

**MINUTES OF REGULAR PLANNING BOARD
MEETING HELD ON THURSDAY, AUGUST 16, 2018**

Chairman Blewett called to order the regular meeting of the Board and announced the meeting was duly advertised in accordance with the Open Public Meetings Act by notice dated August 8th, 2018 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

PRESENT: BLEWETT, KAUFMAN, MARINO, MORREALE, RUNFELDT, TERRERO, WILD AND BRIGHTMAN (ALT. #2)

ALSO PRESENT: BOORADY, ENGINEER, NEISS, COUNSEL AND RICCI, PLANNER

ABSENT: KOLDYK, TAORMINA AND REHFUSS (ALT. #1)

Chairman Blewett stated the first item on the agenda is approval of the July 19th, 2018 minutes.

Ms. Ward mentioned members that can vote would be Blewett, Kaufman, Morreale, Runfeldt, Terrero, Wild and Brightman.

Chairman Blewett asked any comments or corrections to the minutes. Motion to approve?

Mr. Terrero moved the minutes.

Ms. Brightman seconds.

Roll call:

Yes: Terrero, Brightman (Alt. #2), Blewett, Kaufman, Morreale, Runfeldt, and Wild

No: None

Abstain: None

Ms. Ward mentioned they're approved.

Chairman Blewett stated the next item on the agenda is a resolution to change the time of the start and end of the Planning Board meetings. Everyone had the resolution in their packet. Just for the public, this resolution basically reiterates that the third Thursday of each month is designated as our regular Planning Board meeting and that it is held here in Council Chambers. The meetings will now commence at 7 P.M. and adjourn at 10 P.M. Any discussion?

Mr. Boorady asked is that effective immediately or next January.

Ms. Ward mentioned it become effective for your September 20th meeting. I'll do the legal and then it will begin with our September meeting.

**RESOLUTION
LINCOLN PARK PLANNING BOARD
TIME CHANGE FOR MEETINGS**

BE IT RESOLVED, by the Planning Board of the Borough of Lincoln Park that the third Thursday of each month be designated as a regular meeting of the Board. Said meetings are to be held in Council Chambers, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035 and commence at 7:00 P.M. and adjourn at 10:00 P.M.

Mayor Runfeldt moved the resolution.

Mr. Terrero seconds.

Roll call:

Yes: Mayor Runfeldt, Terrero, Blewett, Kaufman, Marino, Morreale, Wild and Brightman (Alt. #2)

No: None

Abstain: None

Ms. Ward mentioned it's approved so the September meeting will begin at 7 P.M.

Mayor Runfeldt stated I'll be there at 7:30.

Chairman Blewett mentioned so will most of us when we forget.

Ms. Ward stated I'll remind you.

Chairman Blewett stated that will be September 20th right?

Ms. Ward mentioned yes.

Chairman Blewett stated the third item on the agenda is the memo from the Governing Body dated June 19, 2018 to conduct a preliminary investigation to examine whether certain properties should be in a condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq.

We took up this discussion last time and essentially we tabled two of the items because there was potential action by the individuals who own that property. We are considering today two of them. The first one is Resolution #R18-141 from the Governing Body adopted 6/18/18 concerning property known as Block 22, Lot 305 on the municipal tax map, also as 275 Comly Road should be considered in the Study Area. This was tabled from the July 19th, 2018 meeting.

The second Resolution #R18-141 from the Governing Body adopted 6/18/18 concerning property known as Block 5, Lots 23, 32 and 34 on the municipal tax map also known as 14 Beaver Brook Road, 10 Beaver Brook Road and a vacant parcel of property with no formal address should also be considered in the Study Area. Again that was tabled from the July 19th, 2018 meeting.

Since that time and I know our attorney has had some correspondence with the lawyers pertaining to 275. There is a request from the owner's lawyer to have us postpone this because they would like to pursue, or they are pursuing development of the property and they would like to come in and talk to the Board's site plan subcommittee and then ultimately present their plan to the Board. So that consideration is before us and what is the feeling of the Board? Should this be carried or should we maybe take action to deny the request can we do that?

Mr. Neiss stated I think the preferable way to proceed is because what you are being asked to do is to consider an area in need of, whether ultimately it should be an area in need of redevelopment but the owners are entering into a lease with a national retailer as I am understanding is the last aspects of what is being worked out. I think it would be difficult for us to have a study done, and correct me if I'm wrong Paul, but if the area has been changed at the time of your study, then there is a possibility that it will not meet the criteria of a redevelopment area. So the thought that I have is that if they are going to proceed that way, it is one less thing for us to do and they are coming before us for site plan review. It would be my recommendation that the Board adjourn or table that until we have further clarification which I am understanding is going to happen before our next meeting next month.

Chairman Blewett stated okay. So any concerns or discussion with the Board?

Mr. Wild mentioned I don't have a problem with it.

Chairman Blewett asked if anybody wants to entertain a motion to table this one resolution.

Mr. Wild moved it.

Mrs. Brightman seconds.

Ms. Ward mentioned this is the one on Comly.

Chairman Blewett stated 275 Comly.

Roll call:

Yes: Wild, Brightman (Alt. #2), Blewett, Kaufman, Marino, Morreale, Runfeldt and Terrero

No: None

Abstain: None

Chairman Blewett mentioned so the second one pertains to the lots on Beaver Brook Road. I don't think we've had any correspondence.

Mr. Neiss stated not that I'm aware of.

Mayor Runfeldt mentioned Mr. Chairman, I was trying to reach out to the parties involved but with summer and conflicting schedules we were unable to meet, so however the Board wants to proceed is fine. If we want to start the investigation that's fine too. If you want to give me until the next meeting to see if I can sit down with them, I'll be happy to do that too.

Chairman Blewett stated okay. What's the Board's pleasure on this?

Mr. Wild asked how do you feel do you think they have some plans.

Mayor Runfeldt stated I don't know if they have plans but I think they are more than willing to take the houses down. I don't think they have any immediate plans which is why the houses are still there, but I think at this stage of the game they would be willing to remove the homes. If you want to move ahead beginning the process that would be fine.

Mr. Ricci stated I'm Paul Ricci, license professional planner. I was authorized to study these properties and those studies I began and they are actually both completed in draft form at this point just so you are aware.

Chairman Blewett mentioned okay. So it doesn't hurt to table it for another month if they are both in draft. What is the Board's pleasure?

Mayor Runfeldt stated I think that is the way to go.

Chairman Blewett mentioned okay. Anybody have any concerns either way? Should we have a motion to table that until the next meeting and give the mayor sometime to talk to the applicants?

Mayor Runfeldt moved it.

Mr. Wild seconds.

Roll call:

Yes: Runfeldt, Wild, Blewett, Kaufman, Marino, Morreale, Terrero and Brightman (Alt. #2)

No: None

Abstain: None

Ms. Ward mentioned it is tabled.

Chairman Blewett stated okay that takes us to the fourth item on the agenda which is an Amended Major Site Plan Application #365 by J.H. D.S., LLC on property known as Block 3, Lot 45 on the municipal tax map also known as 107 Beaver Brook Road. It was deemed complete July 19th, 2018 and decision by September 2nd, 2018. This is a public hearing.

Mr. Barbarula stated good evening Mr. Chairman, ladies and gentlemen of the Board, my name is John Barbarula and I'm here representing the applicant. I have one of the principals here to my right and can he be sworn in by counsel?

Mr. Neiss swore in Mr. Hermida. Please stated your name and business affiliation for the record?

Mr. Hermida testified Horhay Hermida, owner.

Chairman Blewett stated would you described what you are here for?

Mr. Hermida testified sure.

Mr. Barbarula stated we have undertaken a long process of going back and forth with the Borough officials in this regard. When this site was originally occupied, I think that the clearest thing was that the applicant never thought it was going to be that successful and sometimes success creates situations. I'm going to ask Jorge to testify about the operation. We don't have the engineer here tonight but if an engineering question comes up since the plan itself is for outside storage, I will bring him at a continuation hearing.

What we have is they fabricate various metal products and Jorge will tell you what types of products they are. Most of you are probably familiar with this site. It has a railhead which is one of the great features of this building, not only the fact that it is located ideally in Lincoln Park but it extremely accessible to major avenues; and it also has a dolly, a support system that goes straight down the center of this building which allows being able to pick up huge loads and move it in there. I will have Jorge give you an idea of the different aspects of the business.

The second aspect is what happens, the various components are required to be staged outside because the fabrication part is very similar I would say if you ever remember looking at the first slide show in grammar school of Henry Ford's assembly line, well that is what this is all about. The pieces of steel come in and his crew fabricates it and at the end of the process it gets loaded onto trucks and brought out to the various sites.

Jorge how long have you been in Lincoln Park?

Mr. Hermida testified I believe since 2013.

Mr. Barbarula asked how many employees do you now have at the facility.

Mr. Hermida testified we now have about 25 at the facility.

Mr. Barbarula mentioned you are in steel fabrication, can you give an overview of what happens at the site here in Lincoln Park?

Mr. Hermida testified we buy raw materials from mills in the U.S. and we fabricate to spec; roughly municipal buildings, firehouses and police stations all throughout New Jersey, and we do some small amount of work outside of the state in New York, Connecticut and Pennsylvania.

Mr. Barbarula asked the architects give you plans of the various buildings and is that the skeletal or do you also do the steel for the framing of the windows and that type of stuff.

Mr. Hermida testified we do the framing of the windows, stairs, railings, the whole scope of structural steel and miscellaneous metals.

Mr. Barbarula asked when you get the plans in, you then order the raw product to make and fabricate these individual parts.

Mr. Hermida testified yes that's right.

Mr. Barbarula asked how is the steel getting to the site here in Lincoln Park.

Mr. Hermida testified it gets delivered in trailers, some of it needs to be stored and stacked.

Mr. Barbarula asked is the rail being used at the present time.

Mr. Hermida testified no the rail is not being used.

Mr. Barbarula stated so you have trucks coming in with the raw product.

Mr. Hermida testified yes that's right.

Mr. Barbarula asked once the raw steel comes in, can you give an idea of the size and scope of the average delivery. Is it bars or I-beams?

Mr. Hermida testified we stack a lot of other materials like angles, plates and various other items.

Mr. Barbarula stated as this raw material is stacked, what is the process when it goes to begin the fabrication? What happens inside are you welding?

Mr. Hermida testified yes we cut, saw, drill, weld pieces together and everything comes together at the end.

Mr. Barbarula asked in order to fill an order for say a new municipal building in Bayonne, you would have to have a lot of different components created at your site is that correct.

Mr. Hermida testified yes.

Mr. Barbarula asked you don't ship one piece as they are done is that correct.

Mr. Hermida testified no.

Mr. Barbarula stated in order to be able to supply and deliver the materials that you are fabricating here, you have to stack all of the Bayonne job on your site and then have it shipped to the construction site correct?

Mr. Hermida testified yes that is right.

Mr. Barbarula asked is the material that you are storing outside already been worked on.

Mr. Hermida testified yes for the most part.

Mr. Barbarula asked and you also have some of your raw material out there.

Mr. Hermida testified raw material very minimal amount.

Mr. Barbarula stated so most of these stacks are a finished product waiting for the job site to be ready to be delivered.

Mr. Hermida testified right.

Mr. Barbarula asked is there any cardboard or paper products, or any kind of product being stacked that would attract vermin. Everything is steel correct?

Mr. Hermida testified everything is steel. I do have some garbage containers which I have other materials in but they get disposed of.

Mr. Barbarula stated that is carting.

Mr. Hermida testified yes.

Mr. Barbarula asked on these stacks there is no issue about public health in terms of food or any kind of product that would create a pest situation.

Mr. Hermida testified no not on the steel no.

Mr. Barbarula asked how many different products would you say on average have to be stored before they get delivered to the site.

Mr. Hermida testified it varies.

Mr. Barbarula asked 50/100 different types.

Mr. Hermida testified well it is all steel.

Mr. Barbarula stated so there are different windows and stairs.

Mr. Hermida testified there are different items.

Mr. Barbarula stated you also make components that would be walls and things of that nature?

Mr. Hermida testified yes.

Mr. Barbarula stated in terms of that outside storage is that anywhere near the parking for the employees?

Mr. Hermida testified no.

Mr. Barbarula asked is the parking for the employees as depicted on the plans that we have given and that is completely on the opposite side is that correct.

Mr. Hermida testified yes correct.

Mr. Barbarula asked what if any employee actually has to go in that area which you want to use as a storage yard.

Mr. Hermida testified just employees who are moving it or stacking it are in there.

Mr. Barbarula asked out of your 25 employees how many employees are working in that area moving the product or stacking it.

Mr. Hermida testified I would say about 3 or 4.

Mr. Barbarula asked and you have various equipment to do the stacking.

Mr. Hermida testified yes.

Mr. Barbarula asked what kind of equipment do you use in the process of stacking.

Mr. Hermida testified we have about 2 or 3 forklifts.

Mr. Barbarula stated okay. Are they all rated for the weight of this material?

Mr. Hermida testified yes.

Mr. Barbarula asked how high can they reach to do the stacking.

Mr. Hermida testified they reach I think up to 23 feet if I'm not mistaken.

Mr. Barbarula asked so your forklifts can go up to 23 feet.

Mr. Hermida testified yes.

Mr. Barbarula asked once everything is ready, a flatbed truck comes in and you pick from the plans and load it up and then it leaves the site.

Mr. Hermida testified that's right.

Mr. Barbarula asked now this particular site would it be operational if you couldn't put the finished product outside.

Mr. Hermida testified no.

Mr. Barbarula asked if you couldn't do outside storage would you have to find a new location.

Mr. Hermida testified yes very likely.

Mr. Barbarula asked a lot of your employees are from the local area.

Mr. Hermida testified a few.

Mr. Barbarula stated Mr. Chairman I have no more questions for the operations.

Chairman Blewett thanked them. Are you in possession of Mr. Tom Boorady's report and comments dated August 7th, 2018?

Ms. Ward asked do you have it John or do you want my copy. I mailed one to your office and to the applicant with the agenda.

Chairman Blewett asked before we move on to Tom's report, does anyone from the Board have questions for the applicant that they just testified on.

Mayor Runfeldt asked the garbage receptacles are sometimes outside, are we talking trash cans or dumpsters?

Mr. Hermida testified trash cans.

Mayor Runfeldt stated trash cans okay.

Mr. Boorady mentioned I don't know if you want to get into the site plan right now, but there is an 80 x 30 dumpster on the east side of the building.

Mr. Hermida testified yes that is for scrap metal and it should be shown on the plan.

Mr. Boorady stated so that is scrap metal but normal garbage you have pick up how?

Mr. Hermida testified in a regular container.

Mr. Boorady asked does someone pick that up.

Mr. Hermida testified yes.

Chairman Blewett asked Tom to walk us through your report with any concerns that you may have for the applicant.

Mr. Boorady stated my report is dated August 7th, 2018 and it consists of 4 pages. The first and the second page lists all the items that the Board should have received in their packet and I have conducted my review based on. This Board actually heard completeness waivers on October 19th and for whatever reason it took this long to be deemed complete on July 19th, 2018, and that's why they noticed and they are here today.

On the second half of the second page, I go through a brief project summary and I don't know if everybody has read it already and you don't need me to read through those two paragraphs, I would just like to leave that be. Essentially it says the business is a permitted use in the industrial zone. Outdoor storage is a permitted use in the industrial zone.

The property is impacted by flood hazard areas, however, the building and the immediate area around the building is almost like an island, it is outside of the flood hazard area and so is the proposed storage area. So what you are seeing is really an amended site plan application to permit what is already a permitted use, outdoor storage as long as it is ancillary to the primary

use of the building. Again that storage is going to be outside of the flood hazard area so there is no application for flood hazard being contemplated. That kind of summarizes my project summary.

They are reducing the parking spaces to provide that outdoor storage, but based upon the floor plan it appears that they still meet with parking requirements so they have excessive parking really today.

Chairman Blewett stated so 100 stalls would be remaining.

Mr. Boorady stated right. Sixty-one stalls would be removed and they'll have a hundred left which is sufficient.

Mr. Neiss asked sufficient parking because in your report it says it requires a variance.

Mr. Barbarula stated I think Tom what you went through is that it reflects 101 parking stalls and when you and our engineer went through it, I think that was like a hundred and a portion that we rounded up so we now end up with one.

Mr. Boorady stated I rounded up and Boswell rounded down essentially. I think to be conservative I said they are short one space just in case. I rounded up. Normally you would round up with parking, fractions of parking spaces.

Mr. Neiss stated so, in other words, it is de minimis.

Mr. Boorady mentioned it is it is one space.

Chairman Blewett stated it is less than one space.

Mr. Barbarula stated one over a hundred yeah. We agree with your assessment of your engineer in that regard.

Mr. Boorady mentioned I always feel safer just to ask for the variance so there is no question when it comes to zoning in the future.

My technical comments start on page 3 of the report and again we just spoke about parking. We asked that the plans be revised to show 101 required and that a variance is necessary

Item #2 is regarding the testimony from the applicant on how the materials are stored. I know you gave a brief overview of that, but I think maybe the Board would like to know how high the materials are being stored and some testimony that they will be stored within the delineated area shown on Boswell's plan. Maybe you can elaborate on comment #2?

Mr. Barbarula asked do you want him to address it now as we go through it.

Mr. Boorady stated we can do it point by point I think it might be easier.

Mr. Hermida testified the maximum height.

Mr. Barbarula mentioned if you are going to talk to your dad, we will have to get him sworn too. He may know the technical aspects a little better.

Mr. Neiss swore in Mr. Hermida (father). Please state your full name and business affiliation for the record.

Mr. Hermida testified Horhay Hermida.

Mr. Barbarula asked can you help him out with telling the Board the maximum height.

Mr. Hermida (father) testified the maximum height is based on the manufacturer's specification because sometimes we buy a product that needs repairs. I think we provided the specifications before.

Mr. Neiss asked do you need that. This is the DOKA Working Instruction Parking and Storage at Branch Facilities Document and it appears to go to page 80.

Ms. Ward mentioned I have an extra copy here.

Mr. Barbarula stated the plans have a designated area for the storage so we can get a commitment from both Horhays or Jorge, whichever way you want to go. If the Board would be kind enough to grant your approval, all the storage will be kept within the boundary lines of the plan is that correct?

Mr. Hermida (father) testified correct.

Mr. Hermida (son) testified correct.

Mr. Barbarula stated now you can look and see if you want to get the maximum height for the different products. I think what we need is just the highest height.

Mr. Boorady mentioned for the outdoor storage.

Mr. Barbarula stated what Horhay is indicating is that the different products are different sizes so he wants to look to make sure we have the highest one for you.

Mr. Hermida (father) testified 22 feet that is the maximum we could go.

Mr. Barbarula stated that is what they are looking for the highest maximum. So if you take this product and you lift it up to 23 that is what you are lifting up and putting on the specs, how much higher than the actual piece of steel are putting up there?

Mr. Hermida (father) testified the forklift can go up to 20 feet maximum, on top of the forklift it is going to be 23 feet.

Mr. Barbarula stated that is what they are looking for. You can't put it 50 feet high can you?

Mr. Hermida (father) testified no.

Mr. Barbarula stated you have a maximum on your height of 20 feet being able to lift and the product would be 3 feet above.

Mr. Hermida (father) testified normally we don't have it that high normally, we keep it lower it is easier to handle. Sometimes if it is a slow time and we have to pile more material outside until the site is ready or something like that it is higher.

Mr. Neiss stated I'm a little confused. The material is stored in pallets.

Mr. Hermida (father) testified no in piles.

Mr. Neiss stated so the highest that the forklift can achieve is 20 feet and the highest pile that you will have is 3 feet above the reach of the forklift.

Mr. Barbarula mentioned if the forklift comes up and it moves at 20 feet above it is only another 3 feet of product.

Mr. Hermida (father) testified 23 maximum.

Mr. Barbarula stated so the maximum height is 23 feet.

Mr. Neiss mentioned 23 feet period.

Mr. Hermida (father) testified yes.

Mr. Barbarula stated the question that the engineer had in this regard is about width, the width of the product is different based upon what you are making correct?

Mr. Hermida (father) testified that is correct.

Mr. Barbarula mentioned your widest piece of finished product; the width, how wide is the widest one?

Mr. Hermida (father) testified the widest one maybe about 35 feet.

Mr. Barbarula stated it could be 35 feet wide so that is the widest one of any stacks.

Mr. Hermida (father) testified widest one.

Mr. Barbarula stated our maximum height because of our limitations with the product, and the forklift is 23 and your biggest finished product that you would be storing outside is 35 feet wide.

Mr. Hermida (father) testified we cannot say 35 feet the maximum because sometime you have a piece longer.

Mr. Barbarula asked so sometimes the pieces are larger than 40 feet.

Mr. Hermida (father) testified yes.

Mr. Barbarula stated but that is out of the ordinary.

Mr. Hermida (father) testified normally those big pieces are not stacked very high.

Mr. Barbarula stated 40 feet of steel must weigh quite a bit.

Mr. Hermida (father) testified yes.

Mr. Barbarula stated 35 is within the normal range but occasionally you could have some pieces that is longer and they would also be able to fit within that same designated area correct?

Mr. Hermida (father) testified yes.

Mr. Boorady stated the width of the parking spaces are about 18/20 feet and are these spaces that your engineer showed on the plan is that enough for you? Are you happy with what he put on the plan?

Mr. Hermida (father) testified yes.

Mr. Boorady stated if they are any wider or longer, you won't be able to get around the building so I just want to make sure.

Mr. Hermida (father) testified actually we need that room to drive around the building because it is all on tractor trailers that we bring in and out the material.

Mr. Boorady stated perfect.

Mr. Kaufman asked is this the storage that is already existing outside, or is this in addition to what is being stored outside right now.

Mr. Barbarula stated we are trying to get approval for what we have outside. I am sure everybody did their site visit and what is there is what we are looking to do and get approval for. One of the things that happened when they originally came before the town, I didn't advise them and I should say they had bad advice because they should have asked for it then and then there would not have been an issue. Number one, I don't know whether they expected to expand that much because you heard from the testimony, when they came to Lincoln Park unfortunately the rest of the economy wasn't as good as it is right now. What you see there now is what we are looking at.

Mr. Neiss asked when was that counsel.

Mr. Barbarula stated 2013.

Mr. Neiss asked that is when you came into town.

Mr. Hermida (son) testified yes.

Ms. Ward mentioned they applied for a zoning permit and site plan exemption approval to move into the building. One of the questions on our form asks if there is outdoor storage and the response on the form was there wasn't any. They were picked up with outdoor storage and that's why they are here with an amended site plan for outdoor storage and screening.

Mr. Morreale asked on the longer piece that you move around, you can't use a forklift for that so how do you move something wider than 5 feet. A normal forklift can move 4 or 5 feet but you said you have some bigger pieces.

Mr. Hermida (father) testified we move a single piece at time when we move bigger pieces with a forklift.

Mr. Morreale asked with 1 forklift a 35 foot piece of steel.

Mr. Hermida (father) testified sometimes but that is the maximum we can move. We use a dolly sometimes to move it to a location and pick it up with a forklift to put it in place in case it is a long piece.

Chairman Blewett stated okay.

Mr. Hermida (father) testified it all depends on the condition of the piece and what kind of piece and the shape of the piece is how we can handle the pieces.

Chairman Blewett asked Tom to continue down.

Mr. Boorady stated we are on #3. Just before we leave #2 the height was of a concern because of the visibility from Beaver Brook Road. The building is about 38 feet high I think and you are stacking let's say 25 we will round it up to 25 feet high, so the visibility of the product is there from Beaver Brook Road and I think you've shown there is some existing pine trees and you are proposing to plant more if they are not already planted.

Mr. Barbarula mentioned there are a bunch there and if you've gone by there and I'm sure you have, what you see is the very end of that stack but you don't see the rest of it because it goes around the building. What we had proposed is to add additional pines so that hopefully within a very short time you are not going to see the end of that stack. Most of that stack, I think your engineer would agree the building basically blocks it.

Mr. Boorady stated goes behind it, essentially behind the building along the left side.

Mr. Barbarula mentioned the other aspect is on that road and everybody knows it, you can't stop there and if you do that is going to be an issue. When you come around and make that bend right after the Collision Center is when you can see it, and that is why we proposed and we took a lot of comments from your engineer and added what you see on the plan in terms of the greenery. Basically if it gets approved, it will ultimately be fall and it is a perfect time to go out and buy the plants and put them in.

Mr. Boorady stated just so the Board understands, the height of the stored materials will exceed the initial planting height of the trees at 6 feet is what they are proposing. If they grow a foot a year, you may see the stored material from Beaver Brook Road. I know that might have been one of the concerns.

Mayor Runfeldt mentioned the trees do not get to be 25 feet high but the sight lines even at 6 to 8 feet it will obscured a good deal of it.

Mr. Boorady stated it will help.

Mr. Barbarula mentioned I think you are right mayor. What happens like I'm sitting in this chair with 80% of the population around here, including myself, have an SUV's or a little higher but those trees will take that sight line pretty rapidly.

Mr. Boorady stated Item #3, the stored product is along the south side of the building and I didn't know if it had any effect on the ability of emergency services to respond to the building should there be a fire or something.

Mr. Marino mentioned I did have a conversation with the fire chief and I believe I spoke to you the other day on the phone.

Mr. Hermida (son) testified yes.

Mr. Marino stated regarding the materials that you planned on storing against the building, you had told me that the racks were aluminum and stainless steel and you may have a handful of pallets on the racks at some point but most of it is metal on there correct?

Mr. Hermida (son) testified that's correct.

Mr. Marino stated my other concern and I just want to make sure that 30 foot wide rear travel lane is that going to be clear?

Mr. Hermida (son) testified yes one hundred percent. We need it for the coming and going traffic of the material.

Mr. Marino stated okay I just wanted to make sure we can get back there with a fire truck if we have to.

Mr. Hermida (son) stated yeah.

Mr. Kaufman mentioned chief, I know there was also a door on that south side that we had trouble accessing on that one fire alarm call that we had. Whatever is stored there needs to not block that side door that is there.

Mr. Boorady stated there are two doors on the south side.

Mr. Kaufman mentioned one was pretty well blocked by the piles that are there.

Mr. Boorady stated access to that would be blocked if they are having a busy day or month and that row is filled, the only way to get to those doors is through a little stone pathway I guess behind the stored materials right? You are not setting up the materials against the building?

Mr. Hermida (son) testified the way I maintain the stacking of the material is away from the doors.

Mr. Boorady stated the other thing is an egress issue as well should a person needs to get out of those doors.

Mr. Kaufman mentioned it is not only getting out of those doors but it is now getting past the piles too. When you come out of the door, you are going to have all those piles right in front of you.

Mr. Boorady stated maybe one recommendation or condition of any approval, maybe those doors are kept clear for a certain width depending on what the Fire Department decides, whether it be 5 or 10 feet or whatever. If the applicant would be willing to agree not to store materials in front of those 2 southerly doors so that there is proper egress and that they can get in, the Fire Department can get in if they need to.

Mayor Runfeldt mentioned or your people can get out in an emergency too.

Mr. Hermida (son) testified we already do and I'm surprised that ever happened but I don't have an issue with that.

Mr. Barbarula stated we would agree to whatever the Fire Department wants. If they want a 5, 6 or 7 foot area, but I would say we add a note to the plan that says the macadam would be painted whatever color you want. I would imagine yellow it would probably be and then put the stripes so that it shows that it is an aisle way.

Mr. Boorady mentioned I'm going to ask for 3 recommendations but then leave it up to the Fire Department to decide what they want. I'm going to say crosshatched striping, a sign on the side of the wall to say no blocking doors and also bollards if the Fire Department wants a bollard so that you are not tempted to put anything there. We will leave it up to the Fire Department to decide whether they want 1, 2 or all 3 of those items. So you don't have to decide tonight but egress is a real important thing in order for people to get out.

Mr. Barbarula asked Mr. Hermida (father) do you have a problem with any of those.

Mr. Hermida (father) testified no not at all.

Mr. Barbarula stated we can make it easy, we would agree to all three and let the Fire Department say they don't like it and that way we don't have to worry about the Fire Department coming back to us because those three recommendations cover the entire process. If for any reason the Fire Department doesn't want bollards, we can remove them. But for the records, we are agreeing to do all three if the Fire Department says yes.

Mr. Neiss mentioned width, bollards, sign and striping.

Mr. Boorady stated a sign on the wall of the building to say no blocking the doors or something like that; no parking no storing.

Mr. Barbarula mentioned on a couple of commercial building you will see do not block entrance that type of thing, whatever the language the Fire Department wants we can put that on there. We agree on behalf of the applicant, Jorge/Horhay to say yes they can do it, then dad said it also so that way whatever the Fire Department wants we've already agreed to that it makes it easy.

Mr. Boorady stated Item #4 it also relates to that, it is basically no parking sign so that people don't block where you want to store your material so it is identified as a storage area.

Mr. Barbarula asked do you know where you would want them.

Mr. Boorady stated I would think along the southerly side of that area and maybe on the building itself just to put a sign no parking.

Mr. Barbarula asked do you want poles or on the ground.

Mr. Boorady stated you can put posts in, just use channel posts. You can stripe it too.

Mr. Barbarula mentioned the posts may interfere with the stacking.

Mr. Boorady stated you can stripe it that's fine.

Mr. Barbarula mentioned we have no issues with that.

Mr. Boorady stated I think if it is striped as outdoor storage, then if there is any zoning issues in the future it is known that that is your identified storage area that you received approval for and it can be checked if you stripe it. You don't have to go crazy with the paint but just stripe it that it is a storage area.

I have one comment that is not in my report but the rest of the comments are standard conditions of approval that I recommend for just about any application. Basically that there can be no changes unless prior approval is granted, that the limit of disturbance has to be adhered to, that my office has to be contacted to make sure that everything that you promised to do tonight is on the plan and actually done, and that you provide an as-built and a project completion report. So all the stuff that is shown on your plan; the landscaping, the striping, the signage gets done and I inspect it, then you give us a final project completion report. Those are

all standard conditions so I don't really think we need to discuss them unless you have a problem with anyone of them.

Mr. Barbarula mentioned I've seen that on your prior approvals and we agreed to them and there are no issues with them.

Mr. Boorady stated okay. I have one last question, do you own the building?

Mr. Hermida (son) testified yes.

Mr. Boorady asked J.H. D.S. owns the building.

Mr. Barbarula stated the two of them but the initials are different, so the company and the building owner are not the same.

Mr. Hermida (son) testified H & S Realty.

Mr. Boorady stated you are the same people, the owners of the building are the same people that are in the building right?

Mr. Barbarula mentioned not legally, legally they are two separate entities.

Mr. Boorady stated but I just think that the Board appreciates that they are speaking to the landowner too.

Mr. Barbarula mentioned oh yeah.

Mr. Boorady stated it gives them a level of comfort that they know you are going to follow through.

Mr. Barbarula mentioned as their attorney, I don't want to go on record that it is the same company.

Mr. Boorady stated no, no it is the people that matter right?

Chairman Blewett stated yes.

Mr. Boorady asked the other question is who else occupies this building beside you.

Mr. Barbarula stated one tenant right?

Mr. Hermida (son) testified one other tenant right.

Mr. Boorady asked and then you have a vacant space.

Mr. Hermida (son) testified yes.

Mayor Runfeldt asked is that office space or warehouse space.

Mr. Hermida (son) testified office space.

Mr. Boorady asked and the other tenant's use is what.

Mr. Hermida (father) testified a small shop 7,000 sq. ft. and 3,000 sq. ft. office.

Mr. Boorady stated so by granting a small variance for parking you don't have any parking issues currently?

Mr. Hermida (father) testified no we have more than necessary.

Mr. Boorady stated that's all I just wanted to put that on the record because there is a small variance for parking and as long as you have enough parking.

Mr. Terrero asked how many employees for the other company.

Mr. Hermida (father) testified they have 1 in the office and 5 in the shop.

Mr. Terrero asked how big is the empty space.

Mr. Hermida (father) testified about 18,000 sq. ft.

Mr. Terrero stated I'm concerned there might be an issue if they come in maybe with a new tenant into the unoccupied space.

Mr. Boorady mentioned what they are supposed to is, did they have a site plan exemption in 2007?

Ms. Ward stated yes both companies, Vertical Solutions and they did too.

Mr. Boorady asked both of them came in.

Ms. Ward stated yes and they were both approved.

Mr. Barbarula stated wouldn't a new tenant have to do the same thing?

Mr. Boorady mentioned the new tenant would have to do the same thing and they will have to review traffic with Sal's office and the planning office.

Ms. Ward stated they would have to come in with a zoning permit and a site plan exemption application.

Mr. Terrero mentioned it is a substantially large office space and you would by code require approval. How tall is the existing two-story building which you will be stacking products along?

Mr. Barbarula stated the main building.

Mr. Terrero mentioned the existing building. The one along the stacking area it is a two-story block and metal building. The three-story building is on the other side.

Mr. Hermida (father) testified like 35 feet.

Mr. Terrero asked 35 feet the two story.

Mr. Hermida (father) testified something like that.

Mr. Terrero stated there should be some kind of a limit so the product never really reaches higher than 35 feet because even though now they are only stacking three foot pallets some of those pallets are able to hold more than 6, 7 and 8 feet of material.

Mayor Runfeldt stated the testimony was they don't go above 25. We can make that a condition of approval that the stacking not exceed 25 feet right?

Mr. Terrero mentioned from a safety standpoint you don't want any other product being higher than the building tipping over onto the building. The roofing is not going to support it it's going to fall through and hit somebody.

Mr. Boorady stated we don't want to see it on Beaver Brook Road.

Mr. Terrero mentioned you don't want it to be taller than the building because then you'll see it over the building.

Mr. Boorady stated right.

Mr. Neiss stated I will limit it to 25.

Mr. Barbarula stated we agreed to that limit when your engineer was talking, we agreed to the 25 feet. They originally said it was probably 23 but then Tom said let's round it off to 25 and there is no issue, 25 feet and the building on that side is 35 feet.

Mr. Terrero mentioned it is a safety issue, especially since you have two egresses at that point. You don't want one of those falling over not only blocking the egress but --

Mr. Barbarula stated I think the 25 foot limitation is important to put in the resolution.

Mr. Terrero mentioned I think down the road those two exits might be an issue if the third unit is rented. The two egresses are in front of them so the Fire Department needs to take a look at it.

Mr. Boorady stated well they are going to keep those clear.

Mr. Terrero mentioned I know but just to make sure that in case the other unit gets occupied.

Mayor Runfeldt stated the tenants are in the office space, the three-story portion.

Mr. Hermida (father) testified in the front.

Mr. Terrero stated okay that's fine.

Mr. Barbarula stated we don't want anybody walking there because that's where they fabricate the product. The office people won't go out there.

Chairman Blewett asked Tom any other comments that is pretty much resolved.

Mr. Boorady stated no.

Chairman Blewett asked any other comments from the Board.

Mr. Marino asked that racking system is that freestanding or are they secured to anything.

Mr. Hermida (father) testified freestanding.

Mr. Marino stated okay. You are not tying it to the building at all?

Mr. Hermida (father) testified no, no.

Mr. Marino stated okay.

Chairman Blewett asked for motion to open the public hearing.

Mr. Terrero moved it.

Mr. Morreale seconds.

Chairman Blewett all in favor?

Board aye.

Chairman Blewett asked anyone wishing to comment on this application from the public, please come forward. Seeing no one coming forward, then a motion to close the public hearing.

Mr. Terrero moved to close.

Ms. Brightman seconds.

Mr. Boorady stated I have one thing to add. I heard discussion about pallets, I don't know if you want to restrict the storage area next to the building from containing materials that are flammable

in any way so that it is mostly steel, aluminum racks and the steel product, and then maybe they can store things that have a lot of pallets on the other side of the isle. I don't know if that is an issue or not?

Chairman Blewett asked do you use large volumes of solvents that you store.

Mr. Hermida (father) testified no. We have some pallets now but we don't use that.

Mr. Kaufman asked what is on the pallets.

Mr. Hermida (father) testified we receive like small products; like bolts or something like that on pallets and we use the bolts, then we throw the pallets in the garbage.

Chairman Blewett stated okay but there is no flammable material.

Mr. Hermida (father) testified no just pallet.

Mr. Barbarula stated Horhay what you are saying is you get the nuts and bolts delivered and they come on a pallet, then you take the metal bolts and nuts off and then the pallets go in the garbage.

Mr. Terrero asked you wouldn't be storing any wooded pallets out in the back.

Mr. Hermida (father) testified no.

Mr. Terrero stated I don't think they can support the steel with the pressure.

Mr. Boorady mentioned I'm just saying somebody else could come in and move in here and make something else. I would just say that the northerly storage area be limited with respected to non-flammable products so that we don't have anything outside against the building.

Mr. Barbarula stated non-flammable products against the wall period.

Chairman Blewett stated all right.

Mr. Barbarula mentioned actually we don't put it against the wall but on that side.

Chairman Blewett stated okay. Any other comments? Motion?

Mayor Runfeldt stated I make a motion that we accept the application with the agreed upon recommendations that the Borough Engineer brought up.

Mr. Terrero seconds.

Roll call:

Yes: Runfeldt, Terrero, Blewett, Kaufman, Marino, Morreale, Wild and Brightman (Alt. #2)

No: None

Abstain: None

Chairman Blewett stated okay,

Mr. Barbarula thanked the Board. We'll have the engineer revise the plans but just let me know what the Fire Department wants included on the plans.

Chairman Blewett stated Item 4 on the agenda is the Redevelopment Study for a Non-Condensation Redevelopment Area, on property known as Block 3.05, Lots 305 and 305.3 on the municipal tax map also known as 107 and 117 Main Street.

Mr. Neiss swore in Mr. Paul Ricci. Please state your full name and business affiliation for the record.

Mr. Ricci testified my name is Paul Ricci, I am a licensed professional planner. I'm the Borough's designated planning consultant, I'm with Ricciplanning, LLC. Before we get started I do have a handout to give to the Board. The handout essentially summarizes the report and the report is entitled "Redevelopment Study and Preliminary Investigation Report, Block 3.05, Lots 305 and 305.5" essentially referred to as Main Street or Upper Main Street per se. The report is dated July 19th, 2018. The cover pages we saw some pictures of the site.

Chairman Blewett asked that one of these be marked as an Exhibit.

Ms. Ward mentioned I'll mark it Exhibit A-1.

Mr. Ricci testified the cover page the pictures were taken on June 25th, 2018. Moving onto page 3 why we are here? I think everyone understands this is not your first time, I know there was the previous study for the Wexford that was completed. The Council has essentially authorized the Planning Board to conduct the preliminary investigation report to determine whether or not all or a portion of the properties qualify as an area in need of redevelopment. I have been engaged to assist in that process and that is the sole purposes of that report that I prepared.

Associated with some background, the Council has determined that this is the best way to encourage redevelopment of the site and again this is a technical study that I prepared in accordance with a specific criteria of the Local Redevelopment and Housing Law.

A couple of quick facts, the site is 4.65 acres with two lots in area. When I observed the property it was done on two dates, on 6/25/18 the condition of the property was such that it largely contained building remains. The previous use of the property had residential uses but the property closest to the funeral home was also part of our investigation and it was used for storage and also some office space associated with that funeral home. The tax cards actually identified it as commercial property and I confirmed it with the tax assessor as being accurate.

The tract was historically located in the R-15 district and in 2017 you rezoned the property the THMFSA-I (Townhouse Multi-Family Housing Set Aside Zone) that was designed to create affordable housing. This Board is aware of the site.

The Wexford site also was part of the Settlement Agreement with Fair Share Housing Center to encourage both multi-family housing and also the creation of affordable housing.

Moving along to the exhibits, we have a raised aerial photography that is available that assesses wetlands and flood plain. This is the latest layout that allows us to do that and that's why we utilized this. You can see back in 2015 Lot 305 had several buildings on it and Lot 305.5 just had the primary residence on it.

There are several criterion that can be utilized for property to qualify in area in need of redevelopment and I'll go through this quickly. A. it is deterioration of buildings that is the classic one. You know when you see it and you drive by a site and it looks like it is potentially a war zone with properties that have been left idle for years and the like.

Criteria b. that is that is a criteria where buildings themselves are untenable.

Criteria c. which is something we will discuss later is unimproved pieces of property which can only be designated if they are in that state for 10 years or longer.

When we are talking about criteria d., obsolete layout and design that is more of a focus on the layout of the site and whether it poses serious health or deleterious harmful land uses, imposes health issues to a community as a whole.

E. is underutilization or lack of proper utilization.

F., we will talk about this briefly, fire and natural disasters. In this context we will be discussing it but it's when properties are demolished on a site, if those properties are over five acres in area

they qualify also in area in need of development. It speaks to the fact that under the law that they are trying to discourage, for lack of a better way of saying it to usurp the powers of individuals trying to designate as areas in need of redevelopment and try to essentially tear down the site to prevent a designation per se.

G. is if you are an Urban Enterprise Zone, and finally h. is consistency with smart growth planning principles.

I'm going to read d. into the record because this is more of the criteria that we are applying as part of the study. Areas where buildings or improvements which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious or harmful land use, or obsolete layout, or any combination of these or other factors are detrimental to the safety, health, morals, or welfare of the community so it really a two prong approach to the d. criteria. Does it have any of these conditions and also resulting in detrimental impacts to the safety, health, morals and welfare of the community?

H., the designation of delineated areas consistent with smart growth planning principles pursuant to the law or regulation. This was a newer criteria that was added in 2003 and we largely as planners don't rely upon this exclusive of itself. I'm not sure if it has been tested in court but no redevelopment attorney that I have spoken to will allow me to rely solely on the h. criterion. It is a more forward thinking criterion. You argue that any area that if anyone has seen the State Redevelopment Plan that is in Area #11 that is pretty much most of Northern New Jersey by a matter of definitions it is considered a smart growth area where the state looks to encourage revitalization and redevelopment. So the simple fact that if you are in Northern New Jersey you can argue the h. criteria would apply.

F. and I spoke about this previously, areas in excess of five continuous acres, here we are at 4.65 just shy of that number. Whereon buildings or improvements have been destroyed that is the key word destroyed, it doesn't say naturally or unnatural means, consumed by fire, demolished or altered by accident or storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated, so this tract did not qualify because it was 4.65 acres but there was demolition. You saw the pictures as part of the site that occurred and I believe this site if it was 5 acres would have qualified under the f. criteria.

I summarized the report and I can go through it in more detail, but in this criteria we applied the d. and the h. criteria that being applicable criteria to this tract. Again on 6/25/18 we showed pictures in the appendix E. where there are photographs of the area. On the first page it shows the historic photographs of the area and then finally it shows the photographs taken on 6/25.

Just for clarity of the record, my name is Lesley Sotolongo, I'm from the firm DeCotis, Fitzpatrick, Cole & Giblin, the redevelopment attorney. We have marked as Exhibit 1 the presentation. I would ask that the document that Paul is speaking from is the report dated July 19th, 2018 be accepted and marked as Exhibit 2. Is that the report that you prepared?

Mr. Ricci testified yes I did.

Ms. Sotolongo stated okay.

Mr. Ricci testified in terms of the d. criteria and this is summarized from the report, as part of the 6/25/18 inspection date, all buildings except the cabana on the site and the pool which was not a building were demolished. As part of the inspection, the entire study area was unsecured and it contained extensive amounts of heavy equipment was observed on site. As you look through the photograph; building foundations resulting in hazards from significant grade changes falling into basements, the site slopes downward as you move away from the property frontage, and the pool all the fencing around the pool was removed. There was water in the pool that resulted in safety and drowning risks on the site, and the condition that the property was in while observed since it was attractive to nuisances it was penetrable and posed safety threat to the health of the community in that state. Its unsecured nature represented falling, drowning hazards and the potential exposure to sharp objects, as well as potentially dangerous building materials.

While there was no actual inspection of those materials they were older buildings that could have had lead, asbestos and the like. I skipped over that and I mentioned that going through the slides that the site did not meet the f. criteria, again solely just because of its size of being slightly under 5 acres.

Also we found that the site met the h. criteria as well. The site advances the State Development and Redevelopment Plan here mainly effectuating the creation of affordable housing and encouraging redevelopment and revitalization in State Planning Area 1. I can go on for some time but that's in my report in detail. I think the key issue here is the creation of the affordable housing is why you could argue that the application of the h. criteria in this context in my opinion is much stronger and may stand the test solely by itself, but the h. criteria has never been tested to my knowledge by itself but here it clearly can be applied in multiple context.

That is my quick summary of the report. The report goes into additional detail and I'd be happy to discuss it in greater deal, but the findings are in the summary that's the date the property was observed and it met criteria d. and criteria h. in my opinion.

Chairman Blewett stated I have a few questions. You observed the property after I am assuming the current owner demolished the homes.

Mr. Ricci testified that is correct.

Chairman Blewett okay and the current owner is?

Mr. Ricci testified it is Meridia Properties essentially.

Chairman Blewett asked but could the owner of the property under the requirements of this redevelopment regulation create a situation and then benefit from the designation. Those were homes some of which were occupied and they came in and they demolished them. They left them in an uncontrolled state, and as you said it was penetrable. But my question is can they create something and then benefit from this type of designation?

Mr. Ricci testified I raised this question and I know Mr. Doyle is not here, but I raised this question with Mr. Doyle. I was advised to study the property as to the condition as I observed it. Are they potentially benefiting from under what is occurring in this situation I think that's over with.

Ms. Sotolongo, if I could just add, that the property owner shouldn't be penalized for going ahead and redeveloping the property and the Board should know that alternatively the redevelopment law doesn't allow someone to demolish buildings and then gain. For example, leave the land vacant and he shouldn't be allowed to take 10 years now to usurp this process as a way out of being designated, and the Board is certainly here to consider all the statutory criteria and it should be noted that the recent improvements occurred and the land had been with other structures on it for some time before the --

Mr. Ricci testified and that is what I was advised. Once a property becomes vacant or unimproved, then the time clock of 10 years ticks where you could potentially designate it and that's why I was advised to study it in its current state.

Chairman Blewett stated okay.

Mr. Kaufman mentioned since your study the demolition has been complete and the lots are cleared, and aside from the cabana and some of the small fenced area it is clear it is no longer a hazard penetrable but there is no real danger there.

Mr. Ricci testified agreed.

Mr. Kaufman asked so are we to consider the state at the time of our study or does the current state come into play.

Mayor Runfeldt stated I think the important thing here, if I may just listening to Mr. Ricci speak, is considering what we are considering it eliminates the developer leaving that piece of property

vacant for 10 years to gain the benefits that the regulations affords. Am I correct in saying that?

Ms. Sotolongo stated that's correct.

Mayor Runfeldt stated so he could say there is no danger now so we are not going to develop it and it can sit there and say well great now you are stuck with a vacant piece of property for 10 years or until I can get it.

Ms. Sotolongo mentioned keep in mind that's just in regard to one criteria. You did hear Paul speak about criteria h. which deals with the affordable housing component of this project, and also the fact that otherwise for the acres issue which is de minimis here it would have also met criteria f.

Chairman Blewett asked which was the one about the housing that you are not using right.

Mr. Ricci testified is it the (inaudible) of the buildings is that what you are asking Mr. Chairman?

Chairman Blewett stated well no, you just said the aspects of affordable housing from this regulation but you are only citing d. and f.

Mr. Ricci testified h. is the smart growth criteria and under multiple ways that it could be applied under state development.

Chairman Blewett stated d. and h., my apology I thought it was d. and f. okay got it. Any other questions from the Board?

Mr. Morreale asked Sal if the pool has been filled in.

Mr. Marino stated I haven't been there recently.

Mr. Kaufman asked refresh my memory, why are we looking into potentially approving this.

Mayor Runfeldt asked the question I have is what action do we take on this. Do we just discuss it and then just push it to Council? There is no action for us to take I think it is just a formality.

Mr. Kaufman stated it really doesn't matter what we decide the Council is going to do it anyway.

Mayor Runfeldt stated we don't do anything we just discuss whatever we discuss.

Mr. Kaufman stated Council is going to do whatever they seem fit with it.

Mayor Runfeldt stated quite honestly if you remember a year or two ago when we did the zone change in 2017, we were fine with what they proposed at that point and we went ahead and did the zone change and then for whatever reason Council didn't follow our recommendation, so they are going to do what they are going to do. It is kind of on them, I mean if they had listened to our recommendations, and Jim followed our recommendations when they discussed the matter in Council, and had they followed our recommendations we wouldn't be going through this right now. I think we are just a stepping stone. Like Arthur said, we hear it and we have whatever comments we need to add to it, but there is no formal action we take and it is something that Council decides on whether or not they want to approve.

Mr. Terrero mentioned based on the criteria that is being applied or not to this property, is there a way that they would wiggle their way out of providing affordable housing at the Wexford location and then move it here because they meet the criteria of low housing?

Mayor Runfeldt stated no there are requirements for Fair Housing for the project. If they want to change how they split it up, it still has to meet state requirements.

Mr. Terrero mentioned understood, but I thought some of that has to be offered at the Wexford location. There has been discussion that some of it is now being moved to upper Main Street.

Mayor Runfeldt stated they may but that is out of our scope though.

Ms. Sotolongo mentioned if I could just clarify what you are pointing out, there is a separate Settlement Agreement but what the public hearing is about tonight is solely just looking at the property and seeing whether it meets the statutory criteria under the redevelopment.

Mr. Terrero stated my question is if something were to be done with this, then is that open ground for --

Mayor Runfeldt mentioned I don't think it has anything to do with that right?

Ms. Sotolongo stated that is correct.

Mayor Runfeldt mentioned they could always apply or ask to move things.

Ms. Sotolongo stated that would be under a separate application.

Chairman Blewett mentioned if they wanted to change it completely, they could always go back to the judge I guess.

Mayor Runfeldt stated correct.

Chairman Blewett mentioned so seeing how we have an opinion but no formal action is needed on this, any other comments?

Mr. Ricci testified Mr. Chairman, I think you need to make a recommendation to the Council what your opinion is on this matter.

Mr. Neiss mentioned you've already determined that. That will become an ordinance by the end of the day by the Mayor and Council and they'll will decide how they want to move and proceed. We are just an expert body and the Board serves in that capacity. You serve as the expert planners for the Governing Body who decides what will or will not occur.

Chairman Blewett stated okay so what is the Board's pleasure?

Ms. Sotolongo mentioned just one last comment if I may.

Chairman Blewett stated sure.

Ms. Sotolongo mentioned I would ask that the Board accept Paul as an expert professional planner, and just note on the record that the Board properly noticed the property owners to be here tonight and also published the notice of the public hearing in the local newspaper.

Chairman Blewett stated this is a public hearing. Is there a motion to open the public hearing?

Mr. Terrero moved it.

Mr. Kaufman seconds.

Chairman Blewett asked all in favor.

Board aye.

Chairman Blewett mentioned if there is anyone in the public wishing to speak, please come forward and use the microphone and introduce yourself.

Ms. Davis stated Cynthia Davis, I live at 17 Bristol Court. I have a question sort of pursuant to your question about a benefit to the owner now. What would the benefit be to the community to the Borough?

Chairman Blewett stated I guess you are addressing the question to the planner.

Mr. Ricci testified okay.

Ms. Davis stated right. Other than the benefit to the owner what is it going to do for us?

Mr. Ricci testified well it encourages the property be redeveloped as anticipated as an area in need of redevelopment and the Borough has the ability to offer a pilot program. That pilot program can be structured to be financially in the Borough's interest as well as the redeveloper.

Ms. Davis stated so what you are saying is the benefit to the owner is that the Borough can contribute either by some sort of a tax relief, or something else that that's how the owner will benefit?

Mr. Ricci testified one of the powers that the Council could offer is a pilot program. Under that pilot program they are often frowned upon generally, but to put it in perspective, right now under your tax base what is the school base about 60 percent?

Ms. Davis stated I don't know.

Mr. Ricci testified the point of the matter is that under a pilot program it allows that the structuring of the finances more of it goes into the municipal budget rather than going to the County. How the monies go to the school district is determined by the municipality. So it has some powerful financial tools that if used correctly it is beneficial to the municipality from a financial perspective as well.

Ms. Davis stated okay I think that I would like to understand it and I will bring it up to the Council as well, we have a problem with our taxes as it is because of all of the flooding. One of the reasons that we were given for this being approved was that it was going to increase the taxes. Now if we are going to take some of that away because we are going to do this redevelopment when they already have the property, they've already committed to development and I don't understand why we would give them a benefit that is going to cost the Borough.

Mayor Runfeldt mentioned first of all I think we are getting ahead of ourselves.

Chairman Blewett stated I think that is a question that you would need to ask the Council.

Mayor Runfeldt asked can I spend 30 seconds and address it.

Chairman Blewett stated sure.

Mayor Runfeldt mentioned maybe this will help. We are way ahead of ourselves talking about this, but what I think he was saying is that if 70/65 percent of your current tax goes to the schools you bring in a project that you know is not going to contribute a large amount of children to your schools, what you can do is you can structure what is called a pilot, a payment in lieu of taxes okay. So what happens is the property owner is now let say his taxes were a hundred thousand dollars, seventy of which went to the schools and thirty thousand went to the municipality, you can now structure and I'm just using numbers --

Ms. Davis stated that's fine I understand.

Mayor Runfeldt mentioned you know what instead of paying that in lieu of your taxes you make a seventy five thousand dollar payment a year to the Borough. Okay so what happens is he is saving twenty five thousand dollars okay and the Borough is getting forty five thousand dollars more into the Borough's tax collections and everybody is happy at the end of the day. You can set it up where if they do exceed a certain amount of school children, then they do have to contribute to the schools so you are protected that way. Believe me, if I'm in charge I'm not setting up something where the Borough is taking less than what we are going to get. That's how a pilot can work for the Borough.

Ms. Davis stated okay.

Mr. Neiss mentioned it gives regularity to the payments overtime.

Mayor Runfeldt stated right.

Mr. Ricci testified that's the benefit to the developer because if you look to finance a project, the bank knows that the payments are the same for thirty years and it is very attractive to finance a project yes.

Ms. Davis stated I hate to tell you but I don't really care about the developer.

Chairman Blewett thanked Ms. Davis for raising the question.

Ms. Davis stated thank you.

Ms. Brightman mentioned I don't mean to belabor the point, but just because this area may get this designation making it eligible for a pilot, but it is still up to the Governing Body to approve a pilot should they chose to. So it doesn't automatically give them a pilot designation there is still another whole process to be eligible for it.

Mr. Ricci testified absolutely correct.

Ms. Sotolongo mentioned and there will be another public hearing if the item is on the agenda for a pilot at the Mayor and Council level.

Chairman Blewett stated with the Council.

Ms. Sotolongo mentioned yes.

Chairman Blewett stated okay. Anybody else from the public wishing to speak? Motion to close the public hearing.

Mr. Wild moved it.

Mr. Morreale seconds.

Chairman Blewett asked all in favor.

Board aye.

Chairman Blewett stated okay thank you. So it is up to the Board to make a recommendation to the Council or comment to the Council.

Mayor Runfeldt stated I recommend sending the Ricci Study to the Council for their review and action.

Chairman Blewett asked is there a second.

Mr. Morreale seconds.

Mr. Wild asked does the Board have any comments whether they like it or not.

Mr. Boorady mentioned this is a Preliminary Investigation Report and is there an actual Redevelopment Report?

Mr. Ricci testified a Redevelopment Study is called a Preliminary Investigation Report in its formal terminology.

Mr. Boorady mentioned so this is it.

Mr. Ricci testified that's it.

Mr. Boorady mentioned okay.

Ms. Sotolongo stated that should have been Exhibit 2.

Mr. Boorady mentioned okay right.

Mr. Ricci testified you are implying that it is a draft report.

Mr. Boorady mentioned no that is not an issue, we are sending this to the Council with no comments right?

Chairman Blewett asked so Jim before we move forward with the vote you had a comment.

Mr. Wild stated no whatever you want to do.

Chairman Blewett stated okay.

Mr. Wild stated I just wanted to know if you want to recommend anything or not to the Council, or just leave it open that's all.

Chairman Blewett stated oh okay. Any comments or recommendations? We'll just move it to the Council and let them act on the report as they see fit.

Mayor Runfeldt mentioned from a planning aspect I don't think it is any different than what we've already talked about, in fact it is what the Planning Board oversees in terms of any development of the site and this study doesn't really change anything that we already recommended in 2017.

Mr. Ricci testified you are either going to have an ordinance or a Redevelopment Plan that are both adopted the same way, so you are going to have site plan approval just like you normally do.

Mayor Runfeldt mentioned this doesn't change the way we will have any oversight or control over the incoming application anyway.

Mr. Terrero stated besides the pilot program does this take in terms of planning wise allowance for height, restrictions in terms of with the study would that trigger any allowances/permissions that that would be required?

Mr. Ricci asked can I answer that. If this goes through, a Redevelopment Plan is created and that plan is crafted for that site. One of the things that planners like about the actual redevelopment process is that you look at your conventional zoning ordinance, your traditional zoning ordinance where you have bulk tables and that is about it and you try to encourage certain type of buildings and (inaudible). In the Redevelopment Plan you can specify the exact material and be a lot more detailed. You can show a layout of how the building has to be and be ultra-detailed what we can't do under conventional zoning. If you want to be more specific in how that site is going to be redeveloped, the Redevelopment Plan allows that to happen more so that a Redevelopment Study.

Mr. Terrero asked there is no way you would lose control over --

Mr. Ricci testified you are gaining control.

Mayor Runfeldt mentioned what Mr. Ricci is saying is, if we decide we want to say in this Redevelopment Zone everything has to be brick facade and slate shingles on the roof, we can go ahead and put that in there and then they would have to comply with that.

Mr. Ricci testified there are legal issues otherwise in conventional zoning there are limits on how far you can push the design and we are always kind of in the gray sometimes.

Mr. Neiss mentioned but it can get down into the weeds too. A Redevelopment Plan can get down into the weeds and define those things.

Mr. Ricci testified I can tell you that if I wanted a Redevelopment Plan, I could tell you the colors of brick and the size of the brick if you wanted to be that detailed, you operate within a completely different capacity.

Mr. Boorady mentioned the lower main site has that in the ordinance you know. The ratio of windows and doors to the building area space so you can have the same thing up here.

Mr. Ricci testified you can negotiate that more but you can't negotiate under the conventional MLUL approach. If the Council likes something and there is a certain design that they like, we can capture that design exactly, illustration of building, elevations in the like and they have to do something similar to this. You always allow the Planning Board the ability to deviate slightly just because there is always a reason to deviate slightly, but they have to do something substantially consistent. Sometimes the Council makes sure that it is consistent with the Redevelopment Plan that they are generally happy with it before it even gets to the Planning Board, so there are always other nuances that you can do. If I prepared a plan, I ask those questions how you want it to move forward and how detailed you want it to be.

Chairman Blewett stated and this application is somewhat capped or defined by certain criteria that the applicant will ultimately have to meet around affordable housing.

Mr. Neiss stated around design criteria to.

Chairman Blewett mentioned not about design but there is a certain skill --

Mr. Terrero stated I think what is triggering the concern is the confusion as to we've already got the settlement that implies and the zoning has been, so why at this stage of the game is this required other than the financial issue or the pilot program? I understand that but just make sure there is nothing else being triggered based on this because of that.

Mayor Runfeldt mentioned everything that gets triggered is probably going to be to the town's benefit, slightly less of a structure where the Wexford is and things like that.

Mr. Terrero stated I'm all for redevelopment and for approving, but this study could have been done while the buildings were up just because it conforms to what we are trying to achieve. You know it feels like you are being strung out to doing something.

Chairman Blewett stated with respect to any application, we would still have some control over the design, the exterior finishes, those types of things if we really didn't like it right?

Mr. Neiss mentioned in the plan.

Chairman Blewett stated in the plan right, once the plan is submitted to us. So we still have those same responsibilities to ensure for the public health and safety in the design and how it fits into the neighborhood. We do know something is going to be built there.

Mr. Terrero mentioned that's understandable.

Chairman Blewett stated I pull that thorn out every once in awhile.

Mr. Neiss mentioned you have to trust the Mayor and Council.

Chairman Blewett stated what we need to do is we have a motion that has been seconded and if there are no other serious concerns let's take a vote. Does that make sense?

Ms. Ward mentioned it will be a memo to the Mayor and Council on this.

Mr. Neiss stated I also want you to know, when I said the plan could get down into the weeds, if you do the Redevelopment Plan I would like you to define what weeds are going here.

Mr. Ricci testified understood I get it.

Chairman Blewett mentioned please call the roll.

Roll call:

Yes: Runfeldt, Morreale, Blewett, Kaufman, Marino, Terrero, Wild and Brightman (Alt. #2)

No: None

Abstain: None

Mr. Ricci thanked the Board.

Ms. Sotolongo thanked the Board too.

Chairman Blewett thanked him. The next item on the agenda is the draft Planning Board By-Laws and it is discussion. I want to thank our attorney for giving us a red/line blue line version of the updated document.

Mr. Neiss mentioned I just have some editing comments that I picked up after I submitted the proposed By-Law to you. Page 2, Article, 4, Section 1, line three I'm going to change where it says Open Public Meetings Act I'm going to change that to OPMA. In that same paragraph down at the bottom, second to the last line on the left hand side, by virtue of your adoption of the resolution tonight I'm going to change 10:30 to 10 o'clock. Page 3, Section 5, second line from the bottom, right in the middle it says Execution Section, I didn't think anyone wants to engage in those activities.

Mayor Runfeldt stated firing squad.

Mr. Neiss mentioned those are the only technical changes that I have to make.

Chairman Blewett state okay. Any other comments/discussion?

Mr. Morreale mentioned one small one on page 4, second to the last paragraph, routine administrative matters such as non-substantive. Should that be as?

Mr. Neiss asked Routine Administrative Matters that paragraph.

Mr. Morreale stated such as.

Mr. Neiss stated yes such as non -- thank you.

Chairman Blewett mentioned good catch.

Mr. Morreale stated that's all I have.

Mr. Neiss mentioned I would just like to make an overall comment. Having put these By-Laws together with your comments and assistance there may come times down the road where I may recommend to you that you make additional changes. I have experienced in other communities and I'd like to lend any value to your operation and to our business that I can by virtue of my experience in other communities, so I would like to just leave that open and let you know that could come down the pike.

Chairman Blewett stated okay.

Mr. Boorady mentioned this eventually becomes part of Section 17 of the ordinance right? It becomes part of the Development Review Ordinance right?

Mr. Neiss stated I'm not sure it becomes part of the ordinance. I think these are the operational rules of this Board.

Mr. Boorady mentioned I think the By-Laws are in the ordinance right now under that chapter.

Mr. Neiss stated I'll check is out.

Mr. Boorady mentioned we can look at it afterwards. I just didn't know if the Mayor and Council passed an ordinance.

Mr. Neiss stated no these are our By-Laws.

Chairman Blewett stated okay. So whether or not we need to put it into the regulations we don't

have any concerns about the content, and does anybody recommend this would be a resolution to approve?

Mr. Neiss stated you can do it by voice vote absolutely.

Chairman Blewett stated just a two line resolution to approve with the corrections? So we can just adopt it with a voice vote right?

Mr. Neiss mentioned yes.

Mayor Runfeldt made motion.

Mr. Wild seconds.

Roll call:

Yes: Runfeldt, Wild, Blewett, Kaufman, Marino, Morreale, Terrero and Brightman (Alt. #2)

No: None

Abstain: None

Chairman Blewett stated I would like to thank Arthur again for the By-Laws.

Mr. Neiss mentioned my pleasure. I will change them one last time and they will reflect adopted on today's date.

Ms. Ward stated perfect.

Chairman Blewett stated the next item on the agenda is the ordinances and Sal is there anything to talk about on them.

Mr. Marino mentioned I know we have all made changes to the codes and we are waiting for them to get to us on that. But as I issue some of the notices there are somethings that aren't black and white and what I did I'm keeping a running list. I spoke to Arthur about this last week. Some of the wording in these ordinances need to be changed because they are kind of outdated and I'm in the process of doing that, but it is going to take a little while but there is quite a bit that should be corrected.

Mr. Neiss stated you may want to do it as you go along. We may want to recommend and you just keep feeding it to us.

Ms. Ward mentioned the Board of Adjustment has a problem with pod. We had an application before the Board of Adjustment and they approved the case about four years ago, and this person has a pod in front of their house on the driveway and the neighbors see it but there is nothing in the ordinance addressing pots. How long a pod can remain there? Now from what I gather from one of the Board members, not only does she have one pod there but now there is another pod too. I guess she is using it like a shed but there is nothing in the ordinance to address that.

Mr. Neiss stated nothing precludes the Borough from entertaining a motion before the Mayor and Council to amend the ordinance to include something about pods. They become rather ubiquitous they are all over the place.

Mr. Boorady mentioned other towns that I serve have a permit process that you go to the Mayor and Council for a 6 month permit to have a pod. If you need it for longer, then you come back and ask for another permit.

Mayor Runfeldt asked do you think you could get a copy of that for us as a sample.

Mr. Boorady stated yes.

Mayor Runfeldt stated then Jimmy I will bring it to the Governing Body.

Mr. Boorady mentioned it has become a problem in every town I work for.

Ms. Ward stated the neighbors on Hunter Road are complaining about it, it is an eyesore.

Chairman Blewett mentioned so Sal you will start feeding those things to us.

Ms. Ward asked did everyone see the correspondence on the airport. He is just ignoring the correspondence. We've been sending the correspondence to him but no response.

Chairman Blewett stated okay. Any other business?

Ms. Brightman mentioned at our last meeting when you did the training, you mentioned that you didn't think the Borough had an indemnification ordinance. Did you confirm that?

Mr. Neiss stated I actually didn't but I will.

Ms. Brightman thanked him.

Chairman Blewett stated thanks for remembering that. Any other new business?

Mr. Terrero asked is there something in the ordinance to cover a neighboring property in disrepair.

Mr. Marino asked siding, façade or what.

Mr. Terrero mentioned landscaping and façade.

Mr. Marino stated property maintenance covers grass, weeds and things like that.

Mr. Terrero mentioned even worse than that.

Mr. Boorady stated maybe we could have another redevelopment zone.

Mr. Terrero stated things have been piling up.

Mayor Runfeldt mentioned give Sal the address and he'll take care of it.

Mr. Terrero stated I'll give you the address.

Mr. Morreale asked anything with the traffic patterns or updates on that and the paving of 202.

Mr. Boorady stated it should be happening soon. The town just received from Morris County the final striping and the traffic timing.

Mr. Kaufman asked are you talking about the 4 lights.

Mr. Morreale stated and the paving all the way down to Mountain View.

Mayor Runfeldt mentioned we are still waiting for New Jersey Natural Gas to completely finish up a couple of things before we pave it because I don't want them to pave and have them rip it up again. They are just about done and they are going to revise the striping.

Mr. Boorady stated the County submitted a striping plan to Perry and me and we reviewed it and it was based on the conversations we've had with the County.

Mayor Runfeldt mentioned cleaning up a bunch of stuff.

Ms. Ward stated there is a problem when you come into the municipal complex by the firehouse and library where the arrows are, people get over in that lane to make the left hand turn onto

Page 30 – August 16, 2018

Chapel Hill to soon and there could be a serious accident there.

Mr. Boorady mentioned that is going to be slightly revised.

Chairman Blewett stated okay no other business. Motion to adjourn?

Mayor Runfeldt moved to adjourn.

Mr. Terrero seconds.

Meeting adjourned 9:26 P.M.

Respectfully submitted:

Joan Ward, Secretary

Charles Blewett, Jr., Chairman