CHAIRPERSON O'CONNELL: And the County could stop it.

11 MR. FARACE: Right.

12 MR. GOLDEN: Right, because you're at risk with the
13 County.

14 CHAIRPERSON O'CONNELL: Because you're --

15 MR. GOLDEN: That's the problem. You could start --

16 UNIDENTIFIED MALE: Yeah, especially with that --

17 MR. GOLDEN: -- construction.

18 UNIDENTIFIED MALE: -- intersection.

19 MR. FARACE: I want to comment on that. And I don't
20 know why -- I went to -- I raised that question to Dykstra,
21 across the street, that same question regarding --

22 MR. GOLDEN: Dykstra, you say?

23 MR. FARACE: Is it Dykstra? The engineer.

24 MR. GOLDEN: Yeah, Dykstra.

25 CHAIRPERSON O'CONNELL: Dykstra.

1 MR. GOLDEN: Okay, yes, yes.

2 MR. BRIGLIADORO: Dykstra.

3 MR. FARACE: Yeah.

4 CHAIRPERSON O'CONNELL: Dykstra.

5 UNIDENTIFIED MALE: Okay.

6 MR. FARACE: Dykstra, right?

7 MR. BRIGLIADORO: Right, right, right. Okay.

8 MR. FARACE: I raised the question to him immediately
9 after I left the -- I picked up your letter from Linda. And I
10 asked him, Mr. Golden mentioned to me -- because he was very
11 kind to spend almost an hour with me on the phone, talking to
12 me.

13 UNIDENTIFIED MALE: Hour and 20 minutes.

14 MR. FARACE: Yeah, you know, on the phone, about this,
15 and giving me, you know, some advice, and why he wouldn't
16 recommend it. So you mentioned about the septic size, which I
17 took care of it right away to make sure, because my operation
18 is very small. I don't have any tables. I don't have any
19 sit-ins. So I know my requirements. And they guided me that
20 this should be okay. The size of the septic would be okay. So
21 I kind of took care of that.

22 MR. GOLDEN: But you understand you have to get a
23 letter or a permit from the County on the --

24 MR. FARACE: Yeah, of course, the Board of Health can
25 block me immediately for that. Absolutely, I know about that.

1 But I wanted to make sure that, that was, because then, the
2 other question was regarding what you mentioned.

3 MR. GOLDEN: The County, the Planning Board.

4 MR. FARACE: What everybody's worried about is, you
5 guys grant me this. Will the County grant me this? And he
6 told me that he was 100 percent sure that once the Board here
7 grants me the waiver, the County never gets a shot at this
8 because -- and then he gave me examples of places in town that
9 has happened before, in which they would not -- because they
10 get -- because you're right. I mean, it's harder.

11 They have -- if I have to go before the County, it
12 would be the same thing. I get the waiver and I don't get it,
13 so they don't get jurisdiction over this, because I get the
14 waiver. That's what he mentioned to me. This is what he said.
15 So as long as you get the waiver and they are working with you,
16 that's it.

17 MR. GOLDEN: Well --

18 MR. FARACE: The County will not have to deal with
19 this.

20 MR. GOLDEN: -- if the Board is familiar with on the
21 corner of Mulford and Lawrence, where the new Mulford Road
22 comes out now, heading towards Farmstead, just on that
23 intersection is a residence on that corner. And they park
24 their cars on the front, on the gravel area there. That's
25 actually a four-person rental space.

1 And they did not require anything from the Town, but
2 the County stopped them and would not allow them to pave the
3 graveled area. They came back with a list of comments and
4 stopped that project. And that never came to the Town. It
5 only came to me because the surveyor working on it came to me
6 and said, you know, what is this noise I'm getting from the
7 County on these changes? And I said, well, you know, it's
8 outside the Town's jurisdiction. So you know, staying with the
9 original recommendation, I am not going to require County
10 approval --

11 MR. FARACE: Right.

12 MR. GOLDEN: -- when I don't think the Board is
13 implying County approval.

14 MR. FARACE: Right.

15 MR. GOLDEN: But the issue is, the County has to tell
16 us whether or not approval is required. And I mean, that would
17 be something I would do immediately. Before we meet on the
18 site, I would speak to the county planning department, Mr.
19 Snyder's office, or Neal Leitner, who's one of their reviewers.
20 Speak to him on whether or not a site plan is required. And
21 it's in your best interests, because if you start, put a shovel
22 in the ground, and start working, and they see you, and they
23 don't feel you did that properly, meaning, you didn't come to
24 them and get an answer from them, they will shut the job down.

25 MR. FARACE: Right, right.

1 MR. GOLDEN: You're subject to fines and they will
2 make you get every possible permit known to mankind. So it is
3 best to ask up front, you know, what their requirement would
4 be. So I would suggest that to be, obviously, one of my first
5 tasks here. The septic issue is up between you and the health
6 department.

7 MR. FARACE: Right.

8 MR. GOLDEN: You know, I'm not worried about that.
9 But, you know, the question still on the table is the
10 architecture and whether the Board wants me to follow through,
11 basically, visually site designing, which is, again, not out of
12 the question on an existing facility.

13 BOARD MEMBER BOYCE: I have a comment.

14 CHAIRPERSON O'CONNELL: Certainly.

15 EXAMINATION BY MS. BOYCE:

16 Q. This is just for you and just my opinion here. But I
17 understand your circumstances. But you have to understand that
18 this Board has an obligation to abide by our ordinances as they
19 are written and as they are enforced. We can't be biased in
20 that kind of circumstance. We have to, you know -- if this
21 person, due to their circumstances, we were willing to waiver,
22 you know, we have to go with our engineer.

23 At least, I do. I mean, he's our expert. And while
24 you may have asked this person or that person, I need to have
25 some kind of valid reason to either grant or not grant this

1 site waiver. So I have to go with what my engineer says
2 because he's -- you know, it's in the best behalf of you and
3 us.

4 And like he said, if the shovel's put down, we don't
5 know what the County is going to say. We don't know what kind
6 of problems you're going to run into. You don't know what
7 problems, paving and whatnot. So I guess I'm trying to say
8 that we're not trying, I'm not trying, to be difficult. I just
9 have a protocol I have to follow. That's what ordinances are
10 in place for, you know. And while some can be looked at as
11 less difficult, you know what? We have to follow the same
12 protocol with every applicant, so --

13 A. Thank you.

14 Q. -- I just wanted to say that. And I understand it's
15 not you personally. It's that, you know --

16 BOARD MEMBER MESSERSCHMIDT: I just want to make a
17 statement, if I can? We have this opportunity, not just here,
18 but anytime, to grant site waiver approval in the right
19 circumstance. And typically, the right circumstance is that
20 everything is up to code or ordinance.

21 It's just that they shouldn't have to go through that
22 process of paying for and going through the whole site plan
23 approval process, given that. But also, we're charged, as you
24 say, with the responsibility of making sure that the applicant
25 follows and applies our ordinances.

1 So that means that, if our ordinance requires for a
2 certain lighting, or our ordinance requires certain paving of
3 the parking lot, and drainage, and all of that, you still have
4 to meet that, even if we give you site plan approval. That
5 doesn't give you a waiver to just, you know, fix a pothole here
6 or there. You still have to follow that stuff. But if we were
7 to do this, can we make this a site plan waiver subject to --

8 UNIDENTIFIED MALE: Of course.

9 BOARD MEMBER MESSERSCHMIDT: -- the approval of the
10 County, as well as that he follows the recommendations of our
11 engineer?

12 CHAIRPERSON O'CONNELL: Everything is approved,
13 subject to the other approvals, Board of Health, County, so on,
14 and so forth.

15 BOARD MEMBER MESSERSCHMIDT: Right, right.

16 CHAIRPERSON O'CONNELL: And that's -- yeah, I mean,
17 whether we do it --

18 BOARD MEMBER MESSERSCHMIDT: I understand.

19 CHAIRPERSON O'CONNELL: -- a regular site plan, so
20 it's only subject to those things --

21 BOARD MEMBER MESSERSCHMIDT: Okay.

22 CHAIRPERSON O'CONNELL: -- anyways.

23 MR. GOLDEN: I wouldn't waive. I would not recommend
24 that the Board grant a site plan waiver. I would grant an
25 in-lieu-of or something. I would caution on using the term

1 site plan waiver unless counsel thinks it's appropriate, I
2 mean.

3 CHAIRPERSON O'CONNELL: Well, if -- go ahead.

4 MR. BRIGLIADORO: I guess I was going to say, thinking
5 of some of the options, obviously, one would be to deny the
6 request for a waiver. Another would be to grant the request
7 for a waiver.

8 Another option would be, carry the matter, allow him
9 to meet with you, Joe, put up the escrow, get some kind of a
10 plan from Mr. Spector. And then, if everything is resolved,
11 then, at least, if you granted the waiver, you're granting it,
12 but you know what you're getting.

13 MR. GOLDEN: Right.

14 MR. BRIGLIADORO: The other option is to, if you
15 wanted to grant the waiver subject to all these conditions.
16 But --

17 MR. GOLDEN: I kind of like the idea. I mean, you
18 know, it shouldn't take long to have a hearing on this, so I
19 don't --

20 MR. BRIGLIADORO: Right.

21 MR. GOLDEN: -- know if it could be fit on the next
22 agenda, or I don't know how long it will take. But, well, let
23 me restate this, too. I'm going to Florida Friday and I'm not
24 going to be back until next week. So you know, I'm not going
25 to -- the only day I'm back after -- the only day I'm here,

1 besides Thursday and Wednesday, is Monday of the following
2 week. So I'm not going to be really available between now and
3 the next meeting. We would have to make this happen for
4 whatever meeting follows the next, the 22nd.

5 MR. BRIGLIADORO: April 5th?

6 CHAIRPERSON O'CONNELL: April 5th is our next
7 regularly scheduled meeting --

8 UNIDENTIFIED FEMALE: Or April 19th.

9 CHAIRPERSON O'CONNELL: -- because we have the two
10 specials the 22nd and the 29th.

11 BOARD SECRETARY: Yeah.

12 UNIDENTIFIED MALE: Mm-hmm.

13 CHAIRPERSON O'CONNELL: So it would be April 5th.

14 MR. GOLDEN: Okay, because if I'm not mistaken, I've
15 got, on my calendar, Bridgeway.

16 UNIDENTIFIED FEMALE: Is the 29th.

17 BOARD SECRETARY: The 29th, a special meeting.

18 UNIDENTIFIED FEMALE: That's a special meeting for the
19 29th.

20 BOARD SECRETARY: The 22nd, special meeting.

21 UNIDENTIFIED FEMALE: It's just Bridgeway on the 29th.

22 UNIDENTIFIED FEMALE: Bridgeway. And this is --

23 BOARD SECRETARY: 5th is our first regular meeting.

24 MR. GOLDEN: Okay, the 29th was what? It's a Tuesday,
25 right?

1 BOARD SECRETARY: Special meeting.

2 UNIDENTIFIED FEMALE: Yes.

3 MR. GOLDEN: Right. So okay. So that wouldn't --
4 okay. So that's --

5 UNIDENTIFIED FEMALE: So he wouldn't even fall there,
6 anyway. He would be April 5th.

7 MR. GOLDEN: Right. I understand. Okay.

8 UNIDENTIFIED FEMALE: April 5th.

9 MR. GOLDEN: Yeah, I mean, I think it's probably in
10 our best interest to meet.

11 MR. BRIGLIADORO: To carry this?

12 MR. GOLDEN: Yeah.

13 CHAIRPERSON O'CONNELL: Well, let me see if I can
14 paraphrase this. We're going to carry this matter until April
15 5th. In the interim here, we're going to authorize you and Mr.
16 Golden to get together with Mr. Spector. Come up with all,
17 whatever Joe and they work out, but you're also going to have
18 to put up an escrow account to cover Joe's expenses while he's
19 working on this, as if it were a regular site plan or whatever,
20 because he's not free. He doesn't come cheap. Reasonable, but
21 not cheap.

22 And this way, on April 5th, this meeting, you can also
23 find out whether the County is going to require an official
24 site plan and everything there, because that may be the deal
25 breaker.

1 If the County is going to say, you got to do, you
2 know, the official plan, then it doesn't matter what we do.
3 That's going to give you some time to work out the details.
4 That'll also give us something to look at, even if it's a
5 single piece of paper with conditions and stuff that you, Joe
6 can all work out. Is that reasonable?

7 MR. GOLDEN: Yeah, I mean, I believe it is, you know.
8 We will have a piece of paper/site plan, conceptual site plan.

9 CHAIRPERSON O'CONNELL: Yeah, we can name it whatever
10 flavor we want.

11 MR. GOLDEN: Whatever you want to call it --

12 CHAIRPERSON O'CONNELL: Yeah.

13 MR. GOLDEN: -- it doesn't have to be a formal site
14 plan -- that Mr. Spector would help to put together without an
15 original survey, et cetera, because we are going to do
16 everything within the limitations of what's out there. I mean,
17 that's obviously the key thing, which would -- which is what
18 relieves us of needing to have a formal survey, as long as
19 we're clear that we're staying within that disturbance,
20 because, you know, this is also adjacent to a significant
21 wetlands. So --

22 UNIDENTIFIED MALE: That's why you got to be careful.

23 MR. GOLDEN: -- I have to check with my environmental
24 scientist to find out if, in fact, they should have an
25 environmental permit to protect themselves as well. Even if

1 you are working within a disturbed area, I think it's a permit
2 by rule, but I don't know if Christine knows the answer to
3 this, but --

4 BOARD MEMBER KRETZMER: I think it is a permit by law.

5 MR. GOLDEN: But it is a permit, you know. I don't
6 think we can do it without the permit by rule, right?

7 BOARD MEMBER KRETZMER: I'm pretty sure you can't.
8 We'd have to --

9 MR. GOLDEN: You know, well, I mean, I have an
10 environmentalist in my office, so I can ask that question on
11 your behalf, as well. So you know, I would say that, by the
12 time we have the next meeting, I will be able to answer all
13 these questions.

14 MR. BRIGLIADORO: A permit to do what?

15 MR. GOLDEN: To work inside the -- a good example is,
16 you know, Eddie Jiro with Casa Bellissimo had to get a permit to
17 put his pipe in the front inlet, even though it was in the
18 County right-of-way and the County asphalt, because it's
19 disturbance within the right-of-way.

20 Now, if we're going to be digging up the parking lot,
21 which is what's going to happen, to dig out the broken
22 pavement, and the potholes, and excavate below -- the existing
23 asphalt is here and, now, the QP is here. We've got to get
24 down four inches to put the four inches -- pardon me, three
25 inches to put the three inches of asphalt in, so that's also a

1 disturbance. So --

2 UNIDENTIFIED MALE: But to do that, you need a permit,
3 just to touch the parking?

4 MR. GOLDEN: Possibly. And again, I'd --

5 BOARD MEMBER KRETZMER: Possibly, because --

6 MR. GOLDEN: -- have to check with my environmental
7 scientist, you know.

8 BOARD MEMBER KRETZMER: -- yeah, because it's a C-1
9 stream back there.

10 MR. GOLDEN: Right, that's a --

11 BOARD MEMBER KRETZMER: So you have to take in the
12 effect of the riparian zone and the buffer.

13 BOARD MEMBER BOYCE: Buffer, which is 200 or --

14 UNIDENTIFIED MALE: I'm only asking because we'll all
15 be --

16 MR. GOLDEN: And there's no question of denial,
17 incidentally.

18 BOARD MEMBER KRETZMER: Right.

19 MR. GOLDEN: They wouldn't get denied.

20 UNIDENTIFIED MALE: I'm just saying. I'm only asking,
21 because right now, as it is, quite a bit of quarry process is
22 there. It's not really eroding. It drains very --

23 MR. GOLDEN: It's not a question of denial. It's a
24 question of whether or not, in the bureaucracy of the State --

25 UNIDENTIFIED MALE: Right.

1 MR. GOLDEN: -- that we're required to have a permit.
2 That's, again, not a decision that I can make.

3 MR. FARACE: Can I ask the rest --

4 MR. GOLDEN: And frankly, if you do it without the
5 permits, it's \$5,000 a day, fine.

6 MR. FARACE: Can I ask the Board -- can I touch on
7 something? I just want to get everyone's opinion, in a way.
8 And Mr. Golden, when I was talking to you last time on the
9 phone, I asked you what would have happened if I approached you
10 to get the site plan waiver and that parking lot, the previous
11 owner -- he owns the property at the moment and he repairs it
12 himself, which they've mentioned to me that they have the right
13 to fix their own parking lot, because it's their location. And
14 you told me the parking lot was repaired --

15 MR. GOLDEN: Now, is that D --

16 MR. FARACE: -- and in good shape.

17 MR. GOLDEN: You're saying that with the DEP or from
18 the Township's perspective?

19 MR. FARACE: No, he --

20 MR. GOLDEN: From the Township's perspective, they can
21 come in and repair the parking lot. But that doesn't preclude
22 the DEP from requiring a permit.

23 MR. FARACE: Right, but they would have to deal with
24 this, not me. They would have to deal with this, in which they
25 are paving. And I said, that parking lot was in better shape

1 and there would be no problems over there. Will many of your
2 concerns go away? And you told me yeah, it would be a lot
3 easier if the parking lot was in better shape.

4 MR. GOLDEN: You know, again, that's all hypothetical.
5 I mean, if that's the approach you take, it does not eliminate
6 the requirement for a site plan waiver.

7 CHAIRPERSON O'CONNELL: Well, this brings us back to,
8 what are we going to do? What does the Board desire to do this
9 evening? Do we want to carry this to the April 5th meeting,
10 have the Applicant put up the escrow so Joe can work with the
11 Applicant and his professionals? We can square away whether
12 there's a lot of these things with the County and everything is
13 going to be required, because that may break the deal right
14 there.

15 UNIDENTIFIED MALE: I'll make that motion.

16 MR. BRIGLIADORO: Well, hold on.

17 CHAIRPERSON O'CONNELL: Well, the other thing is to
18 approve or to deny.

19 MR. BRIGLIADORO: So when you say approve --

20 UNIDENTIFIED MALE: With the contingency of fixing the
21 parking.

22 CHAIRPERSON O'CONNELL: Well --

23 UNIDENTIFIED MALE: I'm not sure when you say
24 drainage.

25 CHAIRPERSON O'CONNELL: -- it would be --

1 UNIDENTIFIED MALE: I'm kind of lost on that.

2 CHAIRPERSON O'CONNELL: It would be that whole laundry
3 list. We'd have to go back through the whole thing. The whole
4 thing was --

5 UNIDENTIFIED MALE: Well, there was lighting,
6 landscape, drainage. What drainage? I'm not sure on the
7 drainage? Where, drainage? What drainage?

8 MR. GOLDEN: That's the entrance on Limecrest --

9 UNIDENTIFIED MALE: What --

10 MR. GOLDEN: -- and Newton-Sparta Road.

11 BOARD MEMBER BENSLEY: Can I just say something? When
12 it rained heavily, first of all, I don't know if you all know
13 it, but I've been there many, many times. My friend had the
14 place. He moved a couple weeks ago. The problem with
15 Newton-Sparta Road -- there's a good-sized pocket there and it
16 needs to be resurfaced, clearly.

17 As far as the rainwater itself, when it was pouring,
18 it drained very well. There's a catch basin on the corner of
19 Limecrest Road. There was no puddling. There was no, like,
20 water across the road, no flooding on either road. So I'm not
21 sure about the drainage. But as it is, a good portion of it is
22 quarry process and I would imagine that's between the owner now
23 and, possibly, the buyer, whether they have the right to --

24 CHAIRPERSON O'CONNELL: Well, that's something they
25 can work out during this --

1 BOARD MEMBER BENSLEY: Right. No, but I'm just saying
2 --

3 CHAIRPERSON O'CONNELL: -- time frame also.

4 BOARD MEMBER BENSLEY: -- we're talking a couple
5 different things here. If that were to happen, we'd have no
6 control over the -- you know what I'm saying -- asphalt itself,
7 saying what it would be, although you say it's got to be three,
8 three and a half.

9 MR. GOLDEN: Well, I mean, you know, the issue there
10 is -- and I don't know how Mr. Cutler does this -- but when
11 someone does go to repair their parking lot, they're supposed
12 to do the parking lot according to the Township code.

13 BOARD MEMBER BENSLEY: No, and you would. And you
14 would.

15 MR. GOLDEN: I mean, anybody can go in there and throw
16 an inch of asphalt on it.

17 BOARD MEMBER BENSLEY: Well, you might want to be
18 sensible with doing it, anyway, though.

19 MR. FARACE: It wouldn't be sensible.

20 MR. GOLDEN: Or two inches, or you know what I mean,
21 but --

22 UNIDENTIFIED MALE: But it wouldn't be sensible.

23 CHAIRPERSON O'CONNELL: Gentlemen, it begs the
24 question, because if we had all these standards and everything,
25 how did the parking lot end up like that in the first place?

1 BOARD MEMBER BENSLEY: Because they had a major
2 clean-up.

3 MR. FARACE: Yes.

4 UNIDENTIFIED MALE: That's no excuse.

5 BOARD MEMBER BENSLEY: Yeah, it was, because what it
6 was, is they -- in case they had to --

7 CHAIRPERSON O'CONNELL: It was shot by -- I know what
8 happened there with the --

9 BOARD MEMBER BENSLEY: It was, like, a --

10 CHAIRPERSON O'CONNELL: -- content.

11 BOARD MEMBER BENSLEY: -- million-dollar clean-up.

12 CHAIRPERSON O'CONNELL: Yeah, I know.

13 MR. FARACE: Yeah.

14 CHAIRPERSON O'CONNELL: But there, it still didn't
15 mean they couldn't pave it when they were done.

16 BOARD MEMBER BENSLEY: They just left it. Anyway --

17 CHAIRPERSON O'CONNELL: Well, that's the lot.

18 BOARD MEMBER BOYCE: And I don't think it's done.

19 BOARD MEMBER BENSLEY: -- I don't want to blow this
20 out of proportion. But the thing is, the structure is there.
21 He's not changing the structure. He's looking to resurface
22 where it needs resurfacing. There is a whole area we could
23 park. There is a dumpster area. There's a place where you can
24 park five cars. There's another area you could probably park
25 another five or six cars. And then there's the area that's no

1 asphalt.

2 CHAIRPERSON O'CONNELL: Then I can go back and tell
3 you that there's supposed to be a state fence, rail fence,
4 along the one side, the left side as you're looking in there,
5 so that they wouldn't park on the grass. I can go back to that
6 site plan.

7 UNIDENTIFIED MALE: Okay.

8 CHAIRPERSON O'CONNELL: So --

9 UNIDENTIFIED MALE: So --

10 CHAIRPERSON O'CONNELL: -- I've got my ancient history
11 showing up again.

12 BOARD MEMBER BENSLEY: I wouldn't --

13 CHAIRPERSON O'CONNELL: Are you a Board member or are
14 you giving testimony? Are we swearing you in?

15 BOARD MEMBER BENSLEY: No testimony. I'm just telling
16 you I was there --

17 CHAIRPERSON O'CONNELL: Okay.

18 BOARD MEMBER BENSLEY: -- and I'm just witnessing what
19 I did see, and there's nothing wrong with that. When you talk
20 about drainage, I'm just -- I asked the question, what
21 drainage? It's not acting as a professional.

22 MR. GOLDEN: Well, I didn't take any pictures, but I
23 did go there after the rain had stopped and it was a huge
24 puddle on the front.

25 BOARD MEMBER BENSLEY: Well, that needs to be filled.

1 MR. GOLDEN: I mean, it eventually goes away, which is
2 probably because it's probably infiltrating through the
3 potholes. But there's no place --

4 BOARD MEMBER BENSLEY: I'm just saying --

5 MR. GOLDEN: -- for the water to discharge right
6 there.

7 BOARD MEMBER BENSLEY: I'm just saying, I wouldn't ask
8 that. I'm just telling you, as a resident, it drained very
9 well on the Limecrest road. There's a catchbasin right there.
10 I didn't see no --

11 MR. GOLDEN: That's not the spot.

12 BOARD MEMBER BENSLEY: What I'm trying to get at --

13 MR. GOLDEN: It's Newton-Sparta Road --

14 BOARD MEMBER BENSLEY: -- is, there's no flooding.

15 MR. GOLDEN: -- that's of concern.

16 UNIDENTIFIED MALE: The Newton-Sparta Road side.

17 BOARD MEMBER BENSLEY: Right. Okay.

18 CHAIRPERSON O'CONNELL: So --

19 BOARD MEMBER BENSLEY: Well, there's a big pothole
20 there.

21 CHAIRPERSON O'CONNELL: What do we want to do this
22 evening, gentlemen?

23 MR. GOLDEN: I mean, I'd also propose to the Board,
24 you know, I suggest you all take a ride out there during the
25 next week, two, or three. Take a look at it.

1 BOARD MEMBER BENSLEY: I've been there many times. My
2 buddy had his business there.

3 UNIDENTIFIED FEMALE: Go look tomorrow when we get the
4 inch and a half of rain.

5 BOARD MEMBER MESSERSCHMIDT: Why don't we do a show of
6 hands if we want it? We'll do each of the different options.

7 UNIDENTIFIED FEMALE: That's where we're supposed to
8 go.

9 CHAIRPERSON O'CONNELL: Well, that's also why we have
10 votes.

11 BOARD MEMBER BENSLEY: I would say, providing he does
12 it, according to the specs --

13 CHAIRPERSON O'CONNELL: Needs a show of hands.

14 BOARD MEMBER MESSERSCHMIDT: Well, you're asking, what
15 do we want to do?

16 UNIDENTIFIED MALE: Yes, well, he --

17 BOARD MEMBER BOYCE: I want it carried.

18 UNIDENTIFIED MALE: Paul wanted to make a motion.

19 MR. FARACE: I mean, can I speak? Can I? I mean,
20 because I see it does go back and forth, and I understand, and
21 I think, just contemplating is already helpful. I don't know.
22 You are right. The County, I guess, is something that I
23 probably will have to try to take care of, tomorrow. Well, I
24 could. But the part about -- I would like -- my main request
25 was really to get the site plan waiver. Then I can start

1 working on all these things right away. And it would be upon
2 condition at his discretion --

3 UNIDENTIFIED MALE: Right.

4 MR. FARACE: -- and his supervision. So I'm not
5 asking for a waiver to fix the parking lot the wrong way. I'm
6 not asking for a waiver if he mentions that there needs an
7 additional light that he would like to see at this position.
8 I'm not asking for any of that. I would ask, instead of coming
9 back, because every time I have to come back, it's time, which
10 is not on my side, and --

11 CHAIRPERSON O'CONNELL: Sir, at this point, if I may,
12 I honestly believe we are trying to look out for your best
13 interests --

14 MR. FARACE: Yeah.

15 CHAIRPERSON O'CONNELL: -- right now because of the
16 concern with the County and the site plan. Yes, if we granted
17 you the waiver, hypothetically, tonight, you could start
18 putting money in there. You could close on the property. And
19 then, when the County comes down and closes --

20 MR. FARACE: No.

21 CHAIRPERSON O'CONNELL: -- you know --

22 MR. FARACE: No, I can't. I will take care of that.

23 CHAIRPERSON O'CONNELL: I am trying to watch out for
24 your best. That's fine to have you, in my opinion, meet, get
25 the professionals together, Mr. Golden, put up the escrow

1 between now and April 5th. Work with Joe, and Mr. Spector, or
2 whoever's your architect. Find out from the County whether
3 they're going to require a site plan.

4 If they say no, it's a blessing. If they say yes,
5 then that's your business decision. I'm trying to save you
6 some money by buying a little bit of time. It's the way I look
7 at it. And I don't know how anybody else feels.

8 BOARD MEMBER MESSERSCHMIDT: Well, plus, the fact that
9 the reason we have site plans is so that we know exactly --

10 UNIDENTIFIED MALE: Right.

11 BOARD MEMBER MESSERSCHMIDT: -- what's going to be
12 done --

13 BOARD MEMBER BOYCE: What we're looking at.

14 BOARD MEMBER MESSERSCHMIDT: -- on the property. And
15 to just generally say, I'll do whatever he wants me to do, when
16 we don't have anything on the record to say that you're going
17 to do the parking lot to these specifications, you're going to
18 do the lighting to these specifications, we don't have that to
19 go by and that's what a site plan is for.

20 MR. FARACE: Okay.

21 BOARD MEMBER MESSERSCHMIDT: And you're asking us to
22 say, you don't need a site plan, but yet, you haven't given us
23 anything to say, in writing, on a plan that says I'm going to
24 do the parking lot to this, I'm going to do the lighting to
25 this.

1 BOARD MEMBER BOYCE: That's right.

2 BOARD MEMBER MESSERSCHMIDT: That helps us be able to
3 give you the waiver on the site plan.

4 MR. FARACE: Okay.

5 BOARD MEMBER MESSERSCHMIDT: So to carry it --

6 UNIDENTIFIED MALE: To carry it.

7 BOARD MEMBER MESSERSCHMIDT: -- we're giving you that
8 opportunity to do that, where you'll still get a site plan
9 waiver --

10 MR. FARACE: So --

11 CHAIRPERSON O'CONNELL: Well --

12 BOARD MEMBER MESSERSCHMIDT: -- but not tonight.

13 CHAIRPERSON O'CONNELL: -- possibly.

14 UNIDENTIFIED MALE: Joe --

15 MR. FARACE: I understand.

16 UNIDENTIFIED MALE: Right.

17 MR. FARACE: So okay. So what it is, is there will be
18 a positive towards the site plan waiver, but we're coming with
19 something that's more, like, okay --

20 BOARD MEMBER MESSERSCHMIDT: Definitive.

21 MR. FARACE: -- I see what you're doing here.

22 BOARD MEMBER MESSERSCHMIDT: Right.

23 MR. BRIGLIADORO: We won't --

24 MR. FARACE: And --

25 MR. BRIGLIADORO: So tonight, if the Board makes the

1 motion to carry the matter to April 5th, we wouldn't be
2 deciding the request for a site plan waiver. We wouldn't be
3 granting it. We wouldn't be denying it.

4 But in that time period, between now and April 5th,
5 you, Mr. Spector, and anybody else would meet with Mr. Golden.
6 You can satisfy him as to what's going to be done. There'll be
7 a meeting of the minds. Mr. Spector can put something on
8 paper, explaining everything that's going to be done and how
9 it's going to be done.

10 And if Mr. Golden is satisfied, he can then write a
11 letter, recommending that we grant a waiver, subject to you
12 doing everything that's on Mr. Spector's plan.

13 MR. FARACE: Okay.

14 MR. BRIGLIADORO: And then on April 5th, then the
15 Board can grant the waiver, if they want to.

16 MR. GOLDEN: All right. I mean, I'm just a little
17 concerned because some of the things I'm trying to avoid --

18 MR. BRIGLIADORO: Right.

19 MR. GOLDEN: -- and hence, why I believe the process
20 is the process, because you know, it's also my exposure. For
21 example, Mr. Bensley disagrees with me about the need for
22 drainage in the front. I mean, this is part of the concern I
23 have, you know, because in essence, I'm acting as the
24 Applicant's engineer, going out there and making decisions.
25 And what if it doesn't drain? And what if -- you know, I can

1 go on and on. So it's, you know -- there's no engineer's name
2 on the plan.

3 UNIDENTIFIED MALE: But the rest of us on the Board
4 are --

5 UNIDENTIFIED FEMALE: If they're trying to put --

6 UNIDENTIFIED MALE: -- going to make that decision,
7 based on what you say, versus what he says.

8 MR. GOLDEN: See, well, I don't want to go there.
9 That's what I mean.

10 UNIDENTIFIED MALE: But he's not an engineer.

11 MR. GOLDEN: You know, I'm not here to disagree with
12 the Board members.

13 BOARD MEMBER MESSERSCHMIDT: He's just going by what
14 he's viewed there.

15 BOARD MEMBER BENSLEY: I know what I've witnessed.
16 That's all I can say.

17 MR. GOLDEN: Yeah.

18 BOARD MEMBER MESSERSCHMIDT: I'm sorry. I made the
19 motion, or I wanted to make the motion, or started to make the
20 motion.

21 BOARD SECRETARY: What did you want?

22 BOARD MEMBER BOYCE: To table it.

23 BOARD MEMBER MESSERSCHMIDT: To carry it until --

24 UNIDENTIFIED MALE: To carry it until April 5th.

25 BOARD MEMBER BOYCE: Yeah, to --

1 BOARD MEMBER MESSERSCHMIDT: -- April 5th.

2 CHAIRPERSON O'CONNELL: And the Applicant will put up
3 the escrow --

4 UNIDENTIFIED MALE: Right.

5 BOARD MEMBER MESSERSCHMIDT: Right.

6 CHAIRPERSON O'CONNELL: -- to cover the --

7 BOARD MEMBER BOYCE: Do it right.

8 CHAIRPERSON O'CONNELL: -- engineer's expenses during
9 the meetings to be held between now and then, to resolve
10 issues, and develop a document and map for us to review.

11 BOARD MEMBER MESSERSCHMIDT: And during that time
12 period, seek more approval, yes, to get from the County --

13 MR. FARACE: Right.

14 CHAIRPERSON O'CONNELL: Correct.

15 UNIDENTIFIED MALE: If any is required.

16 BOARD MEMBER MESSERSCHMIDT: -- if required.

17 UNIDENTIFIED MALE: Yeah.

18 BOARD MEMBER BOYCE: Okay, that's the motion.

19 BOARD MEMBER MESSERSCHMIDT: Correct.

20 CHAIRPERSON O'CONNELL: Do we have --

21 BOARD MEMBER BOYCE: I second it.

22 CHAIRPERSON O'CONNELL: -- a second to that?

23 UNIDENTIFIED FEMALE: First.

24 BOARD MEMBER BOYCE: I second it.

25 CHAIRPERSON O'CONNELL: Okay.

1 UNIDENTIFIED FEMALE: Okay.

2 CHAIRPERSON O'CONNELL: And could we have a roll call,
3 please?

4 BOARD SECRETARY: Mm-hmm. As soon as I get my list.
5 Okay.

6 MR. GOLDEN: Escrow at the site plan variance.

7 BOARD SECRETARY: Who's second?

8 CHAIRPERSON O'CONNELL: Yeah.

9 BOARD SECRETARY: Okay. Ms. Boyce.

10 BOARD MEMBER BOYCE: Yes.

11 BOARD SECRETARY: Ms. Howell.

12 BOARD MEMBER HOWELL: Yes.

13 BOARD SECRETARY: Mr. Huelbig.

14 BOARD MEMBER HUELBIG: I abstain.

15 UNIDENTIFIED FEMALE: You abstain?

16 UNIDENTIFIED MALE: You abstain?

17 BOARD SECRETARY: Mr. Melfi.

18 BOARD MEMBER MELFI: Yes.

19 BOARD SECRETARY: Ms. Kretzmer.

20 BOARD MEMBER KRETZMER: Yes.

21 BOARD SECRETARY: Ms. Pattison.

22 BOARD MEMBER PATTISON: Yes.

23 BOARD SECRETARY: Mr. Bensley.

24 BOARD MEMBER BENSLEY: Yes.

25 BOARD SECRETARY: Mr. Messerschmidt.

1 BOARD MEMBER MESSERSCHMIDT: Yes.

2 BOARD SECRETARY: Chairman O'Connell.

3 CHAIRPERSON O'CONNELL: Yes.

4 UNIDENTIFIED MALE: Okay.

5 CHAIRPERSON O'CONNELL: A lot of it -- you've got a
6 lot of stuff to do between now and the 5th, that I wish you the
7 best of luck.

8 MR. FARACE: Thank you.

9 CHAIRPERSON O'CONNELL: Okay.

10 MR. FARACE: Thank you.

11 CHAIRPERSON O'CONNELL: All right.

12 BOARD SECRETARY: Excuse me. Can I have a copy of
13 your letter for my file, please --

14 UNIDENTIFIED MALE: Yes, the letter that I --

15 BOARD SECRETARY: -- on Exhibit A?

16 UNIDENTIFIED MALE: No.

17 BOARD SECRETARY: Thank you.

18 UNIDENTIFIED MALE: Thank you.

19 CHAIRPERSON O'CONNELL: Good catch. Thank you. Okay.

20 MR. FARACE: Mr. Golden, when --

21 CHAIRPERSON O'CONNELL: The upcoming meetings -- we're
22 going to have a special meeting on March 22nd. There's another
23 special meeting for March 29th. The regular meetings will be
24 April 5th and April 19th at --

25 BOARD MEMBER PATTISON: We've got special meetings?

1 CHAIRPERSON O'CONNELL: Pardon?

2 BOARD MEMBER PATTISON: We've got special meetings,
3 too?

4 CHAIRPERSON O'CONNELL: Well, we may have something
5 else in between there, yet. That's undetermined. But this is
6 how it stands right now.

7 BOARD MEMBER PATTISON: Yeah.

8 UNIDENTIFIED MALE: So March 22nd, 29th, and --

9 BOARD SECRETARY: April 5th.

10 CHAIRPERSON O'CONNELL: April 5th.

11 UNIDENTIFIED MALE: -- April 5th?

12 UNIDENTIFIED FEMALE: The 29th is --

13 MR. BRIGLIADORO: It's on the agenda.

14 (Indiscernible due to Board members talking over one
15 another.)

16 UNIDENTIFIED FEMALE: -- Bridgeway?

17 UNIDENTIFIED FEMALE: Yes.

18 UNIDENTIFIED MALE: You don't have to --

19 CHAIRPERSON O'CONNELL: At this point, I'd like to
20 open the meeting up to the public to discuss any items not on
21 the agenda.

22 (No verbal response recorded.)

23 CHAIRPERSON O'CONNELL: Anyone? The public is not
24 going to participate any further, so we'll bring it back to the
25 Board. We'll close the public portion. Do we have any motion

1 on the vouchers?

2 UNIDENTIFIED FEMALE: Actual --

3 UNIDENTIFIED FEMALE: I'll move.

4 BOARD MEMBER BOYCE: I'll make the motion.

5 UNIDENTIFIED MALE: Second.

6 CHAIRPERSON O'CONNELL: All right. I presume that's a

7 motion to pass?

8 UNIDENTIFIED FEMALE: I'll move to pass it.

9 CHAIRPERSON O'CONNELL: Okay.

10 UNIDENTIFIED FEMALE: Who's second?

11 UNIDENTIFIED MALE: Who else?

12 UNIDENTIFIED MALE: Who else?

13 UNIDENTIFIED MALE: All right.

14 UNIDENTIFIED MALE: You got it, quick draw.

15 BOARD SECRETARY: Okay. Yeah, Christine had to recuse

16 herself on something.

17 UNIDENTIFIED FEMALE: Mm-hmm.

18 BOARD MEMBER KRETZMER: I can't vote on the Master

19 Plan expenses or Cambridge.

20 BOARD SECRETARY: Okay, you're going to have to say

21 that louder. I'm going to call you. I'm going to call the

22 roll call and then you can say it on the roll call.

23 BOARD MEMBER KRETZMER: Okay.

24 BOARD SECRETARY: Ms. Boyce.

25 BOARD MEMBER BOYCE: Yes.

1 BOARD SECRETARY: Ms. Howell.

2 BOARD MEMBER HOWELL: Yes.

3 BOARD SECRETARY: Mr. Huelbig.

4 BOARD MEMBER HUELBIG: Yes.

5 BOARD SECRETARY: Mr. Melfi.

6 BOARD MEMBER MELFI: Yes.

7 BOARD SECRETARY: Ms. Kretzmer.

8 BOARD MEMBER KRETZMER: I have to abstain on Cambridge

9 and the Master Plan re-examination vouchers.

10 BOARD SECRETARY: And Master Plan? Yeah, that's

11 right. Okay. And all the rest, you accept?

12 BOARD MEMBER KRETZMER: Yes.

13 BOARD SECRETARY: Ms. Pattison.

14 BOARD MEMBER PATTISON: Yes.

15 BOARD SECRETARY: Mr. Bensley.

16 BOARD MEMBER BENSLEY: Yes.

17 BOARD SECRETARY: Mr. Messerschmidt.

18 BOARD MEMBER MESSERSCHMIDT: Yes.

19 BOARD SECRETARY: Chairman O'Connell.

20 CHAIRPERSON O'CONNELL: Yes. Now, do we have anything

21 under old or new business this evening?

22 (No verbal response recorded.)

23 CHAIRPERSON O'CONNELL: Nothing? All right. Then we

24 have the final motion for the evening, if somebody wants to

25 make it.

1 UNIDENTIFIED MALE: I'll say it. I'll make that
2 motion.

3 CHAIRPERSON O'CONNELL: Okay, and it's to adjourn.

4 UNIDENTIFIED MALE: Second.

5 CHAIRPERSON O'CONNELL: All in favor?

6 BOARD MEMBERS COLLECTIVELY: Aye.

7 CHAIRPERSON O'CONNELL: Any nays, extensions?

8 (No verbal response recorded.)

9 CHAIRPERSON O'CONNELL: Motion carries. Let's go
10 home.

11 (Proceedings concluded)

12 * * *

13

14 C E R T I F I C A T I O N

15

16 I, ERICA VAN OSTRAND, certify that the foregoing is a
17 correct transcript from the electronic sound recording of the
18 proceedings in the above-entitled matter.

19

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21

22

Erica Van Ostrand

23

Erica Van Ostrand, CERT**D-521

October 18, 2011

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