

**BOROUGH OF BLOOMSBURY
PLANNING BOARD
REORGANIZATION MEETING MINUTES
JANUARY 20, 2015**

The regular meeting of the Bloomsbury Planning Board was held on January 20, 2015 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804. The meeting was called to order at 7:30 p.m. by the reading of the Sunshine Law by Steven P. Gruenberg, Esq.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on March 6, 2014 by the publication of said notice in the Express Times and the posting of said notice in the Municipal Building on the same date.

ROLL CALL:	Ann Ferrero	Martha Tersigni, Mayor
	Vicky Papics	Robert Waterson
	Tom Reilly	Kimberly Wentzel
	Jennifer Rittenhouse - excused	Rick Roseberry, Engineer
		Steve Gruenberg, Attorney
		Lawrence Creveling, Zoning Officer- absent

Flag Salute

2015 REORGANIZATION

OATH OF OFFICE

Mr. Gruenberg administered the Oath of Office to Ann Ferrero and Vicky Papics.

NOMINATIONS:

Mr. Gruenberg requested nominations for Planning Board Chairman.

Mr. Reilly moved the Board appoint Kimberly Wentzel as Chair; seconded by Mr. Waterson. No further nominations were received. Ms. Ferrero moved the Board close nominations; seconded by Mr. Reilly. All ayes. Motion carried.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Tersigni-aye; Waterson-aye. Motion carried.

Mr. Gruenberg asked for nominations for Planning Board Vice-Chair.

Mrs. Wentzel moved the Board appoint Mr. Reilly as Vice Chair; seconded by Mrs. Papics. No further nominations were received. Ms. Ferrero moved the Board close nominations; seconded by Mrs. Papics. All ayes. Motion carried.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

PROFESSIONAL APPOINTMENTS:

Mr. Reilly moved the Board appoint Mr. Gruenberg Board Attorney, Mr. Roseberry as Board Engineer and Mr. McGroarty as Borough Planner; pending contract approval; seconded by Ms. Ferrero.

ROLL CALL VOTE: Ferrero-aye; Papis-aye; Reilly-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

RESOLUTION # 01-15 – SETTING 2015 MEETING DATES

WHEREAS, the Senate and General Assembly of the State of New Jersey have enacted an Act concerning meeting of certain public bodies known as the Open Public Meetings act, approved, October 21, 1975, as Chapter 231, P.L. 1975, effective 90 days after enactment, to wit, on or about January 19, 1976,

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Bloomsbury as follows:

1. The regular meetings of the Borough of Bloomsbury Planning Board shall be held on the third Tuesday of every month during the calendar year of 2015. Meetings shall be held in the Municipal Building, 91 Brunswick Ave., Bloomsbury, NJ at 7:30 PM.
2. Notice of such annual schedule of regular meeting of the Planning Board or any revised schedule thereof, as well as advance written notice of any regular, special or rescheduled meeting of the Board shall be prominently posted at the Municipal Building, published in the Hunterdon County Democrat and shall be on file with the Board Secretary.

REGULAR MEETING SCHEDULE

January 20, 2015

February 17, 2015

March 17, 2015

April 21, 2015

May 19, 2015

June 16, 2015

July 21, 2015

August 18, 2015

September 15, 2015

October 20, 2015

November 17, 2015

December 15, 2015

First Meeting of 2016 and annual re-organization - January 19, 2016

Mrs. Papis moved the Board adopt Resolution # 01-15; seconded by Mr. Reilly. All ayes. Motion carried.

RESOLUTION # 02-15 - DESIGNATION OF OFFICIAL NEWSPAPERS

BE IT HEREBY RESOLVED, by the Planning Board of the Borough of Bloomsbury that the Hunterdon County Democrat shall be designated as the official newspaper of the Planning Board, wherein all legal advertising of the Board shall be placed. The Express Times shall be designated as the first alternative and the Courier News shall be designated as the second alternative.

Mrs. Papics moved the Board adopt Resolution # 02-15; seconded by Mrs. Ferrero. All ayes. Motion carried.

RESOLUTION # 03-15 - RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT WITH CERTAIN PLANNING BOARD PROFESSIONALS

WHEREAS, the Borough of Bloomsbury Planning Board requires the services of an engineer and attorney; and

WHEREAS, funds are available in the 2015 municipal budget for the Borough of Bloomsbury Planning Board expenses; and,

WHEREAS, C. Richard Roseberry, P.E., P.P., C.M.E, of Maser Consulting is a duly qualified licensed engineer of the State of New Jersey; and

WHEREAS, Steven P. Gruenberg, Esq., of Scholl, Whittlesey & Gruenberg, LLC, is a duly licensed attorney of the State of New Jersey; and

WHEREAS, Chuck McGroarty of Banisch Associates, Inc., is a duly licensed planner of the State of New Jersey, and

WHEREAS, the Board members are desirous of retaining the services of the aforementioned individuals;

WHEREAS, the Chief Finance Officer has certified that the contracts (recited below) with , C. Richard Roseberry, P.E., P.P., C.M.E, of Maser Consulting, Steven P. Gruenberg, Esq., of Scholl, Whittlesey & Gruenberg, LLC, and Chuck McGroarty, of Banisch Associates, Inc, may exceed \$17,500 in value, and such parties have furnished to the Borough of Bloomsbury (or will furnish to the Borough of Bloomsbury prior to the effectiveness of an award of contract with them) a Business Entity Disclosure Certification certifying that their entity has not made any reportable contributions under the New Jersey Local Pay-To-Play Law (N.J.S.A. 19:4A-20.4 et seq.) and that they will not, during the term of their contract make any political contribution so reportable; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1et seq.) requires a resolution authorizing the award of contracts for Professional services without competitive bidding must be advertised,

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Bloomsbury, County of Hunterdon, State of New Jersey as follows:

1. That the Chairman and Secretary of the Borough of Bloomsbury are hereby authorized and directed to execute contracts with the following all being for a period of one year, ending on December 31, 2015, contingent upon receipt from each of the following where the contract may exceed \$17,500 of a Business Entity Certification certifying that their entity has not made any reportable contributions under the New Jersey Local Pay-To-Play Law (N.J.S.A. 19:4A-20.4 et seq.) and that they will not, during the term of their contract make any political contributions so reportable:

C. Richard Roseberry, P.E., P.P., C.M.E, of Maser Consulting is appointed Planning Board Engineer for the calendar year 2015.

Steven P. Gruenberg, Esq., of Scholl, Whittlesey & Gruenberg, LLC, is appointed Planning Board Attorney for the calendar year of 2015.

Chuck McGroarty, of Banisch Associates, Inc, is appointed Borough Planner for the calendar year of 2015.

2. These contracts are awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5-(1) (a) of the Local Public Contracts Law.
3. This resolution shall be published once in the Hunterdon County Democrat.
4. Copies of said professional agreements shall be maintained in the municipal offices of the Borough.

Mrs. Papics moved the Board adopt Resolution # 03-15; seconded by Mrs. Ferrero. Motion carried.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

REGULAR MEETING

APPROVAL OF BILL LIST

Mrs. Papics moved the Board approve the bill list of January 20, 2015, provided funds are available; seconded by Ms. Ferrero.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

APPROVAL OF MINUTES

Mrs. Papics moved the Board approve the regular meeting minutes of September 16, 2014; seconded by Ms. Ferrero.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

ESCROW REPORT

The Board reviewed the Escrow reports of October, November, December & January.

ZONING REPORT

The Board reviewed the Zoning Reports of December 2013 and January 2014.

OLD BUSINESS

No comment.

NEW BUSINESS

Mrs. Wentzel stated that Travel Center was present with an application for approval. Mr. Gruenberg stated this is an application for amended site plan approval and the Board is only dealing with completeness this evening.

George Dilts, Attorney for Travel Centers of America appeared on behalf of the applicant. He advised that they received Mr. Roseberry's report and their Engineer has responded to the same. Mr. Dilts stated that they would like to proceed with the public hearing on February 17, 2015 if they are deemed complete tonight.

Mr. Roseberry stated that plans were submitted based on the previous site plan which is an amendment of the prior plan where they are proposing to modify the pump islands and canopy at the Exxon gas station. Mr. Roseberry stated that the application and checklist are complete and the plans submitted are complete based on the checklist and he recommends the Board deem the application complete. Mr. Reilly questioned an email attachment regarding lighting standards, and Mr. Roseberry said that would be discussed next month. He added that when he did the completeness review he also did a technical review to give them a heads up to a few issues he saw and they were addressing some of those issues.

Ms. Ferrero stated that she was not sure if this was relevant at this time, but she questioned if with an application like this where it will add two more pumps and potentially bring in more traffic, if a traffic study should be required on the checklist. Mr. Gruenberg stated that if it is a checklist item, it would be required; however, if it is not, as part of the hearing process the Board could request the applicant provide some type of traffic impact report. Mr. Dilts stated that it is their intention to provide some additional traffic testimony as that was the recommendation of the Board Engineer.

Mr. Roseberry stated that a traffic study is not part of the checklist so we have to proceed with completeness based on the checklist. Ms. Ferrero asked if this is something that should be added to the checklist in the future. Mr. Roseberry stated that it is not a bad idea for some applications but he feels there is a threshold for when a traffic study should be required and it should not be required for every application, but if it were on the checklist, an applicant could request a waiver and that waiver would include a justification for the same.

Mr. Roseberry stated that in this case, this is actually a conditional use application because of the gas pumps and one of the conditional use requirements is adequate circulation, so the Board will see in his technical review memo that he is requesting they address the circulation on the site.

Mr. Dilts stated that if this is one of the Board's concerns they will do their best to address them and certainly traffic and traffic flow will be addressed at the public hearing.

Ms. Ferrero moved the Board deem the application complete based upon the recommendation the Board Engineer and to schedule the matter for a public hearing on February 17, 2015; seconded by Mrs. Tersigni.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

Mrs. Tersigni question the escrow accounts for Travel Centers and the applicants request to transfer funds since about half of the amount is a performance bond, she wondered if the Board Engineer may need to do something in writing to release these funds. Discussion followed. Mr. Roseberry stated that Travel Centers should write a letter to the Borough requesting final inspection and release of the bond. The Secretary asked what happens in a case like this, where the previous application could have been more than 10 years ago and the Borough has just held the funds. Mr. Roseberry stated that he would likely write a memo to that affect and ask Council to release those funds and then transferring that amount to escrow for the current project. Mr. Roseberry stated that we will do a Resolution and if there is a bond associated this they will get a copy of the Resolution and they can then pursue cancelling that bond.

CORRESPONDENCE

The Board reviewed correspondence.

OPEN TO THE PUBLIC

No comment.

ADJOURNMENT

There being no further business, a motion to adjourn the meeting was made by Mr. Ferrero; seconded by Mr. Reilly. All ayes motion carried. Meeting adjourned at 7:57 PM.

Respectfully submitted,

Lisa A. Burd Reindel
Planning Board Secretary

**BOROUGH OF BLOOMSBURY
PLANNING BOARD
REGULAR MEETING MINUTES
FEBRUARY 17, 2015**

The regular meeting of the Bloomsbury Planning Board was held on February 17, 2015 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804. The meeting was called to order at 7:31 p.m. by the reading of the Sunshine Law by Kimberly Wentzel, Chairwoman.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 29, 2015 by the publication of said notice in the Hunterdon County Democrat and the posting of said notice in the Municipal Building on the same date.

ROLL CALL:	Ann Ferrero	Martha Tersigni, Mayor
	Vicky Papics	Robert Waterson - excused
	Tom Reilly	Steve Gruenberg, Attorney
	Jennifer Rittenhouse	Richard Roseberry, Engineer - excused
	Kimberly Wentzel	Lawrence Creveling, Zoning Officer

FLAG SALUTE

APPROVAL OF BILL LIST

Mrs. Papics moved the Board approve the bill list of February 17, 2015 provided funds are available; seconded by Mrs. Ferrero.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Rittenhouse-aye; Tersigni-aye; Wentzel-aye. Motion carried.

APPROVAL OF MINUTES

Mrs. Ferrero moved the Board approve the reorganizational and regular meeting minutes of January 26, 2015; seconded by Mrs. Papics. All ayes. Rittenhouse-abstain. Motion carried.

ZONING REPORT

Mrs. Papics moved the Board accept the zoning report; seconded by Ms. Ferrero. All ayes. Motion carried.

ESCROW REPORT

Ms. Ferrero moved the Board accept the escrow report dated February 16, 2015; seconded by Mrs. Rittenhouse. All ayes. Motion carried.

OLD BUSINESS

PUBLIC HEARING – Travel Centers of America; Block 30; Lot 3; 975 Route 173

To amend preliminary and final site plan approval in Resolution # 07-07 for the conditional use of an automobile fueling facility.

George Dilts, appeared before the Board representing Travel Centers of America on the application. He explained that Travel Centers of America received site plan approval in 2007 and this is a slight modification of that plan as they are asking to replace the canopy over the automobile fueling area and modify the island adding two dispenser units.

Mr. Dilts referenced Mr. Roseberry's memo dated December 11, 2014 explaining this memo went to completeness and then into a technical review as well which was discussed at the completeness hearing.

Mr. Gruenberg stated that he reviewed the proof of service and publication of the notice of hearing provided by the applicant and finds the Board has jurisdiction to proceed with the hearing.

Walter Fouche of Travel Centers of America, Jay Troutman of McDonough & Rae Associates, Traffic Engineers, and Robert Wellert of Wellert Corporation, Civil Engineering firm, were sworn in by Mr. Gruenberg.

Robert Wellert testified that he is a licensed engineer in the State of New Jersey as well as several other states and has worked with Travel Centers of America as a consultant since 2000. He stated that he has prepared engineering plans for retail gasoline and truck fueling facilities since 1988. Mr. Wellert testified that he has provided expert testimony to the Board previously. He explained he has not testified before other Boards in the State of New Jersey.

No questions were heard from the Board. Mr. Wellert was accepted as an expert.

The Board reviewed plans dated December 1, 2014 with a revised date of February 3, 2015.

Mr. Wellert testified that work is focused on the auto fueling area in front of the store, removal and replacement of the canopy and addition of two fuel dispensers. Mr. Wellert provided testimony about the current flow of traffic on the site. He explained that they are proposing to remove the existing fueling stations and the canopy and replace them with four fueling positions and a larger canopy to cover the same. Mr. Wellert stated the new canopy will be in the same area basically but will move slightly to the south and the east to accommodate the vehicle traffic and turning. They will also replace the attendant building which is under the canopy.

Mr. Wellert testified that they will be restriping the pavement to indicate traffic flow within the auto area and the western driveway.

They would add two directional signs on the east end of the island which separates the truck traffic from the auto traffic which would say "do not enter" so that when autos are in the fueling area, they will know that that is not an exit. Vehicles can enter either driveway, but can only exit from the westerly driveway.

Mr. Wellert testified that the lighting plan has been revised to Mr. Roseberry's satisfaction, explaining that all lighting in the canopy will be flush mounted LED lighting. Mr. Wellert testified there are no variances needed.

Mr. Gruenberg stated that Mr. Roseberry's letter dated December 11, 2014 will be marked exhibit B-1 and entered into the record. Mr. Dilts stated that they have reviewed the same and have complied in all respects with Mr. Roseberry's memo.

Mr. Gruenberg asked if they would agree as a condition to any approval to a night light test and that the Board maintains jurisdiction over any lighting issues. Mr. Wellert agreed to the same.

Mr. Reilly stated that Mr. Wellert testified no changes to signage, but he did indicate two direction signs would be added. Mr. Wellert explained that these were part of the approval from 2007. Mr. Wellert provided additional testimony about striping and directional arrows which will be installed in the driveways. The easterly entrance is enter only for cars and trucks and the westerly driveway provides for ingress and egress.

Mr. Wellert testified that there are currently two dispensers which allow four cars to fuel at once, and they are proposing to install four dispensers which will have eight fueling positions. He added that east to west will be the primary flow for vehicle traffic at the fueling station, but there is room for traffic to move both ways should a driver circle around and enter from the westerly side. Discussion followed.

Jay Troutman of McDonough and Rae Associates stated that he was part of the team representing Travel Centers with their 2007 application before the board. He had done a traffic impact statement in 2007 for the site plan which was approved. Mr. Reilly asked if Mr. Troutman had previously testified before any other Boards in this area. Mr. Troutman stated he has testified before Greenwich Township, Lopatcong Township and the Borough of Bloomsbury.

Mr. Gruenberg stated that Mr. Troutman will be accepted as an expert by the Board.

The Board reviewed the report prepared by Mr. Troutman dated November 14, 2014; which was marked exhibit A-1 and entered into the record. Mr. Troutman stated that he went out and established the existing roadway and traffic conditions and reconfirmed what they found in 2007. He explained that they discussed traffic impact with this plan which is negligible, that there may be a slight uptick because it will be more efficient, but that it is not recognized as any significant impact. He added that the state highway access management code would not recognize this as having any impact as they are not changing the use. He testified that they also took volume reporting at the westerly driveway where all of the auto traffic will egress and the predominant pattern is as Mr. Wellert described. The majority of the entering traffic comes in at the east end they go to their respective areas on the site and then the majority exit from the westerly driveway. He explained they analyzed all of the information and find that it is operating in a completely acceptable manor now in terms of average delays to get people in and out, efficient flow and safety. They didn't see any problems during the later afternoon peak hour conditions.

Mr. Troutman stated the main focus of this hearing is the internal changes that Mr. Wellert reviewed, which include the increased number of fueling positions on the site. This being a conditional use, we need to show safe and convenient traffic circulation. This site is already in existence right now, so this can be observed right now. The only short coming is the limited amount of fueling positions, which can create a backlog on the site, so this plan improves the safety and convenience on the site by reducing the potential amount of queuing that may occur. Discussion followed.

Ms. Ferrero asked how many nights or afternoons they observed the situation. Mr. Troutman stated that it was just a handful of times and the one evening he went out the conditions he observed were identical to those he found in 2007. Ms. Ferrero stated that this issues has come up many times before the Board and she feels you need to look at a number of consecutive days because there are many times where it is absolutely log jammed. She asked what times he had been out and if there was any attention paid to the general conditions on Route 173 due to the traffic going in and out of this facility. Discussion followed. Ms. Ferrero stated that she would argue that that it is not safe it is and that any slight uptick will only make it worse. She said she believes they need to do a traffic study over several days.

Mr. Troutman stated that he has over the years observed the situation she is talking about and agreed there are peak days for both this site and the Pilot site. He explained that this site is better situated than the Pilot is because it is properly sized to accommodate the activity as compared to the Pilot where it tends to back up the volume toward the interchange. Mr. Troutman stated that he believes that when Pilot added the turning lane it helped a lot and having this site further west is a good. Discussion followed.

The Board voiced concern over on site traffic patterns and requested additional signage and pavement markings. Discussion followed.

Mr. Gruenberg stated it would be appropriate to entertain a motion to close the hearing to the public.

Mrs. Papics moved the Board close the public hearing; seconded by Ms. Ferrero. All ayes. Motion carried.

Mr. Gruenberg stated that if the Board were inclined to grant this application, it would be a motion to grant amended preliminary and final site plan approval conditioned upon satisfaction with Mr. Roseberry's correspondence which was marked B-1, a satisfactory night light test, with the Board maintaining jurisdiction over lighting issues, and an amendment to the plan to provide cross hatched areas and no truck parking signage along the westerly side of the exit, and the provision of a Title 39 consent for enforcement of the no parking, together with any other standard conditions and any others the Board may want to add. He explained that if the Board is not inclined to grant this application, it would simply be a motion to deny.

Mr. Reilly moved the Board approve application as outlined by Mr. Gruenberg; seconded by Mrs. Papics.

Ann Ferrero stated that she is still uncomfortable given the current traffic issues.

ROLL CALL VOTE: Ferrero-nay; Papics-aye; Reilly-aye; Rittenhouse-aye; Tersigni-aye; Wentzel-aye.

Mr. Gruenberg stated that he will prepare a draft resolution and send the same to the applicant for their review prior to the March meeting.

NEW BUSINESS

No new business.

CORRESPONDENCE

Mrs. Wentzel stated that she received notice in the mail from Jersey Central Power & Light explaining they will be doing some work in the area. Brief discussion followed. The Secretary will forward the same to the Borough Engineer for his review.

Mrs. Tersigni stated that the deed for the Mill has been received and it now belongs to the Borough again. She explained that she had been contacted by an interested investor and gave him the Clerk's contact information so he could make arrangements to go into the Mill but to date she has not heard from him. Discussion followed.

OPEN TO THE PUBLIC

No comment.

ADJOURNMENT

There being no further business, a motion to adjourn the meeting was made by Mrs. Papis seconded by Ms. Ferrero. All ayes motion carried. Meeting adjourned at 8:51 PM.

Respectfully submitted,

Lisa A. Burd Reindel,
Planning Board Secretary

**BOROUGH OF BLOOMSBURY
PLANNING BOARD
REGULAR MEETING MINUTES
MARCH 17, 2015**

The regular meeting of the Bloomsbury Planning Board was held on March 17, 2015 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804. The meeting was called to order at 7:30 p.m. by the reading of the Sunshine Law by Kimberly Wentzel, Chairwoman.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 29, 2015 by the publication of said notice in the Hunterdon County Democrat and the posting of said notice in the Municipal Building on the same date.

ROLL CALL:	Ann Ferrero	Martha Tersigni, Mayor
	Vicky Papics	Robert Waterson
	Tom Reilly	Steve Gruenberg, Attorney
	Jennifer Rittenhouse - excused	Richard Roseberry, Engineer - excused
	Kimberly Wentzel	Lawrence Creveling, Zoning Officer

FLAG SALUTE

APPROVAL OF BILL LIST

Mr. Gruenberg stated that there was an incorrect entry on the Travel Centers Bill and a corrected copy will be sent to the Secretary for consideration at the April meeting.

Mrs. Papics moved the Board approve the Bill List of March; seconded by Mr. Reilly.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

APPROVAL OF MINUTES

Mrs. Papics moved the Board approve the regular meeting minutes of February 17, 2015; seconded by Ms. Ferrero. All ayes. Motion carried.

ZONING REPORT

The Board accepted the zoning report into the record.

ESCROW REPORT

The Board reviewed the escrow report. The Secretary will follow up with Mr. Roseberry regarding the status of releasing the old TA Performance Bond and combining the accounts. Discussion followed.

OLD BUSINESS

Mrs. Wentzel stated that they met with the planner yesterday and there is concern for septic issues in the North Street Redevelopment area. Mr. Reilly said that because we fall in the

Highlands, they will stress the need for sewer systems over private septic. The Planner will talk to the Borough Engineer to get his input on handling wastewater in the Borough. Discussion followed. Mrs. Wentzel stated that we need a plan so that property owners will be interested in the North Street properties explaining that if potential owners have to go to Highlands with a plan of their own, they will be less likely to move forward with a project.

NEW BUSINESS

RESOLUTION # 04-15 - FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION REGARDING THE APPLICATION OF TRAVEL CENTERS OF AMERICA FOR AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL AND OTHER RELIEF FOR BLOCK 30, LOT 3

The Planning Board of the Borough of Bloomsbury, in the County of Hunterdon and State of New Jersey, upon motion of Mrs. Papics, seconded by Mr. Reilly, adopts the following findings of fact, conclusions and resolutions:

Findings of Fact:

1. Applicant, TRAVEL CENTERS OF AMERICA has filed this application for amended preliminary and final site plan approval as to an existing site located at Block 30, Lot 3. The applicant was represented at all times George M. Dilts, Esq. of Dilts & Koester.
2. The applicant most recently received preliminary and final site plan approval and other relief by way of Resolution adopted by the Board on November 29, 2007 to memorialize the Board's action on June 19, 2007. The prior approval essentially was to replace the existing fuel dispensers with canopy with additional site work to include re-stripping the parking lot, adding handicapped parking spaces and relocating two landscape islands and two lights.
3. The current proposal is to amend the fuel dispensing area by replacing the canopy over the automobile fueling area and modifying the island by adding two dispenser units.
4. On January 20 2015, the Board entertained the application for completeness purposes. A motion was moved, seconded and unanimously passed to deem the application

complete in accordance with the Board Engineer's review. The matter was scheduled for public hearing on February 17, 2015.

5. February 17, 2015, the applicant presented with appropriate proof of service and publication of the Notice of Hearing and the Board was found to have jurisdiction to proceed with the hearing on the application. The following exhibits were marked into evidence:

Exhibit A-1 Traffic Impact Report dated November 14, 2014

Exhibit B-1 Board Engineer's Review Report dated December 11, 2014.

6. Testimony under oath was received from Walter Fouche of Travel Centers of America; Jay Troutman, P.E. of McDonough & Rae Associates, Traffic Engineers; and Robert Wellert, P.E. of Wellert Corporation, Civil Engineering.

7. Robert Wellert, P.E. presented his qualifications before the board and was accepted as an expert Professional Engineer in the state of New Jersey.

8. Mr. Wellert reviewed the plans dated December 1, 2014 with a revision date of February 3, 2015. The proposed work is focused on the auto fueling area in front of the store. The applicant proposes to remove and replace the canopy and add two additional fuel dispensers. Mr. Wellert testified that the current flow of traffic on site will not be altered. The applicant is proposing to remove the existing fueling stations and the canopy and replace them with four fueling positions and a larger canopy to cover the same. Mr. Wellert stated the new canopy will be in the same area basically but will move slightly to the south and the east to accommodate the vehicle traffic and turning. They will also replace the attendant building which is under the canopy. The applicant will be re-stripping the pavement to indicate traffic flow within the auto area and the western driveway.

9. Concerns were raised by Board members regarding the flow of traffic and the proper use of directional signs on the site. The applicant agreed to add two directional signs on the east end of the island which separates the truck traffic from the auto traffic which would say

do not enter so that when autos are in the fueling area, they will know that is not an exit. While vehicles can enter either driveway, they can only exit the site from the westerly driveway.

10. The applicant addressed the concerns raised in Mr. Roseberry's December 11, 2014 Technical Review Report which was marked into evidence as Exhibit B-1. The lighting plan has been revised to Mr. Roseberry's satisfaction. Mr. Wellert testified that all lighting in the canopy will be flush mounted LED lighting. Signage remains the same and no variances are required of the application.

11. Concerns were raised regarding lighting on the site. The applicant agreed to a condition of approval that a night light test will be performed and that the Board maintains jurisdiction over any lighting issues.

12. The two directional signs were part of the original approval from 2007 and apparently never installed. Mr. Wellert provided additional testimony about striping and directional arrows which will be installed in the driveways. The easterly entrance is enter only for cars and trucks and the westerly driveway provides for ingress and egress.

13. There are currently two dispensers which allow four cars to fuel at once. The applicant proposes to have four dispensers which all eight cars to fuel at once. He added that east to west will be the primary flow for vehicle traffic at the fueling stations, but there is room for traffic to move both ways should a driver circle around and enter from the westerly side. Concerns were raised by Board members regarding traffic issues which were deferred to the applicant's traffic expert.

14. The matter was opened to the public for questions of Mr. Wellert. None were received.

15. Jay Troutman, P.E. of McDonough and Rae Associates stated that he was part of the team representing Travel Centers with their 2007 application before the board. He provided his qualifications and was accepted by the Board as an expert in Traffic Engineering.

16. The Board reviewed the report prepared by Mr. Troutman dated November 14, 2014, which was marked as Exhibit A-1 and entered into the record. Mr. Troutman stated that he personally reviewed the site and established the existing roadway and traffic conditions and reconfirmed what his group had found in 2007. He explained that the discussed traffic impact with this plan is negligible. While there might be a slight uptick in potential volume on the site, the impact will be negligible because the increase in fueling stations will make the site more efficient. The state highway access management code would not recognize this proposal as having any impact. There is no change of use. Observations were made of the volume reporting at the westerly driveway where all of the auto traffic will egress. The predominant pattern is as Mr. Wellert described. The majority of the entering traffic comes in at the east entrance and then go to their respective areas on the site. The majority then exit from the westerly driveway. Upon analysis of all of the information, the site is operating in a completely acceptable manner.

17. Mr. Troutman testified that the only shortcoming as to the existing site is the limited amount of fueling positions, which can create a backlog on the site. The proposal improves the safety and convenience on the site by reducing the potential amount of queuing that may occur.

18. Concerns were raised by Board members regarding the adequacy of the traffic study and the traffic congestion on State Highway 173. Ms. Ferrero asked how many nights or afternoons they observed the situation. Mr. Troutman stated that it was just a handful of times and the one evening he went out the conditions he observed were identical to those he found in 2007. Ms. Ferrero stated that this issues has come up many times before the Board and she feels you need to look at a number of consecutive days because there are many times where it is

absolutely log jammed. She asked what times he had been out and if there was any attention paid to the general conditions on Route 173 due to the traffic going in and out of this facility.

Discussion followed. Ms. Ferrero stated that she would argue that that it is not safe it is and that any slight uptick will only make it worse. She said she believes they need to do a traffic study over several days.

19. Mr. Troutman testified that he has over the years observed the situation Ms. Ferrero addressed and agreed that there are peak days for both this site and the Pilot site. He explained that this site is better situated than the Pilot because it is properly sized to accommodate the activity as compared to the Pilot where it tends to back up the volume toward the interchange. Mr. Troutman stated that he believes that when Pilot added the turning lane it helped a lot and having this revised plan approved would further improve the situation.

20. The Board voiced concern over on site traffic patterns and requested additional signage and pavement markings. In particular, the Board was concerned regarding the parking of trucks along the westerly entrance/exit. The applicant agreed to provide cross hatching along the westerly curbed area of the western driveway as well as along the curbed area on the parking lot area of the drive in the form attached to this resolution as Exhibit 'A' and as approved by the Board Engineer.

21. Concerns were raised regarding enforcement of traffic issues and violations on site. The applicant agreed to provide Title 39 enforcement capability to the Borough for enforcement of traffic violations on site and agreed to self patrol as well.

22. The matter was opened to the public for comments or concerns. None was received.

23. Mrs. Papis moved the Board close the public hearing; seconded by Ms. Ferrero. All ayes. Motion carried.

24. A motion was moved by Mr. Reilly and seconded by Mrs. Papics to grant preliminary and final site plan approval subject to conditions.

ROLL CALL VOTE: Ferrero-nay; Papics-aye; Reilly-aye; Rittenhouse-aye; Tersigni-aye; Wentzel-aye.

Conclusions:

1. The majority of the Board finds that the proposed amended site plan is fully conforming with the Borough's ordinances and that amended preliminary and final site plan approval will be appropriate in light of the conditions imposed and the unique circumstances presented.

Resolution:

RESOLVED, that the Applicant, **TRAVEL CENTERS OF AMERICA** is granted the amended preliminary and final site plan approval subject to the following conditions:

- A. Compliance in all respects with Mr. Roseberry's letter dated December 11, 2014.
 - B. Construction in accordance with the plans on file.
 - C. Compliance with any and all other governmental approvals.
 - D. Applicant agrees that a night light test will be conducted after construction prior to the issuance of a CO to the satisfaction of the Borough Engineer and that the Board retains jurisdiction over all lighting issues.
 - E. The western driveway will be will be striped and marked with no parking signs in accordance with Exhibit "A" attached hereto and to the satisfaction of the Board's Engineer.
6. Applicant shall provide Title 39 enforcement capability to the Borough for enforcement of traffic violations on site and agreed to self-patrol as well.

7. Applicant shall maintain a positive balance in its escrow account sufficient to permit the continued professional of review of this application and compliance with this Resolution.

Mr. Gruenberg stated that the resolution has been circulated to Mr. Roseberry, the applicant and Mr. Dilts. All find the resolution acceptable. Mr. Gruenberg noted a few minor typographical errors which have now been corrected. Discussion followed.

Mrs. Papics moved the Board adopt Resolution # 04-2015; seconded by Mr. Reilly.
ROLL CALL VOTE: Papics-aye; Reilly-aye; Tersigni-aye; Wentzel-aye. Motion carried.

CORRESPONDENCE

Mr. Gruenberg reminded the Board that he sent an email to Board Members regarding the New Jersey Supreme Court opinion and order relating to COAH and Affordable Housing. He explained that this could be a big deal and he thinks the Planner needs to be involved in this discussion. He stated that the Borough has two options, to file for declaratory judgement saying that our plan is constitutionally compliant or to wait for a builders remedy suit. The Borough can also send a letter stating that we feel we are constitutionally compliant and we aren't going to do anything. The Borough has 90 days to decide what to do. Discussion followed. Mr. Gruenberg stated he feels he and the Planner need to review the Borough Plan that the Board should be involved in these discussions, and a recommendation should then be sent to Borough Council to take whatever action may be needed.

Mr. Reilly moved the Board allow Mr. Gruenberg to work with Mr. McGroarty to come up with a recommendation for the Board and Council as to what steps to take relating to the Supreme Court's decision on COAH; seconded by Ms. Ferrero.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

Mrs. Wentzel asked if the Board can review the existing plan in advance of the next meeting. Mr. Gruenberg will ask that Chuck forward a copy to him and he will share the same with Board members.

OPEN TO THE PUBLIC

No comment.

ADJOURNMENT

There being no further business, a motion to adjourn the meeting was made by Mrs. Papics seconded by Mr. Waterson. All ayes motion carried. Meeting adjourned at 8:18 PM.

Respectfully submitted,

Lisa A. Burd Reindel,
Planning Board Secretary

**BOROUGH OF BLOOMSBURY
PLANNING BOARD
REGULAR MEETING MINUTES
APRIL 21, 2015**

The regular meeting of the Bloomsbury Planning Board was held on April 21, 2015 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804. The meeting was called to order at 7:32 p.m. by the reading of the Sunshine Law by Kimberly Wentzel, Chairwoman.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 29, 2015 by the publication of said notice in the Hunterdon County Democrat and the posting of said notice in the Municipal Building on the same date.

ROLL CALL:	Ann Ferrero	Robert Waterson
	Vicky Papics	Kimberly Wentzel
	Tom Reilly	Steve Gruenberg, Attorney
	Martha Tersigni, Mayor	Richard Roseberry, Engineer - excused
		Lawrence Creveling, Zoning Officer

FLAG SALUTE

APPROVAL OF BILL LIST

Mrs. Tersigni moved the Board approve the bill list of April; seconded by Ms. Ferrero.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Tersigni-aye; Wentzel-aye. Motion carried.

APPROVAL OF MINUTES

Ms. Ferrero moved the Board approve the regular meeting minutes of March 17, 2015; seconded by Mrs. Tersigni. All ayes. Motion carried.

ZONING REPORT

Mrs. Papics questioned the zone listed for 30 Church Street stating that according to the tax map it should be B-1 but R-3 is noted on the report. Mr. Creveling stated that according to the tax duplicate it is R-3 and Mr. Kolba has also questioned this. Brief discussion followed. The Secretary will reach out to the Tax Assessor for clarification and report back to the Board.

The Board accepted the zoning report into the record.

ESCROW REPORT

The Board accepted the escrow report.

Mrs. Tersigni stated that both Penyak and Pasculli have moved from the Borough and have balances in escrow. Mr. Gruenberg stated that those balances should be refunded to them. The Clerk stated that she was not sure if the shed violation, which was the subject of a pending

application for the Pasculli property had ever been resolved. She explained that she still has their partially completed application packets in her files, but they had gone away on vacation and never finalized their submission to the board. Mr. Creveling stated that the violation was tabled because the Pasculli's agreed to submit a variance application to the Board. Mr. Gruenberg questioned if they had let the new owners know that there was an existing violation. Discussion followed. Mr. Creveling will speak to the new property owners to let them know about the existing violation for the shed.

OLD BUSINESS

REDEVELOPMENT –

Mr. Reilly stated a phone conference was held with Chuck McGroarty, Rick Roseberry, Steve Gruenberg and himself. They discussed the redevelopment plan and options for the same. Mr. Gruenberg stated that the whole issue of redevelopment and the possibility of bringing in sewer On small scale or large scale was discussed. The direction was for the Board Planner and Board Engineer to reach out to Highlands and DEP to find out about their availability for a meeting to discuss the matter. Brief discussion followed.

ROUTE 173 TRAFFIC ISSUE-

Ms. Ferrero stated that on Friday night she again witnessed a dangerous situation on Route 173 due to traffic near the truck stops. She said she called the State Police to report the same again and pulled into the PNC Bank lot to wait to see their response. Ms. Ferrero stated that no Trooper ever showed up. She asked the Board consider writing a letter to the NJDOT to request they look into the issue. Discussion followed. The Secretary will send an email to the Borough Engineer to discuss contacting the DOT and getting their assistance.

Ms. Ferrero stated that she would like the checklist to include a traffic study requirement for future applications. Mr. Gruenberg stated that the Board could come up with a sample and forward to the Council for their consideration. Brief discussion followed.

NEW BUSINESS

COAH UPDATE-

Mr. Gruenberg explained that essentially what the Supreme Court has done is to say that COAH has failed to bring the matter to a head and failed to adopt rules so if you're a municipality that obtained substantive certification from COAH or had participating status you can file for a declaratory judgement action to say that your current plan is constitutionally compliant or to risk a builders remedy suit. He explained that third option is to send a letter stating that we feel we are constitutionally compliant and are not doing anything.

CORRESPONDENCE

OPEN TO THE PUBLIC

No comment.

ADJOURNMENT

There being no further business, a motion to adjourn the meeting was made by Ms. Ferrero seconded by Mrs. Papics. All ayes motion carried. Meeting adjourned at 8:27 PM.

Respectfully submitted,

Lisa A. Burd Reindel,
Planning Board Secretary

**BOROUGH OF BLOOMSBURY
PLANNING BOARD
REGULAR MEETING MINUTES
JULY 21, 2015**

The regular meeting of the Bloomsbury Planning Board was held on July 21, 2015 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804. The meeting was called to order at 7:57 p.m. by the reading of the Sunshine Law by Kimberly Wentzel, Chairwoman.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 29, 2015 by the publication of said notice in the Hunterdon County Democrat and the posting of said notice in the Municipal Building on the same date.

ROLL CALL:	Ann Ferrero	Robert Waterson
	Vicky Papis	Kimberly Wentzel
	Tom Reilly	Steve Gruenberg, Attorney
	Martha Tersigni, Mayor	Richard Roseberry, Engineer - excused
		Lawrence Creveling, Zoning Officer

FLAG SALUTE

APPROVAL OF BILL LIST

Mrs. Wentzel stated that she did not have a Bill List for the meeting.

APPROVAL OF MINUTES

Mrs. Wentzel stated that she did not have Minutes from the last meeting.

ZONING REPORT

The Board reviewed the Zoning Report.

Mrs. Wentzel asked Mr. Creveling about the status of a long existing shed violation. Mr. Creveling stated that he needs to get contact information for the new property owner. He stated that when he spoke to him, he was aware there was an issue with the shed and they had a few other issues with the house which they planned to contact the seller about the same.

ESCROW REPORT

The Board reviewed the Escrow Report.

OLD BUSINESS

COAH DECLARATORY JUDGEMENT FILING –

Mr. Gruenberg stated that he sent a letter to Mr. Edleston and understands from Chuck McGroarty that the Judgement was filed. Mrs. Tersigni reported that it was filed and Mr. Edleston was waiting for the Docket Number so that he could submit the proof of service. She

explained there was some dispute about who needed to receive the notice. Mrs. Tersigni stated that there is more to it than just that filing and we cannot sit back and think that is all that needs to be done.

Mr. Gruenberg stated that there is an item on the agenda dealing with the litigation and it would be appropriate at this time to go into executive session to discuss pending litigation.

Mr. Reilly moved the Board enter into executive session; seconded by Mrs. Tersigni. All ayes. Motion carried.

Mr. Reilly moved the Board re-enter regular session; seconded by Ms. Ferrero. All ayes. Motion carried.

Mr. Gruenberg stated that the Board is out of executive session where they discussed pending litigation and no action was taken by the Board.

NEW BUSINESS

Mrs. Wentzel stated that she had a letter from Chuck McGroarty which she received from the Mayor about possible funding for Highlands Redevelopment. She stated there may be a grant worth \$25,000 that may be available to the Borough and other municipalities. Mr. Reilly stated that Chuck's correspondence that redevelopment is hinging upon our wastewater plan to go hand in hand. Mr. Reilly stated we have to pause because the Highlands has a test case and he felt that maybe we should ask Mr. McGroarty for a timeline for that and if the Board should be working on something in the meantime. Mr. Gruenberg stated that he spoke to Mr. McGroarty and got the impression that it was not something that would happen in the near future, but he would be reaching out to the Highlands again next week. Discussion followed. Mr. Gruenberg stated it would be a good idea to have Mr. McGroarty attend the next Planning Board meeting to discuss this matter further.

Mrs. Tersigni stated that she has been approached by investors who own a property on North Street who are interested in purchasing the lien for 55 North for about \$61,000 which means a lot to Council but that Council is not always aware of what the Planning Board is trying to do or don't grasp it in its entirety. She stated she does not want to hurt the Boards chances to move forward with our redevelopment plan and what we need to do for septic needs for the current residence but she has an aggressive group of investors who are here with bankers and evidently walking through town look at all kinds of things. Mrs. Tersigni stated they were talking about bringing in HUD housing and getting sewer systems for that housing and she said wait a minute, we need systems for our own residents. She doesn't want to get rid of the property we are holding that we may need for our own system, in fact they have asked her what the Borough's plan is, what we want and she thinks they are moving too fast. Discussion followed.

Mrs. Wentzel stated she will ask both professionals be at the August meeting to discuss the redevelopment plan and the parcels that these people are interested in and if they are valuable to us and our future plan.

Mr. Reilly suggested the subcommittee meet in advance of the next meeting so that they can pull together ideas and so that the professionals can come prepared. Mr. Gruenberg stated that Mr. Edleston should be included as well. Mrs. Tersigni state she will be speaking with him tomorrow

and Mrs. Wentzel will set up a teleconference and ask that the Engineer and Planner attend the August meeting. Discussion followed.

CORRESPONDENCE

No additional correspondence.

OPEN TO THE PUBLIC

No comment.

ADJOURNMENT

There being no further business, a motion to adjourn the meeting was made by Mr. Reilly seconded by Ms. Ferrero. All ayes motion carried. Meeting adjourned at 8:50 PM.

Respectfully submitted,

Lisa A. Burd Reindel,
Planning Board Secretary

**BOROUGH OF BLOOMSBURY
PLANNING BOARD
REGULAR MEETING MINUTES
SEPTEMBER 15, 2015**

The regular meeting of the Bloomsbury Planning Board was held on September 15, 2015 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804. The meeting was called to order at 7:31 p.m. by the reading of the Sunshine Law by Kimberly Wentzel, Chairwoman.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 29, 2015 by the publication of said notice in the Hunterdon County Democrat and the posting of said notice in the Municipal Building on the same date.

ROLL CALL:	Ann Ferrero	Robert Waterson
	Vicky Papics	Kimberly Wentzel
	Tom Reilly	Steve Gruenberg, Attorney
	Martha Tersigni, Mayor	Richard Roseberry, Engineer
		Lawrence Creveling, Zoning Officer
		Chuck McGroarty, Planner

FLAG SALUTE

APPROVAL OF BILL LIST

Mrs. Papics moved the Board approve the Bill List of September; seconded by Ms. Ferrero.

ROLL CALL VOTE: Ferrero-aye; Papics-aye; Reilly-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

The Board discussed possible adoption of a resolution authorizing bills which are routine in nature to be paid without prior Board approval. The Secretary will amend the Resolution adopted Council allowing the same and include in packets for Board consideration at the October meeting.

APPROVAL OF MINUTES

Mrs. Papics moved the Board approve the regular meeting minutes of April 21, 2015; seconded by Ms. Ferrero. All ayes. Motion carried.

ZONING REPORT

Mrs. Papics moved the Board accept the zoning reports dated May, June, July & August, 2015; seconded by Ms. Ferrero. All ayes. Motion carried.

The Board discussed the Pasculli shed violation. Mr. Creveling reported he said notice of the violation to the new owners and he has spoken to them and advised they need a variance. The secretary voiced concern over the new property owners being held accountable for this when no action was taken with the previous owners for 10 years. Mr. Gruenberg reminded the Board this is now an enforcement issue and should be discussed by Council, not the Board as there is no

pending application before the Board. Mr. Reilly directed the Zoning Officer to bring this matter to Council.

ESCROW REPORT

The Board reviewed the escrow report. The Secretary will ask the CFO to remove past accounts with zero balances from the report.

The Board questioned the two accounts for Travel Centers. The Secretary advised that last time this was discussed when they appeared before the Board months ago, it was determined that the accounts could be combined and the performance bond could be released if the Engineer were to confirm the old project was satisfied. The Board asked Mr. Roseberry about the status of this matter. Mr. Roseberry stated he will write the letter this month.

OLD BUSINESS

NEW BUSINESS

WMP-

Mr. Roseberry reported that he has corresponded with Highlands but no updated plan has been received to date. He stated that the Board needs to consider if we want to include something in the plan regarding future sewer systems in the Borough. He explained that we could indicate we are in favor of this, but not make a commitment to it.

Mrs. Roseberry stated that the WMP has not been made public yet, that they have to provide it to the municipality for our review and there will be a comment period and then public hearings will be held. He stated that the Planning Board would provide input and then it would be sent to Council, then on to the DEP. Mr. Roseberry stated that adoption would be years away but he does expect a draft soon.

Redevelopment-

Mr. McGroarty stated that when talking to Highlands about North Street and Church Street, staff members indicated they are looking at new technologies for sewer in Califon and they may be motivated to move forward with this in the Borough and Judy Thornton said the Borough may want to mention it in our WMP. In following up with them, despite the promise of meeting with the DEP, there does not appear to be any progress on this. He explained that getting sewers would benefit the Borough and Highlands would be in favor from a health and safety perspective. Discussion followed.

Mr. McGroarty asked if the Mayor had submitted the Highlands Grant request he sent. Discussion followed. The Secretary will send an email and the scope of work to Highlands tomorrow.

RESOLUTION FOR AN EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a meeting, and

WHEREAS, the Planning Board of the Borough of Bloomsbury has deemed it necessary to go into a closed session to discuss certain matters which are exempted from the public,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Borough of Bloomsbury will go into closed session for the following reasons as outlined in N.J.S.A. to discuss pending litigation.

Mrs. Papics moved the Board enter executive session at 8:18; seconded by Mr. Reilly. All ayes.

The Board discussed pending litigation relating to COAH and the Borough's possible future obligation. Discussion followed.

Mr. Reilly moved the Board return to regular session at 8:40; seconded by Mrs. Papics. All ayes. Motion carried.

Mr. Gruenberg announced that the Board met in executive session to discuss pending litigation and no action was taken.

Mr. Reilly left the table at 8:40 PM.

CORRESPONDENCE

The Board reviewed correspondence.

OPEN TO THE PUBLIC

No comment.

ADJOURNMENT

There being no further business, a motion to adjourn the meeting was made by Mrs. Papics seconded by Ms. Ferrero. All ayes motion carried. Meeting adjourned at 8:52 PM.

Respectfully submitted,

Lisa A. Burd Reindel,
Planning Board Secretary

**BOROUGH OF BLOOMSBURY
PLANNING BOARD
REGULAR MEETING MINUTES
OCTOBER 20, 2015**

The regular meeting of the Bloomsbury Planning Board was held on October 20, 2015 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804. The meeting was called to order at 7:32 p.m. by the reading of the Sunshine Law by Kimberly Wentzel, Chairwoman.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 29, 2015 by the publication of said notice in the Hunterdon County Democrat and the posting of said notice in the Municipal Building on the same date.

ROLL CALL:	Ann Ferrero	Robert Waterson
	Matt Korbobo	Kimberly Wentzel
	Karen Murray	Steve Gruenberg, Attorney
	Vicky Papics - absent	Richard Roseberry, Engineer
	Tom Reilly - excused	Lawrence Creveling, Zoning Officer
	Martha Tersigni, Mayor	Chuck McGroarty, Planner - excused

FLAG SALUTE

APPROVAL OF BILL LIST

Ms. Ferrero moved the Board approve the Bill List of October 20, 2015; seconded by Mr. Waterson.

ROLL CALL VOTE: Ferrero-aye; Murray-aye; Tersigni-aye; Waterson-aye; Wentzel-aye; Korbobo-aye. Motion carried.

APPROVAL OF MINUTES

Ms. Ferrero moved the Board approve the regular meeting minutes of September 15, 2015; seconded by Mrs. Tersigni. All ayes. Murray-abstain; Korbobo-abstain. Motion carried.

ZONING REPORT

The Board reviewed the September Zoning Report and accepted the same into the record.

ESCROW REPORT

The Board reviewed the escrow report. The Secretary advised that the CFO removed the two which held a zero balance per the Board's request last month.

OLD BUSINESS

WMP-

Mr. Roseberry reported he has received the draft plan from Highlands and they have given him 30 days to review the same.

COAH-

Mrs. Tersigni stated that the Borough has been given an extension through October 30th and Joanna Slagle is working on it. Mr. Gruenberg stated he has not heard from anyone regarding this matter and assumes his input is not required at this time.

Redevelopment-

Nothing new to report.

NEW BUSINESS-

FIFTY-FIVE NORTH, LLC – MINOR SITE PLAN AND CHANGE OF USE VARIANCE APPLICATION – BLOCK 8; LOT 1, 55 NORTH STREET

Mr. Gruenberg stated that because this is a combined board the Mayor has to step down because this application involves a Use Variance. Mrs. Tersigni left the table.

Dan Baurkot, Counsel representing the applicant introduced himself to the Board. Mr. Gruenberg advised Mr. Baurkot that there are five Board members eligible to vote on the application this evening and all five must give an affirmative vote in order to receive approval. He added that he wanted to give the applicant the opportunity to consider this and decide if they want to proceed this evening. Mr. Baurkot conferred with Mr. Karam and they agreed that they would like to move forward with the completeness determination.

Completeness Determination-

Mr. Roseberry stated the application is for a Use Variance for 55 North Street, which is currently a vacant property, formerly Koh-I-Noor. He advised the Board previously approved a use on the property a few years ago and at that time there were certain site improvements they were required to do, which were completed. Now they are seeking a waiver of site plan as they are not requesting to do anything outside of the building. Mr. Roseberry stated he agrees fully with this. They are requesting waiver from all items on the checklist and waiver of the site plan approval and will only be proceeding with the Use Variance which will allow the tenant to occupy the building. Mr. Roseberry stated he has no objection to granting all of the waivers on the checklist for completeness purposes.

Mr. Gruenberg stated that he understand the major issue is payment of the property taxes and he asked if Mr. Roseberry recommended this be made a condition of approval as opposed to requiring that at the time of application. Mr. Roseberry agreed with the same.

Mr. Gruenberg stated it would be appropriate for the Board to entertain a motion to grant the waivers as requested and to deem the application complete and to either grant the waiver from site plan, or deny the same.

Ms. Ferrero moved the Board grant the waivers as requested and deem the application complete; seconded by Mr. Waterson.

ROLL CALL VOTE: Ferrero-aye; Murray-aye; Waterson-aye; Wentzel-aye; Korbobo-aye.
Motion carried.

Mr. Gruenberg advised Mr. Baurkot that the next issue was the notice of hearing. He explained that the applicant had submitted the green return cards and three were missing. Mr. Gruenberg explained that what he really needs is the white slips that prove that service was made. The applicant advised he does not have them with him but has represented that he mailed them all at the same time and can provide the white slips tomorrow. Mr. Gruenberg advised that ordinarily that would not be considered good service for the Board to assert jurisdiction. If the Board is willing to hear the application it would be entirely at the applicants risk as the Board actually does not have jurisdiction to proceed. Mr. Gruenberg further advised that if someone were ever to come in to challenge the approval on that basis and we don't have the white slips, the approval would be null and void. He added that the 45 day period when someone can challenge would not apply if the Board did not have jurisdiction to proceed. Mr. Baurkot stated that they understand that risk and want to proceed.

Ms. Ferrero asked if the Board would be setting a precedent by doing this for this applicant. Mr. Gruenberg stated that it would not as the Board takes every application individually.

Mr. Baurkot stated that he understands moving forward will be at his client's own risk. Mr. Gruenberg stated that being the case, he finds that the Board has jurisdiction to proceed.

Badway Karam was sworn in by Mr. Gruenberg. Mr. Karam testified that he is the managing partner of Fifty-five North Street, LLC and he has been a member since its formation four years ago. Mr. Karam stated that the building is currently in a research manufacturing zone and the building has been empty for some time. Mr. Karam testified they were approached by a potential tenant who runs a cheerleading facility. In order for her to occupy the building they need to change the Use. He explained it is technically classified as an S-1 and it would need to be changed to a B, a professional service establishment.

Mr. Karam testified that the tenant intends to use the space to train cheerleaders. He stated that there will be very few changes to the building for this tenant as he has been in touch with the DCA and has a small punch list of items they want completed at this time because so many improvements were made a few years ago. Mr. Karam testified he met with State Code Officials today and they feel they can get the new list of items completed within a week, as they anticipate there will not be any significant changes needed.

Mr. Karam testified this building will be well suited for this use as it is a freestanding building without interior walls and it has very high ceilings so it is conducive for what is being proposed. He stated that it sits on 1.36 acres and has ample parking in the front and the back. Mr. Karam stated that most people will pick up and drop off their children and not stay through practice.

Mr. Karam stated they are currently zoning ROM and compared to list of allowed uses in the zone, this is a very light use. He asked that the Board consider that as they make their decision. Mr. Gruenberg reminded everyone that it is a Use Variance that is being requested this evening, not a change in the zoning. The use being requested will be for that building. Mr. Roseberry stated that the applicant has been referring to a B Use, but he believes this would be classified as an A-3 Use. Mr. Karam stated that as far as the DCA is concerned, they classify this as going from an S-1 to a B.

Mr. Karam testified that there are two entrances in the front and two in the back for the half of the building they will be using. He explained that in working with the DCA, he had to hire an architect and for the B Use they allowed 1 person/100 sq. ft. or a max of 110 people. He testified that they will occupy the western half of the building near Church Street.

Tracy Baker was sworn in by Mr. Gruenberg. Ms. Baker testified she is the owner of Valley Athletics and they have a non-profit 501C-3 Valley Elite All-Stars which is a competitive cheer program. She explained that both entities will occupy the space and that Valley Elite All-Stars rents floor space from Valley Athletics. Ms. Baker testified that she has been the owner of both for 8 years and that they offer tumbling classes, clinics and camps for kids of all ages and they offer competitive cheering.

Ms. Baker testified that in their competitive cheer program they currently have about 75 cheerleaders and that in their classes at any given time throughout the week, they have between 74 – 100 athletes. She explained that they will have pre-school classes during the day with activities, play time and gym time for kids who are not yet in school. Ms. Baker stated that during the day they would typically be open from about 10:00 am – 2:00 pm with the pre-school kids and then they would also have evening hours from about 4:00 pm – 9:00 pm Monday – Saturday and their Sunday schedule would be on and off. She testified that she will be on site a majority of the time supervising everything.

Mr. Baurkot asked approximately how many cheerleaders would be on site at one time typically. Ms. Baker testified that they would have one team of about 20 cheerleaders practicing at one time and that at the same time a class could be held on the other mat which could be 10 – 20 kids in a class. She explained that practices are normally 2 – 3 hours and that classes are typically 30 minutes to an hour and they would rotate in and out. She explained they are mostly drop offs but parents do stay for some of the 30 minutes classes.

Ms. Baker testified that Valley Elite All-Stars is the competitive cheer side and they operate as a 501-C3. They pay to cheer but that income goes to their uniforms, competitions, equipment and to pay the coaches. Mrs. Wentzel asked how many coaches are on staff. Ms. Baker stated there are four coaches who are basically full time and a few others who volunteer and are not there all of the time. Mrs. Wentzel asked how many people she planned to have on site for Sunday events. Ms. Baker testified that it will vary, that they could have a clinic on Sunday afternoon, and that they have a ½ season cheer program that runs December through April and those practices are typically on a Sunday. Ms. Baker stated that they normally close most Fridays, Saturdays and Sundays over the summer as people are away on vacation and they are slow. Mr. Korbobo asked what time classes would be held on Sundays and advised there are a few churches in the Borough. Ms. Baker testified that typically their Sunday classes are held after church as they have students who also attend church. She testified that there will be no outdoor events. Board members asked if there would be ample parking for parents who wanted to stay during classes. Mr. Roseberry stated there are seven spaces on one side of the building and 25 on the other. Discussion followed.

Mr. Gruenberg stated application and escrow fees still need to be paid. The Secretary advised that the application fee for the use variance is \$500 and \$500 to escrow. The Site Plan application fee is \$150 and \$3,000 to escrow. Mr. Karam requested the board reduce the escrow fee requirement as he has a balance of over \$1,000 still held from his last application and

because the application is so far along. Discussion followed. Mr. Gruenberg stated that if the Board was so inclined, they could grant a waiver accepting \$2,000 in lieu of the \$3,500 required.

Ms. Ferrero moved the board grant a waiver from the required escrow fees and accept \$2,000 for escrow along with the \$650 for application fees; seconded by Mr. Waterson.

ROLL CALLVOTE: Ferrero-aye; Murray-aye; Waterson-aye; Wentzel-aye; Korbobo-aye.
Motion carried.

Mrs. Wentzel opened discussion to the public.

Kristen Santoro, 12 Deer Path was sworn in by Mr. Gruenberg. Mrs. Santoro stated that her daughter has been doing competitive cheerleading for 10 years and they found Ms. Bakers gym last March and it has been a blessing for her daughter & their family. She added that Ms. Baker, her coaches and staff are all there to support the athletes. Mrs. Santoro said she is excited as a community member that the use of this facility and feels it is community friendly.

Colleen Kerfoot, 6 Fawn Run was sworn in by Mr. Gruenberg. Mrs. Kerfoot stated that Ms. Baker is already sponsoring the annual Spooky Sprint and as a resident and mother of two small children, she is excited to have a local facility that they can walk to during the day.

Mr. Baurkot stated that based on the testimony of the property owner, the proposed tenant and unsolicited testimony of the public, it would seem that this will be a light use that is suitable to property and the community.

Ms. Ferrero moved the Board close to the public; seconded by Mrs. Murray. All ayes. Motion carried.

Mr. Roseberry stated that not having heard testimony regarding positive and negative criteria, he wanted to go on the record stating that he has reviewed the application for the same and feels that it has met the positive criteria as it does promote some of the benefits of the municipal land use law, it seems to be in conformance with the master plan and they have mitigated any negative criteria.

Mr. Gruenberg stated that in order to be successful, the argument for this is that the property is particularly suited for the proposed use and the board must also find that the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan. Mr. Gruenberg stated that if the Board is in agreement they can make a motion to grant the Use Variance subject to conditions that have been discussed.

Mr. Gruenberg outlined the following:

No exterior improvement have been proposed.

Typical hours of operation 10 - 2 and 4 – 9 Mondays – Saturdays with occasional Sundays.

Application does not involve any signs, so they will need to be conforming or part of another application.

No outside activities.

No showcase to be held within the building.

No showers.

No issuance of any certificate of occupancy until the property taxes are brought current together with any other outside government agency approvals which may be required.

Applicant agrees to replenish escrow as needed.

Mr. Gruenberg stated that if the Board does not find the applicant has met the burden of proof they can make a motion to deny.

Ms. Ferrero moved the Board approve the Use Variance; seconded by Mr. Waterson.

No Discussion.

ROLL CALL VOTE: Ferrero-aye; Murray-aye; Waterson-aye; Wetzel-aye; Korbobo-aye.

Motion carried.

Mr. Korbobo moved the Board approve the waiver from Site Plan approval; seconded by Mr. Waterson.

ROLL CALL VOTE: Ferrero-aye; Murray-aye; Waterson-aye; Wetzel-aye; Korbobo-aye.

Motion carried.

Mr. Gruenberg stated he will draw up the Resolution and forward the same to the applicant for review and the Board will act on it at the November meeting.

Mrs. Tersigni returned to the table.

RESOLUTION # 05-15 - RESOLUTION AUTHORIZING PAYMENT OF PREVIOUSLY APPROVED EXPENDITURES OR ROUTINE RECURRING EXPENSES PRIOR TO FORMAL BOARD APPROVAL

WHEREAS, payment of previously approved expenditures and bills of a routine or recurring nature such as the payment of Planning Board Professionals monthly retainers; and

WHEREAS, it is necessary to establish policy whereby these bills may be paid prior to Board approval of the monthly bill list;

NOW, THEREFORE, BE IT RESOLVED on this 20th day of October, 2015, that the Planning Board of the Borough of Bloomsbury does hereby implement a policy and procedure whereby routine or recurrent bills or previously approved expenditures may be paid and checks

issued therefor executed by the appropriate municipal officials prior their formal inclusion on the monthly bill list for formal approval by the Board.

Ms. Ferrero moved the Board adopt Resolution # 05-15; seconded by Mrs. Murray.
ROLL CALL VOTE: Ferrero-aye; Murray-aye; Tersigni-aye; Waterson-aye; Wentzel-aye; Korbobo-aye. Motion carried.

Mrs. Wentzel stated she was able to read through the draft telecommunications ordinance and asked how the Board should proceed with the same.

Mr. Gruenberg stated that the Board should authorize him, to write a draft tailored to the Borough. Mr. Gruenberg will prepare the same for the November meeting. Additionally, Mr. Gruenberg will finalize the proposed forms and applications for the November meeting which he will compare to the highlands checklist ordinance. He will confer with Joanna Slagle to be sure that what we are doing doesn't conflict with that in any way.

CORRESPONDENCE

The Board reviewed correspondence. Discussion followed.

OPEN TO THE PUBLIC

No comment.

ADJOURNMENT

There being no further business, a motion to adjourn the meeting was made by Ms. Ferrero; seconded by Mr. Waterson. All ayes motion carried. Meeting adjourned at 8:48 PM.

Respectfully submitted,

Lisa A. Burd Reindel,
Planning Board Secretary

**BOROUGH OF BLOOMSBURY
PLANNING BOARD
REGULAR MEETING MINUTES
NOVEMBER 17, 2015**

The regular meeting of the Bloomsbury Planning Board was held on November 17, 2015 at the Bloomsbury Borough Hall, 91 Brunswick Avenue, Bloomsbury, New Jersey 08804. The meeting was called to order at 7:30 p.m. by the reading of the Sunshine Law by Kimberly Wentzel, Chairwoman.

As required by the Open Public Meetings Act of 1975, adequate notice of this meeting was provided on January 29, 2015 by the publication of said notice in the Hunterdon County Democrat and the posting of said notice in the Municipal Building on the same date.

ROLL CALL:	Ann Ferrero	Robert Waterson
	Matt Korbobo	Kimberly Wentzel
	Karen Murray	Steve Gruenberg, Attorney
	Vicky Papics - excused	Richard Roseberry, Engineer - excused
	Tom Reilly - excused	Lawrence Creveling, Zoning Officer
	Martha Tersigni, Mayor	Chuck McGroarty, Planner - excused

FLAG SALUTE

APPROVAL OF BILL LIST

Ms. Ferrero moved the Board approve the Bill List of November 17, 2015; seconded by Mrs. Murray.

ROLL CALL VOTE: Ferrero-aye; Korbobo-aye; Murray-aye; Tersigni-aye; Waterson-aye; Wentzel-aye. Motion carried.

APPROVAL OF MINUTES

Ms. Ferrero moved the Board approve the regular meeting minutes of October 20, 2015 as amended; seconded by Mr. Waterson. All ayes. Tersigni-recuse. Motion carried.

ZONING REPORT

The Board reviewed the October Zoning Report. Mr. Waterson questioned if the additional antennas on the cell tower will result in increased revenue to the Borough. Mrs. Tersigni reported that she has asked this question but does not have an answer yet. Discussion followed. The Board accepted the report into the record.

ESCROW REPORT

The Board reviewed the escrow report. The Board is still waiting for the letter from Mr. Roseberry to combine the Travel Centers Escrow amounts.

OLD BUSINESS

WMP-

Nothing new to report.

COAH-

Mrs. Tersigni stated that the Borough has signed an amended agreement with E-consult to do the calculations for our defense. She explained that we have a court date in December. Discussion followed.

Redevelopment-

Nothing new to report.

NEW BUSINESS-

RESOLUTION # 06-15 – 55 NORTH STREET

Mr. Gruenberg stated that he circulated the Resolution to the applicant and his attorney for review and has not received any response to date. Corrections were discussed and Mr. Gruenberg will amend the resolution accordingly.

Mr. Waterson asked if the applicant is current on taxes. Mrs. Tersigni stated that the back taxes have been paid, but she believes no additional taxes have been paid. Mr. Gruenberg asked if they were current as of the day they paid. Mrs. Tersigni confirmed that they were. She asked if the Board could still approve the Resolution. Mr. Gruenberg stated that they met the condition at the time and got the approval, but it states no CO shall be issued, so technically they could be denied a CO if not current at the time of request. Discussion followed regarding signage on site.

FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION REGARDING THE APPLICATION OF FIFTY FIVE NORTH, LLC FOR USE VARIANCE AND SITE PLAN WAIVER RELIEF FOR BLOCK 8, LOT 1 (55 NORTH STREET)

The Planning Board of the Borough of Bloomsbury, in the County of Hunterdon and State of New Jersey, upon motion of Ms. Ferrero , seconded by Mr. Waterson, adopts the following findings of fact, conclusions and resolutions:

Findings of Fact:

1. Applicant, **FIFTY FIVE NORTH, LLC**, has applied for a use variance pursuant to N.J.S.A. 40:55D-70(d)(1) to permit the use of a portion of an existing structure as a cheerleading academy. The applicant also seeks site plan approval waiver.

2. The applicant seeks a change in use of the former Koh-i-noor shipping building located at the corner of North Street and Church Street. The building is 22,492 s.f. in size and is located in the Research, Office, and Manufacturing (ROM) zoning district. The ROM zoning district permits the following uses:

- A) Wholesale businesses, including storage of building materials and storage warehouse
- B) Cold Storage Plant
- C) Laundry and Dry Cleaning
- D) Lumber Yard and Garden Center
- E) Equipment sales
- F) Publishing, Printing
- G) Electronic Components and Accessories
- H) Engineering, Lab, Science
- I) Optical Instruments
- J) Surgical, Dental and Medical
- K) Jewelry, silverware and precious metals
- L) Public and Private Utilities
- M) Horticultural
- N) Municipal or Public Buildings, Parks and other Municipal Facilities

The applicant was previously approved to use the building for storage of scientific laboratory supplies. The intended use is a Cheerleader Training Facility which is not permitted in the zone.

3. On October 20, 2015, the application was entertained for purposes of completeness and possible hearing. The applicant was represent by Daniel J. Baurkot, Esq. Mr. Baurkot introduced the application and indicated that no exterior changes were proposed. Any changes were to the interior of the building and the applicant requested waiver from site plan approval. The Board's engineer, Richard Roseberry, P.E. confirmed that work required under the prior approval of the Board had been completed. Mr. Roseberry stated that he had no objection to granting of all of the waivers on the checklist for completeness purposes only. The primary completeness issue was the payment of property taxes to which the applicant requested be made a condition of any approval.

Ms. Ferrero moved the Board grant the waivers as requested and deem the application complete; seconded by Mr. Waterson.

ROLL CALL VOTE: Ferrero-aye; Murray-aye; Waterson-aye; -aye; Korbobo-aye. Motion carried.

It was noted that the applicant had yet to pay application and escrow fees. The Secretary advised that the application fee for the use variance is \$500 and \$500 to escrow. The Site Plan application fee is \$150 and \$3,000 to escrow. Mr. Karam requested the board reduce the escrow fee requirement as he has a balance of over \$1,000 still held from his last application and because the application is so far along. Discussion followed. Mr. Gruenberg advised that it was within the Board's authority to grant a waiver accepting \$2,000 in lieu of the \$3,500 required. Ms. Ferrero moved the board grant a waiver from the required escrow fees and accept \$2,000 for escrow along with the \$650 for application fees; seconded by Mr. Waterson.

ROLL CALLVOTE: Ferrero-aye; Murray-aye; Waterson-aye; -aye; Korbobo-aye. Motion carried.

4. The Board having found that the applicant had provided adequate proof of service and publication of the Notice of Hearing, the Board was found to have jurisdiction to entertain the application.

5. Sworn testimony under oath was received from Badway Karam managing partner of Fifty-five North Street, LLC. Mr. Karam has been a member of the Limited Liability Company since its formation four years ago. Mr. Karam stated that the building is currently in a research manufacturing zone and the building has been empty for some time. They were approached by a potential tenant who runs a cheerleading facility. In order for her to occupy the building the applicant requires a Use Variance as the proposed use is not permitted in the zone. There will be very few changes to the building for this tenant as he has been in touch with the DCA and has a small punch list of items they want completed at this time because so many of the required improvements were made a few years ago. Mr. Karam testified he met with State Code Officials today and they feel they can get the new list of items completed within a week, as

they anticipate there will not be any significant changes needed. The building is well suited for this use as it is a freestanding building without interior walls and it has very high ceilings so it is conducive for what is being proposed. The lot size is 1.36 acres and has ample parking in the front and the back. Mr. Karam stated that most people will pick up and drop off their children and not stay through practice.

6. Mr. Karam stated they are currently zoned ROM and compared to list of allowed uses in the zone, this is a very light use. Mr. Gruenberg reminded everyone that it is a Use Variance that is being requested this evening, not a change in the zoning. The use being requested will be for that building. Mr. Roseberry stated that the applicant has been referring to a B Use, but he believes this would be classified as an A-3 Use. Mr. Karam stated that as far as the DCA is concerned, they classify this as going from an S-1 to a B.

7. Mr. Karam testified that there are two entrances in the front and two in the back for the half of the building they will be using. He explained that in working with the DCA, he had to hire an architect and for the B Use they allowed 1 person/100 sq. ft. or a max of 110 people. He testified that the Cheerleading academy will occupy the western half of the building near Church Street.

8. The matter was opened to the public for questions of Mr. Karam. None were received.

9. Sworn testimony under oath was next received from Tracy Baker, owner of Valley Athletics and a non-profit 501C-3 Valley Elite All-Stars which is a competitive cheer program. She explained that both entities will occupy the space and that Valley Elite All-Stars rents floor space from Valley Athletics. Ms. Baker testified that she has been the owner of both for 8 years and that they offer tumbling classes, clinics and camps for children of all ages and they offer competitive cheering.

10. Ms. Baker testified that in their competitive cheer program they currently have about 75 cheerleaders and that in their classes at any given time throughout the week, they have between 74 – 100 athletes. She explained that they will have pre-school classes during the day with activities, play time and gym time for kids who are not yet in school. Ms. Baker stated that during the day they would typically be open from about 10:00 am – 2:00 pm with the pre-school kids and then they would also have evening hours from about 4:00 pm – 9:00 pm Monday – Saturday and their Sunday schedule would be on and off. She testified that she will be on site a majority of the time supervising everything.

11. Ms. Baker testified that they would have one team of about 20 cheerleaders practicing at one time and that at the same time a class could be held on the other mat which could be 10 – 20 kids in a class. Accordingly, it is expected that typically there would be no more than 30 to 40 children at the site at any one time. She explained that practices are normally 2 – 3 hours and that classes are typically 30 minutes to an hour and they would rotate in and out. She explained they are mostly drop offs that for some of the 30 minutes classes parents do stay.

12. The Valley Elite All-Stars is the competitive cheer side of the activities and they operate as a 501-C3. The students contribute to their uniforms, competitions, equipment and to pay the coaches. There are four coaches who are basically full time and a few others who volunteer and are not present all of the time. They will have occasional clinics on a Sunday afternoon, and they plan to have a ½ season cheer program that runs December through April which are typically held on a Sunday. Ms. Baker stated that they normally close most Fridays, Saturdays and Sundays over the summer as people are away on vacation. Concerns were raised regarding Sunday activities and the timing with the local churches in the Borough. Ms. Baker testified that typically their Sunday classes are held after church as they have students who also attend church. She testified that there will be no outdoor events. Board members asked if there would be ample parking for parents who wanted to stay during classes. Mr. Roseberry stated

there are seven spaces on one side of the building and 25 on the other and that this was expected to be adequate.

13. It was noted that the application included no requests for signage. The applicant was advised that no signage was included as part of this application and any signage would either be required to comply with the Borough's ordinances or the applicant would need to return to the Board for further relief.

14. Ms. Baker testified that there are no other uses proposed. There is no showering on site and no competitive events are held on site.

15. The matter was opened to the public for questions of Ms. Baker. None were received.

16. The matter was opened to the public for testimony, evidence or comment. Sworn testimony under oath was received from Kristen Santoro, 12 Deer Path. Mrs. Santoro stated that her daughter has been doing competitive cheerleading for 10 years and they found Ms. Baker's gym last March and it has been a blessing for her daughter & their family. She added that Ms. Baker, her coaches and staff are all there to support the athletes. Mrs. Santoro said she is excited as a community member that the use of this facility and feels it is community friendly.

17. Colleen Kerfoot, 6 Fawn Run provided sworn testimony under oath. Mrs. Kerfoot stated that Ms. Baker is already sponsoring the annual Spooky Sprint and as a resident and mother of two small children, she is excited to have a local facility that they can walk to during the day.

18. Ms. Ferrero moved the Board close to the public; seconded by Mrs. Murray. All ayes. Motion carried.

19. Mr. Roseberry stated that not having heard any expert testimony regarding positive and negative criteria, he wanted to go on the record stating that he has reviewed the

application for the same and feels that it has met the positive criteria as it does promote some of the benefits of the municipal land use law, it seems to be in conformance with the master plan and they have mitigated any negative criteria.

20. Ms. Ferrero moved the Board approve the Use Variance subject to conditions; seconded by Mr. Waterson. ROLL CALL VOTE: Ferrero-aye; Murray-aye; Waterson-aye; Wentzel-aye; Korbobo-aye. Motion carried.

21. Mr. Korbobo moved the Board approve the waiver from Site Plan approval; seconded by Mr. Waterson. ROLL CALL VOTE: Ferrero-aye; Murray-aye; Waterson-aye; Wentzel-aye; Korbobo-aye. Motion carried.

Conclusions:

1. The Planning Board finds that the applicant has met its burden of proof with respect to N.J.S.A. 40:55D-70(d)(1) to permit a use or principal structure in a district restricted against such use or principal structure.

2. The Board finds that the applicant satisfied the positive criteria in providing supportive testimony that there are special reasons for granting the application found in the purposes of the Municipal Land Use Law. The Board found credible the testimony of the applicant's witnesses that the property is particularly suited to the proposed use and is less intense than many of the permitted uses in the zone. The Board finds that the purpose of the Municipal Land Use Law which were advanced by the application:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.

The Board agrees that the proposed use promotes the general welfare and the reuse of this long standing industrial building for the cheerleading academy is a unique opportunity to provide for a positive influence on youth through the creative adaptation of an existing space.

3. The Planning Board also finds that the applicant has met its burden by an enhanced quality of proof that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance and will not be a substantial detriment. Clearly, the building is particularly suited to the proposed use so long as the conditions of approval are adhered to. The Board agreed with the testimony of the applicant's witnesses and finds by an enhanced quality of proof that the intent and purpose of the zone plan and zoning ordinance would be further advanced by the granting of the variance, rather than being impaired. The Board found no detriment to the public good as the proposed cheerleading academy as described involves no truck traffic and is complimentary to the neighborhood scheme.

4. Finally, the Board finds that the site plan waiver is appropriate under the circumstances. The applicant proposes no changes to the site. All changes are interior and the site was already the subject of site plan approval which conditions have been adhered to.

Resolution:

RESOLVED, that the Applicant, FIFTY FIVE NORTH, LLC is granted the approvals as set forth above subject to the following conditions:

1. No exterior improvement have been proposed or approved as part of this application.
2. The typical hours of operation shall be 10:00 a.m. to 2:00 pm. and 4:00 pm to 9:00 pm Mondays – Saturdays with occasional Sundays.
3. No signage has been proposed. The applicant will either need to provide signage conforming to the Borough's ordinances or return to the Board for further relief.
4. No outside activities are permitted whatsoever.
5. No showcases or competitions are to be held within the building.

6. No shower facilities are permitted.
7. Applicant must bring all property taxes current prior to the issuance of any certificate of occupancy.
8. Applicant shall obtain any and all other necessary governmental approvals if applicable.
9. Applicant shall maintain a sufficient positive balance in the escrow account to provide for the professional review of the application and compliance with this resolution.

Ms. Ferrero moved the Board adopt Resolution # 06-15 as amended; seconded by Mr. Waterson.

ROLL CALL VOTE: Ferrero-aye; Korbobo-aye; Murray-aye; Tersigni-recuse; Waterson-aye; Wentzel-aye. Motion carried.

PLANNING BOARD FORMS AND APPLICATIONS

Mr. Gruenberg stated he did not get to them this month but he will have them ready for December.

NEW BUSINESS

WIRELESS TELECOMMUNICATIONS ORDINANCE

Mr. Gruenberg stated that he has not had the opportunity to work on this but can have ready for consideration at the January meeting. Discussion followed.

TRC ORDINANCE-

Mr. Gruenberg asked if he was supposed to work on this. Mrs. Tersigni stated that when Mr. Roseberry was here this was discussed regarding septic systems. Discussion followed.

CORRESPONDENCE

Mrs. Wentzel stated that she will be unable to continue to serve on the Board next year as she has been asked to become a partner at her architecture firm. She will be resigning effective the end of the year, but she may be able to serve as an alternate and attend when needed for a quorum.

The Board discussed correspondence provided by Mr. Gruenberg regarding Highlands and the latest DEP rules. Discussion followed.

OPEN TO THE PUBLIC

No comment.

ADJOURNMENT

There being no further business, a motion to adjourn the meeting was made by Mrs. Murray; seconded by Mr. Waterson. All ayes motion carried. Meeting adjourned at 8:10 PM.

Respectfully submitted,

Lisa A. Burd Reindel,
Planning Board Secretary