

October 16, 2008 MINUTES

Board Of Adjustment

Township Of Chatham

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Mrs. Hough called the meeting to order at 7:30 p.m. and the Statement of Compliance was read into the record.

Roll Call:

Mr. Lawrence Dalziel (late arrival)	Mr. Parker Godwin	Mrs. Therese Hough
Mr. Glen Nelson	Mr. Tom Quinn	Mrs. Francine Alcorn
Mr. Karl Schmidt	Alt.#1 Vacant	Alt.#2 Vacant

Also Present:

Kali Tsimboukis, Secretary; Steven Shaw, Board Attorney;
Mr. Ruschke, Board Engineer; Mr. Banish, Planner

Resolution of Approval

Stephan/Wendy Kuppenheimer
07-106-13
316 Lafayette Ave.
Block: 106 Lot: 13.

Calendar Boa

Mr. Shaw outlined the resolution for Kuppenheimer application.

A motion was made by Mr. Godwin, seconded by Mr. Nelson to approve the resolution as presented. Roll call: Mr. Nelson, Mr. Schmidt, Mr. Godwin, Mr. Quinn, Mrs. Hough, Mrs. Alcorn. All in favor.

NEW YORK SMSA Ltd.
179

Calendar Boa 08-48.21-

Partnership – d/b/a Verizon Wireless – Chatham 2,
529 Green Village Road,
Block: 48.21 Lot: 179

Richard Snyder, Attorney

Correspondence requesting that the matter be adjourned and carried to the November 20th Board meeting with a provision that they would grant an extension for time for action through that meeting. At the last meeting it was

discussed that a series of revised plans would be developed relative to the proposed tower. They were going to review them and get the consent from the fire department. Apparently that has not yet occurred.

Mrs. Hough affirmed that all members agreed to said request

**Village Super-Markets, Inc.,
641 Shunpike Road.
Block: 48.23, Lot: 126.04**

Calendar Boa 08-48.17-126.04

Jay Delaney, Attorney

Mr. Shaw - in reference to that application I spoke with counsel, the Board Chairman is running a little late this evening and should be here by 8:30. This is a use variance and they wanted to make certain that they had the full board available. They have consented to have the application carried until later this evening when the Board Chairman arrives.

**Raj & Tejaswini Maganti
42 Mountain Ave.
Block: 39 Lot: 13.01.**

Calendar Boa 08-39-13.01

Attorney: Mr. B. Osmun

Mr. Osmun – prior to the last meeting Murphy & Hollows Engineers were asked to revise the plans to show contour lines. Mr. Murphy is here to address those lines and to speak to the front/rear grading and to talk about what has been done.

Mr. Murphy (previously sworn) referred to Plans A15 (as built grading plan sheet 1 of 1) dated August 26, 2008 which is a large scale drawing of the development of the property. What I have done is to show 3 different contour lines – the first is the small dashed line which is the existing topography prior to any development placed on site. The larger dash one was the approved grading and finally the hard/dark solid line is the as-built grading. I have also shown in small dots is the area of the approved disturbance. Anywhere outside of the dotted area where we have grading are beyond what was permitted and by comparing the existing today to what was existing/approved shows the comparison of how much fill was actually put in. The majority is +/- a foot, the worse would be in the one corner where we have got almost a 2 ft difference in grade. My original plan actually showed more area disturbed over here but when we went out there these trees are all existing, not disturbed and no fill around them. So therefore, my initial area of disturbance was a bit larger but less than what we originally showed. This plan shows that the fill in the area

of the dry wells is about a foot. The area between drywells and the driveway – showed to be undisturbed but during the construction all the construction people were coming in that way which did cause some disturbance. When excavation the dry wells if the truck was not there they put it on the side... for construction reasons that area was disturbed. As far as on the North side of the house. That was area that was graded out to flatten out a plateau for the house and in some cases the grades are a little bit higher than originally proposed and that would be because when PSEG put in the gas line they put it in shallow and we had to put some fill in over the gas line. The plan also shows the trees (X'S) that have been removed and shows the new trees installed on-site. The majority of the trees were permitted to be removed. There were 2 that were over the 12 inches – one I understand blew down and I am not sure what happened to the other.

Mr. Godwin – question the line all the way to the right by the fence

Mr. Murphy - that is the front line

Mr. Godwin – when we were out there was fill put there

Mr. Murphy – that was not fill – that was grass made into lawn area (originally brush). There was no change in grade and that is what this map show. Beyond these points there is really no change in grade, change in vegetation on top of it.

Mr. Godwin – that is the way it seemed when we were out there.

Mr. Shaw – there was a disturbance in the steep slope area.

Mr. Murphy – a lot of this property had various slopes – below and above the house. You can see by the trees that there has been no change. The scrub brush was just changed to lawn area.

Mr. Godwin – why were all those trees taken out over there?

Mr. Murphy – the trees taken out were a 10”, 16”, 18, etc. to open up the site all were approved except for the one that found. There was no change in grade in that area. Referring to sheet 2 of 4 of the original plans and with a later revision of Feb.5, 2007, on that – within the pink area – was the area of disturbance but we did show the trees outside that area being removed.

Mr. Schmidt – there was a tree replacement plan that was approved... is that correct?

Mr. Murphy – yes and complies. There are evergreens planted along the driveway and walk areas.

Mr. Schmidt – was there gravel removed also.

Mr. Murphy – yes originally Mr. Maganti had, rather than doing mulch he covered the landscaped area between the sidewalk and house with red gravel. That gravel has now been removed and is around the bushes.

Mr. Schmidt – so you think the disturbance of the steep slopes on the left hand side was done during the construction period.

Mr. Murphy – yes that was caused by access to the site.

Mr. Schmidt - could you explain what happened on the other side of the house... what caused that?

Mr. Murphy – this was always shown to be re graded and as far as the limit of disturbance what we have shown indicates not much change there.

Mr. Schmidt - would that be the 20-25% slope on that side?

Mr. Murphy - this side was 15-20% - the 20-25% was below the driveway - from the fence that slope continues down to River Road

Mr. Schmidt - That should add up to over 3000 ft of access disturbance from what was approved. It doesn't really look that much from the way this is drawn.

Mr. Murphy – As I said before, this area in here, which I had shown in blue – that area was not disturbed around the trees. When you have spot shots what happens in the office is that you just connect the new grades and make the contours go thru them but they went thru where the trees are but those trees are there and have not been disturbed. So that area, although included in the disturbed, really the disturbance went around those trees.

Mr. Shaw - Mr. Murphy, I presume you are familiar with recommendation by the Environmental Commission for this site. One of which the land should be restored to the approved plans, including the planting of trees, bushes and ground covers; removal of gravel and replacement of soils in the steep slope areas... could you indicate to the Board if its possible for you to have that done and what would the consequences be.

Mr. Murphy – the consequences – we have done the planning, we have done extensive planting of trees along the fence line/driveway; the area that was gravel before that has been pushed out (there is not gravel on the slopes – that is sod) so really what happens is that you go back in to re-grade this area that is already established, has the trees in it, grass growing and what you would accomplish is get back to steep slopes again - not that they are flat now – they are pretty much follow the contours of the graded line with just a little bit of

fill in there. All you will do at this point is go back and disturb it all over again which doesn't make sense.

Mrs. Hough – I am just curious - in your professional opinion, what should have been done to prevent this from happening the first time. What was the key factor – if I am remembering back correctly, there was a discussion of trucks not being available to take the dirt away causing the dirt to be piled up. Are there other things that could have been implemented by either the builder or the homeowner so that these conditions did not happen?

Mr. Murphy – to be honest with you I was being to tight with my area of disturbance. I tried to say between the driveway and the drywell that it would not be disturbed. But in reality when you have large equipment in there it does get disturbed. The only thing you can do is the area/perimeters – for instance down below that area in areas you don't want to disturb you could put up snow fencing or something physical to maybe just delineate the approved areas better in the field.

Mr. Schmidt - to follow up on that question as you have answered part of it but more goes to what was happening in the field. I think a large concern that was expressed at the last 2 meetings and still carries through is the amount of disturbance relative to the amount approved. Again adding up what was applied for they're almost 6000 ft. of disturbance in excess of what was proposed. It sounds like in the 20-25% slope where there was 270sf previously approved and 2575 ft. proposed from you testimony this evening it sounds like that may actually be smaller now given the recalculation around the trees. Nevertheless, even if that area were halved we are still looking at 4000 sf or better of disturbance that occurred in excess of what was approved. I think what the board, or what I am struggling with is that that is bigger than the footprint of the house. This is not an overshoot by 5% or a little area of steep slope. This is literally the footprint of a house and a half. I still don't understand how that could occur. I hear some explanation that quite frankly different explanations from Mr. Maganti every time he is here but I think the question that I would like answered is how can we avoid this happening again in the future. This is a very large mess.

Mr. Murphy - Like I said I think what has to be done is physically stake out a better line in the field, use a barrier of some sort so the points could be checked during construction. Markers that cannot be moved in error. A silt fence moved in error would not be noticed by either Mr. Ruscke or me but if it was something that was more permanently installed at least there would be a reference point. If the area were to be marked out in that manner than the contractor would be aware of it. The contractors are trying to get a job done and trucks back up and they just do what they have to do.

Mr. Nelson – did Murphy & Hollows do they stake out for the foundation? As part of that did you locate the limit of disturbance and lay it out?

Mr. Murphy we did do the foundation locate as to the location of limits I would have to check with my office to see what was done.

Mr. Ruschke – a lot of time that is when it occurs. When you are laying out the structure, you lay out the limit of disturbance and that in fact is where your silt fence should be, etc. It would be interesting to know if you in fact did set stakes for the limit of disturbance and they were ignored, ripped out.

Mr. Murphy – I don't know. Something along that line is when we do stake it out we stake out the fence and have a location map which we present to the town saying the foundation stake out and silt fence location.

Mrs. Alcorn – considering that this is a property with steep slopes and you knew you were going to have these considerations going into it.... do you ever consider maybe a station area.

Mr. Murphy - I should have considered it but I didn't.

Mrs. Alcorn - I think you had it on the original plans going back. When I looked at the gravel driveway I was wondering if something like that could have been utilized? It would seem to be somewhat level at the top and long the front.

Mr. Murphy - the problem is coordination. You have different contractors in and out of the site, which makes it difficult.

Mr. Godwin – that is kind of their job isn't it... to follow the approvals. Whether it is difficult or not is not the point. The point is that it is violated. So what I am hearing is you made it as minimal as possible on your drawings so that you could get approvals and then the contractors went in and did whatever they felt like doing to that would make it easier for them to construct. The approvals really aren't all that important. If we can get away with it who cares.

Mr. Shaw – was there a soil erosion/sediment control plan for the original project

Mr. Murphy – yes

Mr. Shaw – did it involve silt fencing and things of that sort to be installed?

Mr. Murphy - yes.

Mr. Shaw – was there a disturbance beyond where the silt fencing was?

Mr. Murphy - I don't know the location of the silt fencing?

Mr. Ruschke - There is along history of violations be issued to this property? stop work orders? From the beginning the site has been a problem and so ... I believe they had to go to Municipal Court for some of the violations. There is definitely a problem. The development of this property has been a major problem. More than one Stop Orders were issued. They were kept in place until the site came back into compliance.

Mr. Shaw – do you have any files for the soil erosion control plan. Did disturbance occur beyond where silt fences were supposed to be construct. Were steep slope areas disturbed beyond the area which fencing would have prevented?

Mr. Ruschke - He was directed to go to the Board practically in the beginning of this project. He had exceeded steep slopes. It was evident from the beginning of this project that there were issues of disturbance. That is why there is no CO to date because there was an issue.

Mr. Osmun – asked the Mr. Maganti (previously sworn) be allowed to address the board.

Mr. Maganti – We had one stop work order and we fixed it within four days. We were not told over and over to stop work. This is a tough property to work with. There was difficulty with the trucking as they could only go one way. Trucks refused to come only one way.

Mr. Schmidt - Mr. Maganti, I hear what you are saying but how could you not know that you were violating the disturbance area when it was violated anywhere between 4-6000 sf. That is twice the size the house foundation.

Mr.Osmunn – I think the mistake here was my client acted as his own contractor instead of hiring it out to someone who could look at it and know when he might encroach into the slopes. It was a mistake, not an intentional mistake. I will say he has paid dearly for this. He has paid fines, he has had to additional engineering and attorney fees. The stop work order cost him additional monies to bring the contractors back. Most importantly he has learned his lesson. This case doesn't set any precedent for someone else to come and not abide by previous approvals. To me it makes no sense to deny this and go back and disturb the steep slopes again. It accomplishes nothing.

Mr. Schmidt - I think from the hearing in July you were asked to address the Environment Letter and their proposed recommendations.

Mr. Osmun – we have complied with the landscaping and removal of the gravel. The only thing I believe we have not complied with is restoring the steep slopes.

Mr. Shaw - re: removal of the gravel – what was done.

Mr. Maganti – it had been seeded.

Mr. Shaw - what we would like Mr. Osmun, if you would address it very specifically, is the four specific recommendations made. The first is the land should be restored to the approved plans including planting of additional trees, bushes and ground covers. The removal of gravel and the replacement of soils and steep slopes area.

Mr. Osmun – the replacement of soils in steep slopes, landscaping and removal of gravel I think has been complied with. The only thing he has not complied with was returning this to what was approved. That is the reason why we are here.

Mr. Schmidt - How many more trees were planted?

Mr. Murphy – 7 maples along the fence line, flowering trees along the driveway, 2 Japanese maples and 4 evergreens.

Mr. Shaw – these were trees subsequent to the site visit?

Mr. Maganti - yes – the ones close to the house.

Mr. Shaw a second comment that the Township Engineer should approve all restoration.

Did you submit any documents to Mr. Ruschke for his approval?

Mr. Ruschke - Landscaping/Restoration I typically refer to the Planner for his recommendation.

Mr. Shaw – has Mr. Banish had any opportunity to review them.

Mr. Ruschke – as far as I know I don't believe so.

Mr. Osmun - would you like him to look at it and report to the Board?

Mr. Shaw - I think it is incumbent on this Board to respond to the issues raised by the Environmental Commission. These corrective actions -That would be a condition ... the corrective should be included in no less than 9 months. Depending on whatever ... if there were an approval granted with conditions that is really not an issue to address at this point. The fourth point was that the Board of Adjustment of the Township of Chatham should impose fines to the greatest extent possible... I would note that is not a function/responsibility of this Board. The Municipalities took whatever enforcement actions. So it would seem to me that there are 2 issues raised by the Environment Commission and I guess at this point it is primarily issue number 2

re: restoration and replanting be approved based on Mr. Ruschke's comments by Mr. Banish as to what is approved. I would think we would want to have that review so that we can comment back and have a final resolution addressing all of the issues raised by the Environmental Commission. The Plan A15 contains all of the additional plantings and other things that were done so that if Mr. Banish were to review that drawing you wouldn't need to submit anything else, presumably Mr. Banish would be able to advise the Board as to whether that restoration/planting schedule is appropriate.

Mr. Banish - could we highlight the areas in question. Landscaping/ plantings etc. Just to be sure I am ¹looking at the right part of the site.

Mr. Schmidt - I think it would be helpful actually, it sounds like Mr. Murphy's testimony that the amount of disturbance actually be proposed now is less. I think it would be helpful to have the accurate numbers in front of us.

Mr. Shaw – is it possible to make some sort of adjustment to that plan so Mr. Banish can easily identify.

Mr. Osmun – we will carry this to the next meeting with extensions, if needed.

Mr. Shaw – we will carry this to the next meeting with no further legal notices being required.

Mrs. Hough informed all waiting for the Verizon Application that it is being carried to the November Meeting.

Paul Magistro
428 River Road
Block: 62, Lot: 79.

Calendar Boa 08-62-79

Mrs. Hough explained the process to the applicant. This is the first hearing where you introduce the application and telling us what you want to do and why you want to do it. There will be a site visit the first Saturday of the following month. The second hearing will be the next month to discuss what we have seen, etc.

Mr. Shaw – usually on the first meeting its an overview of the application and would have the professional testimony after we have had a chance to do the site visit.

Mr. Magistro, applicant – we own an older home built in the late 1700's. We are hoping to put on a "Great room" so it can be used as a playroom for the children. The drawings will show what we are trying to do to achieve this.

¹ File starts on tape 39:19

Mr. Wood - Licensed Architect in the State of NJ, - Essentially the existing house is a couple hundred years old. Like any house of that age there are encumbrances'. Referring to Exhibit A101 – the ultimate goal is to create more living space for the family as well as add some additional space to the second floor to create/update/modernize the master bedroom suite. Going to sheet A100 clarified some of the site conditions. In regards to the variance it is to grant approval for exceeding lot coverage and existing non-conforming lot setbacks. The site is along River Road. It's a long narrow lot. The current ordinance setbacks applied to it create a hardship for development of the site. The setback (front) is 75 feet ends up behind the existing house. The extent of the addition is 5 ft. 7" x 30 ' bump out on the front of the house along the east side of the house.

Mr. Wood passed exhibits around is site plan that shows alternate locations. It shows you the hatched area being the proposed addition along the front of the house and the semi-detached garage on the east side of the house.

Mrs. Hough – the orange area on this pass out is what?

Mr. Wood – that is an alternate location that we had looked at for adding space on the north side of the house. There were reasons why it didn't seem to work or further impinging on these narrow setbacks. It would not allow for the space on the second floor without extensive work, which was outside the budget. River Road is along the south side on the up slope. The east end is Cardinal Hill Road running up to the apartments.

Mrs. Hough the driveway to this property actually enters into Cardinal Hill?

Mr. Wood – off of Cardinal Hill Dr. It does not go to River Road. There is kind of a drop off right at the edge of the road, which I supply another exhibit for (A22). This is a before and after.

The driveway is actually one of the existing non-conformities. The garage is proposed for the southeast corner of the house (shown as proposed addition). The turn around is proposed at 19 ft. rather than the suggested 24 ft. as it is kind of with the existing condition of the driveway. Part of what A100 indicates is that there is a stonewall that would be removed and the driveway would be reformed to make the turning radius easier.

Mr. Shaw – just for the record our chairman Mr. Dalziel has arrived.

Mr. Wood – the reason for the garage is the addition on the ground floor re: A101 which shows more clearly – we are converting the one of the existing garage bays along with the 5.7" addition in the front as the new family room. To get the garage space back we proposed the semi-attached garage. The garage effort was taken to gear to the 25 ft. setback along Cardinal Hill Dr. and the front of the garage does not go past the existing front of the house thus not exacerbating the current setback from the front. The last reason for the garage

location is that the house only has access from the side (confusing entry sequence). The garage creates a covered open-air walkway/breezeway or direction to a more organized directory sequence. It benefits the aesthetics of the house. I have submitted the alternate plan, which as I indicated was a worse scenario toward the back of the house. Lastly, the views I submitted - the idea was that there are a number of mature trees along River Road, which would not be disturbed. There is a tree along the front of the house that would be removed. Presently it is right up against the house, which is a bit problematic. The goal for the addition was to try to be respectful to the scale, aesthetics, and the existing house in particular the original older house. I feel that the addition is in a more appropriate scale than the existing front along that side which was an addition perhaps 15-20 years ago.

Mr. Schmidt - What is to the west uphill? Is that the apartments?

Mr. Wood – immediately to the northwest is another property. The shed I believe crosses both of our lines.

Mr. Shaw – is this a corner lot? The access is from Cardinal Drive. Frontage is on Cardinal Drive?

Mr. Wood – from what I understood it is not considered a corner lot by exact definition. It is not a township road. We were going by the 25' setback. I did want to add that there was a wetland study.

Mr. Godwin – asked John Ruschke what would Cardinal Hill Dr. be considered.

Mr. Ruschke – just an easement.

Mr. Godwin – so the only true frontage is River Road even though the driveway doesn't access it.

Mr. Ruschke – that is correct.

Mr. Dalziel – who owns the flag lot behind this one - Lot 80?

Mr. Godwin - Technically your driveway goes thru that 15 ft. easement that belongs to part of lot 80.

Mr. Magistro – this is the footprint of my house. My neighbors' house is not directly behind me. My neighbor accesses his lot the same as I – he goes thru the Cardinal Hill - passes my house and his driveway is 5-6 ft. passed my driveway.

Mr. Wood – when they dug this addition approx. 20 years ago they destroyed any type of historical or older look and one of the goals was to try to revitalize

that so the outside of the house would look its age. For the record the size of the lot is approx. 12406 sf. - 41,250 are sf. required in zone. To go back – re: turning radius – there is some space that would help in that regard. If the garage were to move forward but we wanted to start with the idea that we weren't going passed the existing setback of the original house. If there is something that would help that would be something else we could look at.

Mrs. Hough asked for questions from the Board/Public. They're being none the public portion was closed. She advised the applicant that the site visit would be November 1st - 9 am.

Mr. Magistro – advised that he would he was a member of the National Guard and would have to report for duty that weekend. He asked if he had to be there at that time of the site visit.

Mr. Dalziel – said it was not required; it would be helpful if his professional were there. Mrs. Hough suggested that someone please mark out the areas in question.

Parry & Laura Gosling
21 Fairfax Terrace
Block: 90 Lot: 9

Calendar Boa 08-90-9

Mr. Gosling, Applicant
Brian Siegel, Architect from Siegel Arch.,

Mr. Dalziel outlined the proceedings for the application. Asked for an overview of the application and advised of a site visit on the 1st of November to be followed up with a continuation of the hearing in November.

Brian Siegel – we are proposing a second story addition for a master bedroom over an existing garage as well as a front porch. A set back variance is required. A new exhibit A15 dated Oct. 16, 2008 and it's a combination of a conceptual perspective showing the residence based on a photograph of their house and of the neighbors on Fairfax Terrace. On the lower part of the drawing is the 200 ft. offset map provided by the Township.

The applicants have lived here for some time. The neighborhood has a consistent mix of homes. Most of these lots are undersized for the current zoning. Where 10,000 sf is required the applicant's property is 7935 sf, which is fairly consistent with the surrounding lot sizes. It's a modest home by today's standards – a three bedroom 2.5 bath colonial. The applicant is looking to build an extension someplace on the house whereby they could have a walk-in closet/dressing area and even locate a washer dryer from the basement to the second floor. Our perspective shows where the bulk of this second floor would be relative to the existing one car garage. The garage is currently 6.5 ft off of

the easterly property line. The proposed addition, which has been setback and terraced is roughly 7.9 ft. off of the front corner line so it is a pre-existing condition that we have extended vertically but tried to step back so it was not as massive. If you look at our drawings (A1-A7) which are simply representations of the site plan/floor plans w/elevations. The height of the structure will not change. The maximum roof height is approx. 26' and our proposed addition is approx. 3 ft. below that. In doing this type of addition we are adding 161 sf. There is no increase in building coverage for this portion. There is a screened porch – and open portico and open porch proposed for the house but they are not part of this variance application and do not exceed any coverage requirements. Re: sheet A3 of 7 – denotes what we have been talking about. Roughly 8'9 " x 18 ft. is the footprint which allows for a desk to be built into that space as well which would be a private study off the master bedroom. This is consistent with home built today – master bedrooms with walk-in closets. Sheets A4 – shows the perspective; Sheet A5 shows the rear elevations of the house; Sheet A6 is simply the west side elevation.

Mr. Dalziel – for the purposes of disclosure I would like to note that Mr. Gosling's daughter and my daughter are friends. I don't believe that will have any impact on my hearing of this case but I just wanted to disclose that.

Mr. Dalziel – questions from the board? None

Mr. Dalziel – you looked at the possibility of placing this second story over the dining area but because of.

Mr. Siegel – because of the bulk and ceiling it would not be workable.

Mrs. Hough – there is an issue I see about a shed in the back that has to be re-located.

Mr.Schmidt - Which property is immediately to the left bordering the addition?

Mr. Siegel - Lot number 10.

Martha McGill – owner of adjoining property 19 Fairfax – for the record had no problem with what is proposed. Has owned her property for 36 years.

Mr. Dalziel – to be clear we are also looking at a front yard setback? He was advised that they were not. Mr. Dalziel asked for any other questions. As there was none he advised applicants of the November 1st site visit approximately 9:30ish.

641 Shunpike Road.
Block: 48.23, Lot: 126.04

Jay Delaney, Attorney
Mr. Pavese – Planner/Architect
Mr. Sumas - Executive of Company
Mr. Gordon Meth, Safety Expert

Mr. Delaney – we are here on the continued hearing for Village Super-Markets, Inc. for the outdoor floral sales. We have submitted revised plans. We have Mr. Gordon Neff to address the safety and Mr. executive of the Company to address/answer any questions.

Mr. Pavese – re: A21 is a colorized rendering of Sp102 revised 10/2/08. The following changes have been made. Many of the comments from the Board had been taken into consideration. The wood trellis at the SE corner of the property has been eliminated. All floral display would be done on the ground so there are no hanging plants in that area. We have also added a pedestrian walkway across the main drive isle from the south side where the existing ramp/walkway is (adjacent to the building) to cross over to the parking area. It is brick pavers cut into the asphalt pavement similar to the other 3 walkways in front of the building. Those are two major changes made and we think improves the safety of the site; pedestrian circulation and with the walkway slows the vehicular circulation. Similar to what we had before there is a series of yews/junipers in front of the walkway that separates the vehicular drive from the pedestrian walk. We continue the yews around the perimeter of this display area. These will be permanently installed. The trellis has been removed. The green on the site is where the additional plant/floral will be situated.

Mr. Dalziel – the green represented on the plan is not grass/growth – it will be mulched area that is their now with lots of pots around?

Mr. Pavese - correct. At the time of the year when the pots are not there we are proposing is – the area adjacent to the building (sidewalk area with shelving which will be brought inside) will remain a side walk area. Mulched area in front of the sidewalk for the months there is no floral sales we are proposing to put potted plants with evergreen materials. We would disburse possibly 2-3 large plants in those areas.

Mr. Dalziel – what do you proposed to plant in the surrounding area now?

Mr. Pavese - the plants are similar to what is in the area in front of the sidewalk. Boxwood

Mr. Dalziel – could you be more specific about what plants you propose and how big they are.

Mr. Pavese – the yews that are around the perimeter are approx. 2 ft. high 3 ft. in dia. Similar to what is in front of the building today.

Mr. Dalziel – the ones in front of the sidewalk are what?

Mr. Pavese – mixture of yews and lower to the ground in the front are juniper. These are to separate/buffer the drive isles from the pedestrian walkway.

Mr. Dalziel – how big do the yews get?

Mr. Pavese – they could grow up to 4 ft. high but they will be maintaining as the ones of the building already are. The 2-3 pots proposed during the off selling season are approx. 3 ft. in diam.

Mr. Dalziel – you have a 28 ft x 21 ft. area that you are going to put 2 or 3 pots in and that will sufficiently decorate that area you think?

Mr. Pavese - the perimeter yews will still be there and the yews in front of the sidewalk will still be there so.

Mr. Dalziel – if I recall correctly at the last meeting we had asked you to come back with some clear definition of the safety issue. Ideas were given so we asked for a plan that would address all the issues/concerns. Correct me if I am wrong but the only difference between this plan and the previous plan is the paver walk.

Mr. Pavese – we have eliminated the trellis is the SE corner of the site; added the walkway and added more yews in the perimeter. When the trellis was eliminated additional yews were added.

Mr. Dalziel asked for question from the Board.

Mrs. Alcorn – re Christmas Trees, cuttings, etc.

Mr. Pavese - yes, I believe that is part of the previous approvals. We do sell trees, greens, etc.

Mrs. Alcorn – how many plants do you typically display or fit into that 21 x 20 ft. –

Mr. Pavese – we have a floral person who can address that.

Mr. Dalziel again asked for questions from the Board of the witness. There were none.

Mr. Ruschke - regarding the proposed site improvements – what I suggest is that you are referring to match existing but match existing requires you to pull

out a different set of drawing to see exactly the construction. They should put the necessary construction details on this set so they are not searching for them. They should match what is out there. They have a white stripe painted along the cross walk, they have rumble strips... they need to look at the existing set of plans and bring all the details forward.

Mrs. Hough – wasn't there a question about the new sidewalk and impervious coverage on site.

Mr. Pavese – I did not do a calculation – the sidewalk is 4 ft. wide by approx. 40 ft. and we felt that was minimal as it is brick pavers and matches what is on the site.

Mr. Ruschke – with the former application they were right to the nearest sq. ft. of what they were proposing. There was great discussion on the Planning Board on granting the prior impervious variance. In fact this was triggering a variance although as you say it is minor but it is a still a variance by the increase of 157 sf.

Mr. Dalziel - did you just say that the Planning Board granted a variance for coverage as well?

Mr. Ruschke – yes, as part of the improvements to the redesign of the parking lot they granted – there was a pre-existing condition – so they granted another variance because as part of the improvements to the parking lot there was a dedication to the county to improve/increase the Dedication of part of the property for the right of way for the county, which triggered the numbers.

Mr. Dalziel - could you give us an order of magnitude to the coverage – relative to what is allowed – that currently exists.

Mr. Ruschke - permitted in the B1 zone is 60% and what was granted was 88.8%.

Mr. Dalziel - this coverage would bring us from 88.8 to what.

Mr. Pavese – approx. 88.9 - it is minimal.

Mr. Ruschke – the current site area is 272,587 sf and the maximum impervious coverage identified is 242,066.9 sf. It's a .06 increase.

Mr. Banish – I think that the strategy of having some planters for the dormant period is a good idea and I wondered mechanically how that would work.

Mr. Pavese – we will keep them in the basement during summer months and during the 2 or more winter months we will bring them out. They will be potted plants, which will be easier to relocate as needed.

Mr. Dalziel – the period of allowable display is... march 15th to July 15th and September 1st - December 26th

Mr. Pavese – I believe you are referring to previous approvals

Mr. Shaw - to clarify - the second resolution provides from March 15th to December 26th each year.

Mr. Dalziel – tell us about the conditions we discussed last meeting with respect to safety.

Mr. Pavese – we have a traffic/safety engineer/expert. Mr. Gordon Meth

Mr. Meth, Director of Traffic Engineer for the RBA Group, Parsippany, NJ was sworn and listed his credentials Mr. Dalziel stated that the Board did Mr. Meth as an expert.

Mr. Pavese – re: site – I think we have tried to elicit the best and most safe layout of the proposed. If you were to look at the green area where the plants will be and understanding that there will be a walkway do you think this is a good layout for safety being the people will now be congregating in this area?

Mr. Banish - to clarify when you say safety expert you're a traffic engineer. Mr. Meth said he was.

Mr. Meth – expanded a little further – with in the next few months I will become the President of the Incident Transportation Engineers, Metropolitan NY, NJ Session. I have served on a committee to review pedestrian safety legislation Title 39 of NJ. I served for the last 3 years as lead traffic engineer in the NJDOT. Served as a Traffic Engineer for safety investigations for regional north NJ Dot. With the RBA Group I served with pedestrian safety impact teams for NJDOT and I am an active participant of a group called the BEPAC – Bicycle and Pedestrians Advisory Council.

Mr. Banish commented on the importance of what Mr. Meth does.

Mr. Meth – has visited the site on several occasions in the last few week including times when most of the parking spaces were full. Based on those visits I think I have a very good appreciation of the dynamic of traffic thru this shopping center. What you have is a main drive isle, which just runs right across the store frontages from Southern to Green Village. Basically the traffic enters/exits from either side or flows across which is common of many shopping centers. I have had similar cases is Berkeley Heights and Parsippany. The crossing directly in front of where all the pedestrian activity takes place. As soon as people get out of their cars on a site like this they become a pedestrian. People who are moving back and forth with shopping carts are conti-

nual. You have as 32 ft. isle which is a little on the wide side. The dynamic in this one instance is that you have some parking base here and although not utilized all the time they are not preferred spots, so people usually park down in this area. People shop and go to this area. When you have busy period the people go to the less used bays. Come the Holiday Period every space is usually filled. The key is one way or another whenever people park in these areas (A21) the parking spaces closest to the area of outdoor display they invariably have to walk across the parking lot or up to this area to get over to the area where existing outdoor display may be. By putting a new crosswalk in and adding a sidewalk across the frontage would be conducive to taking pedestrian out of the parking lot much sooner. One of the problems with the stairs is when people push shopping carts. The new sidewalk well be very good for a continuing pedestrian path along the front of the store front I think by creating this extra sidewalk in this crosswalk you have done a lot to make the area more pedestrian friendly. The key is you want the crosswalk visible. I think your engineer was on the money when he said this crosswalk should have white stripes because at night red brick looks just like asphalt. The white striping makes the difference at night. The red brick gets the attention of the drivers as they are approaching. A lot of municipalities have been putting in fake brick patterns to enhance crosswalks – make them more visible to motorists. No one can deny the fact that motorist are not very courteous about pedestrians in this state. The reality is that this site is just like any others in respect to pedestrian and there is a conflict between them. The key is to keep pedestrians as visible as possible and separate the conflicts wherever you can.

Mr. Dalziel – can you speak a little more technically to the reasons why other than I think it's a good location? There must be technical criteria that you use to evaluate these types of things.

Mr. Meth - in this case we don't have a level of service charts like A, B, C D. etc. We don't have that for a design. It's a little harder to quantify but my technical explanation is really based on what location where you pre-define the crossing locations is by putting in cross walks and sidewalks – do you have the best visibility for traffic in either direction and the most awareness. That to me would constitute the optimum location. That is the basis is why I am saying this is the optimum location because it is a combination of visibility and awareness. The turns cannot be taken at more than 15 mi. per hour nor can you build up speed.

Mr. Dalziel – let me ask you this question in a different way then... when they approached you regarding this site did they come to you and say you are an expert and can you tell us what the best plan is here or did they come to you with this plan and say that this is what we are proposing and what do you think.

Mr. Meth - They asked my opinion, they had a plan already in mind and I concurred with the plan.

Mr. Dalziel – so no alternatives were offered or additional measures that might have heightened the safety issue.

Mr. Meth - No I didn't.

Mrs. Hough – cars turning from Southern Blvd. entry into that shopping center... they do pick up pretty good speed – is there anything else other than white stripes in the cross walks that could be done.

Mr. Meth – the key is if you want to keep speeds down there are several options that work effectively. I also understand that they weren't too popular. There is the speed bump, which I don't particularly like as over time they degrade, get smaller and less effective. What you can do and it is what we recommended in Parsippany Troy Hills in a very similar situation is raise the cross walk a couple of inches so it's a combination between a speed hump and a cross walk. Speed bump is usually 6 inches high where a raised crosswalk would be 2-3 inches high. When doing that you would probably want to do 8 – 10 ft. wide or so because you have to imagine people crossing with shopping carts and you don't want them falling off the cross walk with the carts. Speed bumps are more effective for the smaller cars but not so much for the larger SUV's. I think if you put a stop sign in some location it really is a false sense of security. One of the things about traffic colony by definition it is really supposed to be self-enforcing. A stop sign is not. People will probably blow right thru it. People just kind of roll thru them.

Paving markers are effective for higher speeds such as a road. In a parking lot it will do very little. Width allows for more conflict and activities to take place. The plantings planned will discourage curbside parking in this area but in actuality I don't think this is an area where a lot of people congregate.

Discussion ensued regarding widths, crossings, parking of cars for pickups, etc.

Mrs. Hough – did you walk across the new proposed crosswalk area yourself just to see what the traffic was like there? You talked about the parking on the left being less desirable because of its location to the store but in busier times and with Christmas coming I think you probably will get more pedestrian traffic there. I find that people come in from the Southern Blvd. entrance and sometimes there is oncoming traffic and people will swerve in front of me and sometimes they do pick up speed. I am curious from the pedestrian point of view could you personally walk thru and check that.

Mr. Meth – the first time we met I was standing there walking back and forth plus I did actually park there and walked the whole route. I did not walk in the grass where the cross walk will be but I did take a good hard look at this crossing location. Frankly when I was told that the Board had safety concerns that were the first thing I looked at. We have corners of buildings right up to

the road site, which is often a trouble spot. People come out and there is really not enough advance warning for either pedestrian or motorist. In this case there is a good 8 feet, which is a healthy area for pedestrians and cars to see each other. Before you start doing hard calculations you have to presume that the pedestrian will just walk blindly across the road and that is not the reality. I think most people make sure that there is no traffic coming before they cross.

Mr. Dalziel – have you done the hard calculations.

Mr. Meth – I have not done the hard calculations but based on my observations in the field I felt it was adequate.

Mr. Dalziel – I am really concerned about your testimony that you basically, from what I am hearing, you took their plan at face value. Tonight you came up with a multitude of ideas and other opportunities but you have really given me no reason to say from a technical basis why you didn't recommend most of them. Either a 2-inch hump or bumps or signage. All these ideas you just came up with but none of them were recommended to the applicant and I want to know why. I want a technical reason why those are not viable options that you did not recommend.

Mr. Meth – based on my review of what was proposed I actually feel that the plan, in my opinion, had an acceptable level of safety. Now I was specifically asked if there were other things could be done. So I gave some dialogue about that. Do I say that I think they are necessary in this case? No. Would they be a benefit in this case? Yes. Anything you add to improve safety is a benefit but frankly the plan the applicant had worked out I found to be adequate.

Mr. Dalziel – this is your professional opinion but technical basis?

Mr. Meth – the technical basis is the fact that I have been trained to study pedestrian safety issues in a number of settings and reviewed this information. When I go look at something I have a good sense of all the engineering involved.

Mr. Dalziel – then that is your professional opinion.

Mr. Meth - That is my professional opinion.

Mr. Dalziel – asked for any questions from the Board.

Mr. Banish – If the concern is a speed issue would a raised crosswalk be significant in reducing that part of it.

Mr. Meth – I think it would. If traffic flows uninterrupted for any length of time you get speed. The speed hump will meter that speed because people will take them slower than they would otherwise.

Mr. Banish – you talk about speed bumps or pavement treatments that make people slow down – one of the complaints is noise.

Mr. Meth – Rumble strips would create a lot of noise, speed humps if you have them on higher speed roads (25-30 mph) generate noise at that point – the bump as they go over them but in this case not more than the shopping center does at this time; if you used other pavement treatments it could generate noise much like rumble strips.

Mr. Banish – if you were to use the raised crosswalk do you think one would be appropriate to slow the traffic down or would you try to put it in the middle.

Mr. Meth – the rule of thumb with speed humps/raised crosswalks is spacing at good angles. I would say more than one would be more appropriate.

Mr. Banish – so maybe the one you are going to install at a logical location would be an improvement. Maybe one that is similarly situate at the other location.

Mr. Meth – I would say re: A21 and the westerly most cross walk that would be a prime location as well. The reason why I haven't focused on the 2 in the middle is because they are the ones with a lot more activity to the store front doors. There I am a little more worried about the carts rolling off the sides of it, as there are a lot of people passing each other there.

Mr. Banish – there has been testimony and I am not sure whose opinion it was, but if there is a raised crosswalk it should actually be wide enough for the vehicle to be entirely on top of it.

Mr. Meth – that would be an inroad situation not a parking lot. One other thing being entirely on top of a speed hump is really a preferable treatment – more for emergency type vehicles than for the motorist. In Parsippany Troy Hills we tried speed humps on a couple of roads and emergency vehicles had a problem with them so we had to convert them to speed tables that were 22 ft. long as opposed to 14 ft. It was compromises more for the effect of say an ambulance. It's also a 6" rise as opposed to 2-3 inch.

Mr. Hough – explain the difference between a raised crosswalks vs. speed bump.

Mr. Meth – Speed bump is 6 “ and a curve on either end approaching it and the hump will usually be 12-14 ft. high on top which actually is big enough for

most vehicles. A raised cross walk will usually only be 2-3" high with a longer triangular slope to it. More like a handicap ramp.

Mr. Ruschke – would another raised crosswalk coming off that second may be helpful in reducing the speed of the traffic coming off of Southern as well as directing again the pedestrians to the sidewalk in front of the building more immediately as opposed of having them walk over to the other one.

Mr. Meth – I've already said more is better so I think it would enhance keeping the speeds down.

Mr. Schmidt - To your point that is a bad intersection there because I noticed frequently people, and I do this myself, even if I have a parking spot second into the store all the way to the right hand side I exit onto Green village.

Mrs. Alcorn – I have a question about the corner of the building. I see that you have it marked here on the existing driveway – if I heard you before you said there was like an 8 ft. vision...

Mr. Meth - There is 8 ft. from the edge of the building to the curb face.

Mrs. Alcorn – the bay window – would that not impact your visions somewhat.

Mr. Meth – not really.

Mrs. Hough – I think that anything that could calm the traffic in that area would be a benefit. I don't think the speed hump is a great idea but the raised crosswalk I think might be acceptable. If you are going to put something in that area that would attract people there I think you to do something.

Mr. Banish - from what Mr. Meth said if you were to cease that opportunity on each of the end crosswalks the activity in the middle would be protected, as you really can't get a head of speed up.

Mrs. Hough – I think if both of the end crosswalks were raised it would slow traffic down a lot. The striping would be more visual at night.

Mr. Shaw – is that an issue where these raised crosswalks will need to be reviewed by the fire department. Should they not sign off on that as a technical issue?

Mr. Dalziel – what is your experience with raised crosswalks in terms of northern climates, wintertime, maintenance, etc?

Mr. Meth – there is not a lot of difference. A snow plow will go up over the raised crosswalk much like they would with any sort of.

Mr. Dalziel – you don't think that is an issue.

Mr. Meth – no. I think obviously that extra snow will make it more gentle. It might call for some hand shoveling.

Mr. Dalziel – the plow is not much of an issue.

Mr. Meth - If I were constructing this - you can use bricks on the surface – in my own experience in the shopping center I use I don't like them because carts get caught in them, I prefer a more synthetic like a stamped concrete/asphalt. You make the surface that. The approaches you should do in poured concrete as a lip so the plough won't catch it. This is no difference to having landscape islands, which I feel are vital for good vibrant parking lot.

Mr. Shaw – are landscape islands one of the methods you might suggest for viewing of the width of current excess?

Mr. Meth – it could but you have to worry about how it lines up with the existing isles etc. You can't just extend them randomly. That is more appropriate on a new development and not an existing development.

Mr. Dalziel – looking at the island that the crosswalk connects to – that island is rather large and it actually has a very good orientation to the traffic come east to west. Would there be any benefit to, or did you consider, signage that might warn a driver head on that the crosswalk immediately to the left – I'm not talking stop sign but something that says "DANGER" Pedestrian ...

Mr. Meth – any signage should comply with the manual for traffic control because it is open to the public. Your signage would then be a person walking with a downward arrow pointing to that location using a florescent yellow sign.

Mr. Dalziel – again talking about things that you would have or did not recommend – tell me more as to why that is not appropriate.

Mr. Meth – I don't think it is inappropriate. The one thing or only problem with signage on the shopping center side is they can get in the way.

Mr. Dalziel – I am not talking about shopping carts. Do you understand where I am coming from. The island with oncoming from east to west they approach that island directly head on so it's an opportunity – looks like to me

Mr. Meth – it is an opportunity to place a pedestrian sign

Mr. Dalziel – would you recommend that?

Mr. Meth - I would say yes it could be added.

Mrs. Hough – what about on the other side.

Mr. Meft – if you are going to treat that crosswalk the same way you are treating this one I don't see why not – for symmetry. Just for the record my opinion the signage is probably not affective because the reality is that signs are the last things people look at especially entering a shopping center. Their attention is otherwise focused. It won't hurt but in it I don't think it will be that effective.

Mr. Dalziel – asked if there were any other questions of this witness. None from the public or the Board.

Mr. William Sumas, Ex. Vice Pres (was sworn). I have been with Shop-Rite for 38 years. I am responsible for the RE and site selection, maintenance of facilities which includes this site. We would like to have this floral application because it is a large part of our business. Our offices are located in Springfield. I visit this site on the average of once a week. I would have no problem with the sidewalks or raised crosswalks as discussed/described at this meeting. We were embarrassed when the site visit was made. I took it on myself to follow thru to make sure it was brought into order. What has been proposed is similar to what we have done in our other stores and is very popular with the customers. If we are to get approval from this board I am willing to do it on a trial basis as previously done.

Mr. Dalziel – you say you visit the site – did you happen to visit the site during April or May of this passed year.

Mr. Sumas. Yes. I called all the district managers and supervisors in charge and advised them that this could not be. I was not happy and took it personally. In future you can reach me on my cell phone as well.

Mr. Dalziel – as I think I stated when we opened this application. I consider Chatham to be a first class town and it is deeply concerning to me that we had done this previously on a trial basis and granted full approval and it fell off. I am very concerned about going forward that these kinds of things will reoccur. Enforcement is a real concern because quite frankly I don't want any member of this board to have to run around and call you. That is really not the intent. I am not sure that cells phones work as a way of enforcement so I am not sure what you are proposing there.

Mr. Delaney – first of all we have it on a trial basis. Now we now know everything will be at risk.

Mr. Dalziel – inclusive of the prior approval. You have abused the prior approvals. Look at the photos I have given to your attorney. It's an enforcement issue that I don't want to be responsible for. It is not my job.

Mr. Sumas – if it happens again then you should take away the privilege.

Mr. Delaney - I pointed out to your attorney, I gave him a case that indicates an appropriate way to handle infractions of imposed conditions and hope that will give you the opportunity to put it in as conditions without jeopardizing the application.

Mr. Shaw – the case actually was in the context of a use variance where there had been prior issues dealing with zoning compliance. The standard method for a board to deal with these variances is to condition variances to address the underlying issue. Certainly there are appropriate conditions being offered. My understanding Counsel from your comment was that point in fact the approval of this board previously granted for outside storage was also going to be put up as one of the conditions to compel the clients. I gather that is not the case. Your previous representation as to conditions – that condition included was not compliance – that condition would also lose your protection for earlier granted approvals.

Mr. Delaney - I did not say that

Mr. Shaw – that was the impression that I was left with.

Mr. Dalziel – that is why I asked, I want to be fair about it.

Mr. Shaw – that goes to what our appropriate conditions.

Mr. Delaney – what we would be prepared to propose is any approval on what we are seeking we would do on a trial basis

Mr. Dalziel - questions from the Board.

Mrs. Alcorn - could safety be a part of that ...on a temporary basis... if something happened that was considered an accident of public safety

Mr. Dalziel - the problem with that is if it's an incident that occurs during a trial basis... I assume you are going to ask for a one-year trial and then want to return for a permanent approval.

Mr. Delaney – that is correct.

Mr. Godwin – in regard to public safety it could be totally unrelated to the display. No one wants to get involved in that. I am saying that making that a condition perhaps would be too arbitrary.

Mrs. Alcorn – I still think there are safety issues that were not part of the original plan.

Mrs. Capanegro - floral manager was present for any questions.

Mrs. Alcorn asked if there had been a determination of how many plants you could comfortably display and will they be all potted, flats... what is your plan for that area.

Mrs. Capanegro - it will be a mixture. The old fashion rose flats have been replaced now with a smaller flat containing 2 half flats. The only way I can try to figure this out is I will buy a rack from my grower and it's usually about 80 of these flats. My idea for this is to do the 2 and then leave a path so the customers will have room to view from both sides and not interfere with everyone else. I plan to have 10" hibiscus and other things that my customers really want and always ask for. They would be a separate area and not next to the flats. They would be pots, which probably are off to the side to eliminate interference with walking. I may have to get deliveries every day to maintain a beautiful look but I worked out with our grower and that is not a problem.

Mrs. Alcorn – do you have an actual footprint of how you will space these plants.

Mrs. Capanegro - I could do that, I can get the dimensions and I could work out a plan of how I could set it up.

Mrs. Alcorn – based on the size of the flats on display... say a customer wants to buy 2-3 flats – how will they bring them back and forth. There is not room for carts.

Mrs. Capanegro - Yes there will be but they will leave their carriage on a sidewalk pick up what they want and bring it to their carriage... depending on what they purchase will determine the amount of times they will go back and forth to the cart.

Mr. Shaw – one of the things done in the prior approval was that there was a very detailed drawing which identified where all the planting are supposed to be. A36 provides some method by which the township zoning officer or who ever reviews to see where things are located. I think that one of the questions I have deals with the open area for ground storage. I don't think we are getting very much of an understandable basis for being able to look at how things will be stored, whether there is sufficient space between where the thing are going to be planted for people to walk; I know that had been – the width of isle areas had been one of the issues in previous approvals to ensure that there was areas for people to travel. Presently no one has designed how these ground displays are to function/work and how people will be able to access them. We don't know how many you will actually be able to put there. I know we would not want to see is the whole area packed full with ground plantings as was done previously on the site. We currently don't have anything being

shown to us that we can attach to some other approval to attach conditions to know that it would or how it would work.

Mr. Dalziel – this comes back to my comment about “first class town”.

Mrs. Capanegro - The person responsible for the display is no long with us. I have 22 years in this business and I know how much area we need.

Mr. Shaw – this board needs to be able to approve something.

Mr. Delaney – Mr. Shaw – we are talking about something very flexible. I don't think it can be as fixed as you are talking about. Certainly it can be fixed in the back but the area in question is an open space. We have to have some flexibility... you can't be that rigid.

Mr. Pavese - It is basically bounded on 4 sides by sidewalks. It is the area within that sidewalk area that would be forever changing.

Mr. Dalziel – the 570 sf you site on you plan that includes the area where the yews are – correct?

Mr. Pavese - It does not include this area but it includes the permanent use around the perimeter.

Mr. Dalziel – those aren't really viable display areas within the yews.

Mr. Pavese – No but we leaving those areas around the perimeter open – the display is basically within that area.

Mr. Dalziel – I am just wondering if the remaining area in the flat there out of 570 sq ft. if you take that out what do you end up with? If there are 360 sf of flats ...

Mr. Pavese – it is probably 500 sf or so - it will be a flexible area

Mrs. Alcorn – questioned the walkway and was advised that it probably would be between 30-36 inches.

Mr. Nelson - it might be something to consider. Not concrete but perhaps a brick pathway would give you a divided area to display and still give you flexibility.

Mrs. Hough – maybe not even a path but perhaps a paver/stepping stones.

Mrs. Hough felt it would be essential for us to get some sort of design layout showing the walkways and where the flats could be placed.

Mr. Banish – if you could show us the various seasons and possible setups.

Mr. Dalziel – I am going to comeback and build on Mr. Banish and my comment that previously I would like to see this as a first class presentation. I am not convinced yet that we have the facility under control

Discussion ensued about a plan, not necessarily permanent, so there would be an idea of what it would look like. It would define isle widths etc. Photographic imagery would be helpful

Mr. Banish –cart storage. I would like to make sure that can be resolved when you return.

Mr. Ruschke asked that all construction details be presented for what is/will be proposed. Have everything detailed so we know exactly what you are going to do.

Mr. Shaw said the application would be carried to the next meeting and asked that the applicant grant necessary extensions.

Motion to adjourn by Mr. Godwin seconded by Mr. Nelson all in favor.
Meeting was adjourned at 11:00 p.m

Respectfully submitted,

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Mary Ann Fasano
Transcribing Secretary