

**Mount Olive Planning Board
Summary Minutes
January 11, 2024**

REORGANIZATION MEETING

Meeting opened at 7:00 pm with Pledge of Allegiance followed by roll call:

ATTENDANCE

Planning Board Members:

Present:

Mr. Scapicchio, Mr. Schaechter, Mayor Nicastro, Mr. Forlenza, Ms. Mott, Ms. Natafalusy, Mr. Mania, Mr. Nelsen, Mr. Galop, Mr. Batsch, Ms. Shanaphy, Mr. Weiss

Board Professionals:

Chuck McGroarty, P.P., AICP; Mike Vreeland, P.E.; James Bryce, Esq.; Mary Strain, PB Secretary

REORGANIZATION

The Board conducted its reorganization for 2024 with nominations for Chair (H. Weiss), Vice Chair (C. Natafalusy), Secretary (M. Strain), Attorney (J. Bryce), Engineer (M. Vreeland), Planner (C. McGroarty), Environmental Consultant (J. Keller), Traffic Consultant (W. Lublanecki). All were appointed unanimously.

The Board adopted: 2024 meeting dates; Daily Record – official newspaper; and new/updated rules of procedure.

Committee appointments:

- Ordinance: Howie Weiss, Catherine Natafalusy, John Batsch, Dan Nelsen
- Street Naming: Howie Weiss, Brian Schaechter, John Mania, Ken Forlenza
- Open Space: Kim Mott
- Environmental Commission: Catherine Natafalusy
- Board of Education: Brian Schaechter

All committee appointments were approved by roll call vote.

RESOLUTIONS

- Resolutions appointing all Board professionals - approved.
- Resolution PB 23-18 Saxton Falls Sand and Gravel Company, Inc., 66 Waterloo Valley Road, Block 700, Lots 2, 3, 4 & 5; Block 701, Lots 4 & 6; Block 800, Lot 40 - approved.

Motion: Mr. Mania

Second: Mr. Nelsen

Roll Call:	Mr. Scapicchio	Yes
	Mr. Schaechter	Yes
	Mr. Forlenza	Yes
	Ms. Mott	Yes
	Ms. Natafalusy	Yes
	Mr. Mania	Yes
	Mr. Nelsen	Yes
	Mr. Galop	Yes
	Mr. Batsch	Yes
	Ms. Shanaphy	Yes
	Mr. Weiss	Yes

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APPLICATIONS FOR PUBLIC HEARING

PB 23-10 Wright Properties, LLC

Preliminary & Final Major Site Plan w/d variance

193 Route 46

Block 5401, Lot 29

Appearing for the application: Ursula Leo, Esq.; Giovanni Manilio, P.E.; John McDonough, P.P.; Joseph Wright, Applicant

Ms. Leo address the Board Members and explained they were seeking Board approval for a preliminary and final major site plan as well as variance relief. The site presently has four vacant buildings. The plan is to demolish those four buildings and construct one building for auto sales. The site is approximately 2.4 acres, located at 193 Route 206 north in the C-2 Commercial Zone and the Highland Preservation Area.

Joseph Wright was sworn for testimony. Mr. Wright explained that he would like to construct a 10,000 square foot building, which will be used for a car dealership. He will not be doing a lot of retail sales. The site will be doing more wholesale sales. His company purchases old and exotic cars. He is proposing a nice showroom for his customers. His operation buys cars from the public and sells to auctions. Currently he has an existing operation at another location. They buy the cars, pick them up and bring them back to the site. Then fix them up and sell them to auctions. The exotic and antique cars will be inside the building. It will be approximately 30 cars inside. The building will have 3 garage bay doors in the front and one door in the back. All other cars will be outside. There will be 44 parking spaces. He will have 10 employees at the site. The hours of operation will Monday thru Saturday 8:00 am to 7:00 pm. He anticipates 3 to 5 customers per day.

Mr. Wright further testified that he is the owner of the business. They will probably only sell about 25 to 30 cars retail per year. The rest would be to auction. The auctions send a van full of drivers and the drivers then drive the cars off the site. There will be no car carriers on the site. There will be no maintenance performed on the cars at the site. The building will look more like a warehouse not a car dealership. Mr. Wright explained that he owned another car business located on Route 46 in Roxbury. His business mostly buys the cars from the public. He has 4 employees that search on the internet for cars being sold. They buy the cars and then sell them at auctions. They will buy cars that are 2024 models back to 1930's models. High end models such as Rolls Royce and Bentleys will be stored in the building for security purposes. Mr. Wright indicated that the building will be a pole barn type of building in gray or blue, with faux rock.

Mr. McGroarty noted that the existing sign Mr. Wright intended to use was nonconforming and improperly installed in the right-of-way for the previous site plan approval on the property. Ms. Leo noted that there is no room for the sign to be located any place else on the site. The matter could be addressed later during testimony from the project engineer. The color of the building was questioned. Mr. Wright agreed to use gray coloring for the building.

Mr. Weiss opened the meeting to the public. Scott Beil of 4 Main Street had concerns about traffic flow and parking in the back of the site bordering his property. Mr. Wright indicated that the proposed plan will not go that far back on the property. The project engineer will discuss the plantings in that

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area. Security was also discussed. Mr. Wright said he will be using security systems with motion sensors and cameras.

Giovanni Manilio, P.E. was qualified to testify as engineer for the applicant. Mr. Manilio presented Exhibit A-1: *Wright Properties, LLC Aerial Exhibit*, colorized version, prepared by Manterra Design, LLC dated January 11, 2024 consisting of 1 sheet. Mr. Giovanni described the property location and surroundings for the Board Members. The property is known as 193 Route 206, Block 5401, Lot 29 located in the C-2 Commercial Zone. The site has approximately 316 feet of frontage along Route 206 north. It is in the Highlands Preservation area. Presently, there are four buildings set back off the highway. There is a separate ingress and egress off of Route 206 with a parking lot in the front. There are 34 parking spaces in the front. In the back there is an additional parking lot with 10 vehicle spaces. The property was originally approved as four residential properties and was converted to commercial. The site is served by public water and there are two separate septic disposal systems on the site. One of the septic systems will be abandoned.

Mr. Manilio presented Exhibit A-2: *Wright Properties, LLC Site Rendering*, colorized version, prepared by Manterra Design, LLC dated January 11, 2024 consisting of 1 sheet. He explained that the proposal is to demolish the four existing buildings and build a one story building approximately 10,000 square feet. The building will have approximately 1,000 square feet of office located in the back left corner. There will be three overhead doors in the front for the showroom and one overhead door in the back for climate control. There is a 14 foot overhang off the building. Forty-four parking spaces are proposed with one space being an EV space. He explained the parking layout and dumpster area. The tow truck parking will be in the back of the site behind the building. The spaces are proposed to be 9 feet by 18 feet where 10 feet by 20 feet are required. There is no room for the required 25 foot buffer since the parking lot is existing. They are proposing some new shrubbery along the frontage for buffering. Only the office will have air conditioning. Noise levels were a concern given the residential areas near the site. Some landscape noise buffering should be required. Heating would be supplied by natural gas. Mr. Manilio explained the drainage plan. They will be putting some catch basins in the parking lot in the front with dry wells and discharge on the south side. The three existing lights will be replaced with new LED lights that will shine straight down. LED canopy lights that will shine straight down are being proposed. There will be some minimal lighting for the driveways around the building. Lighting in the back will be on the building for the employees. All lights will be out by 10:00 pm with the exception of the security lights that are motion controlled. Mr. Manilio will provide a lighting detail for the Board's review. Two signs are being proposed. The existing freestanding sign will be refaced and there will be one façade sign on the building over the office.

Mr. Weiss noted that the existing sign is not on the property or in compliance with the Ordinance so the applicant cannot go forward with that sign. It needs to be brought into compliance as indicated earlier by Mr. McGroarty. Mr. McGroarty suggested that the sign be pushed back out of the Route 206 right-of-way.

Mr. Manilio noted that the building complies with all the bulk zoning requirements with the exception of the front yard setback. They are proposing to reuse the site and the exiting parking lots. The property is in the Highlands Preservation area and there will be limited disturbance with this plan. The setback to the north side of the site will be increased. Existing water will be used and the northern septic system will be utilized. The septic system to the southeast will be abandoned. NJDOT

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approvals are not required for the site. Mr. Manilio noted that the applicant has submitted for Highlands Exemption #4. Mr. McGroarty asked about the conservation easement for the land south of the of the improvements that should be incorporated into the site plan to ensure future compliance with the Highlands Exemption #4 issued for the project. Ms. Leo noted that the applicant is in agreement with the conservation easement. Lastly, Mr. Manilio noted that a fire lane will be added to the back of the building and as-built plans will be submitted for review.

Parking was briefly discussed. Mr. Weiss stated that no stacked parking, or parking on the unpaved areas will be permitted.

The style of the building was questioned and discussed. Ms. Leo stated that architectural drawings will be submitted for the Board's review.

Mr. Vreeland asked about drainage and requested a drainage report. He also requested that the sight triangle be shown on the plans and a letter be provided from the NJDOT.

Mr. Weiss opened the meeting to the public. John Davis Jr. of 12 Main Street was concerned about flooding on his property. Currently, the rain water runoff is flowing out of the southeast corner and flooding his property and the property to the South, which is the After Restaurant. He wanted to know if the water will be rerouted. Mr. Manilio explained that presently there is no drainage at the site. This project will be installing catch basins with inlets, piping and dry wells to catch some of that water. Mr. Davis thanked the applicant and the Board Members.

Scott Beil of 4 Main Street asked about the motion controlled security lighting and if those lights will shine towards his property when they light up. Mr. Manilio answered that the lighting will not reach outside of the property line. Mr. Beil also had concerns about property maintenance and dead trees bordering his property. Mr. McGroarty noted that those items will be addressed during the construction inspection. The meeting was closed to the public.

John McDonough, P.P. was present to testify as planner for the applicant. Mr. McDonough explained that the hardship for this application is based on the land and not the building or the development. Mr. McDonough presented Exhibit A-3: *4 Photos Prepared by John McDonough* taken January 10, 2024. He noted that the photos were taken the day before so they were current with the conditions of the site. He referred to the first photo, Exhibit A-3-1: *Aerial drone view of subject site looking northeast*. The photo showed a view looking northeast on Route 206 with the four empty buildings. Mr. McDonough explained that the applicant is seeking relief from the front setback. He pointed out the location of the proposed building, which will be a little closer to the front of the site, but not as close to the road as the office building to the north. Exhibit A-3-2: *Aerial drone view of subject site looking southeast*. The area southeast of the site is the After Restaurant and that building is also closer to the road than the proposed development. The building coverage, lot coverage, height and floor area ratio all comply with the Township Code. The applicant is just seeking relief for the positioning of the building. Exhibit A-3-3: *Aerial drone view of subject site looking west*, was a photo looking west to the developing property across the highway which was a much larger scale project than this proposed site. Lastly, Mr. McDonough presented Exhibit A-3-4: *Aerial drone view of subject site looking top-down*, a view from the top of the site showing the existing conditions. Mr. McDonough noted that this photo showed how the building will work into what is already on the site, which goes towards the c1 hardship criteria

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as relief related to the land and the structures that are lawfully existing. Keeping the building forward goes towards preserving woodlands towards the back of the site. With respect to the negative criteria, Mr. McDonough indicated he believed that based on the evidence given during testimony, setback relief could be granted without substantial detriment to the public or impairment to the zone. The building is no closer than the surrounding buildings. The relief relates to the 14 foot overhang. The building core is actually setback at 85.4 feet, which is even closer to the 90 feet required by the Ordinance. The project will also eliminate a nonconforming side yard setback. He noted this will be a clean reuse of a site in the Highlands Preservation area with the benefit of saving trees and positioning the building in the form of a retrofit as opposed to wholesale new construction. He believed that it was a strong basis under c1 variance. He described some of the design exceptions being requested for practical planning purposes, which included parking dimensions, lighting, parking locations and some buffering. Also, the relief for the sign would be a better alternative for clear and safe identification of the site.

The application will be carried to February 15, 2024 meeting without further notice.

The Board Members discussed the the proposed plan with the comments and conditions set forth that evening. The site plan will be revised. Architecturals will be reviewed at the meeting on February 15, 2024. A motion was made by Mr. Schaechter, seconded by Mr. Nelsen to allow the Board Attorney to draft a resolution of pending approval based on testimony heard that evening and prior to review of the architecturals on February 15, 2024. The motion was approved with 9 in favor, 0 opposed.

Motion:	Mr. Schaechter	
Second:	Mr. Nelsen	
Roll Call:	Mr. Scapicchio	Yes
	Mr. Schaechter	Yes
	Mr. Forlenza	Yes
	Ms. Mott	Yes
	Ms. Natafalusy	Yes
	Mr. Mania	Yes
	Mr. Nelsen	Yes
	Mr. Galop	Yes
	Mr. Batsch	Yes
	Ms. Shanaphy	Yes
	Mr. Weiss	Yes

PB 23-13 Lowe's Home Center, LLC

Amended Preliminary Site Plan Sections 1 & 2, Final Site Plan Section 1
20 International Drive South
Block 4100, Lot 9.01

Appearing for the application: James E. Stahl, Esq.; Kevin Bulger, P.P., AICP

Kevin Bulger, PP, AICP of Perry M. Petrillo Architects in Park Ridge, New Jersey was qualified as architect and planner for the application. He noted that Perry M. Petrillo Architects are the architects of record for Lowes.

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Mr. Weiss stated that the project has already been completed and the applicant was present that evening to request approval of the work that has been done. He wanted to know why Lowes completed this work without obtaining approvals first. Mr. Bulger explained that he had other projects with Lowes in other towns that were completed without approvals also. He is in a very unique position and is now handling the issues with these projects done prior to approvals. He will do his best to try to reconcile the situation and explain through his testimony. Mr. Schaechter noted that this was very poor operations management by Lowes and should be brought to a corporate level. Mr. Weiss also mentioned that Lowes is constantly being served with violations for numerous issues and he had concerns with this application before the Board that evening. Mr. Bryce explained that it was within the Board's jurisdiction to hear the application.

Mr. Bulgar explained that the first item of concern for the project was to reconcile the existing conditions with the approved plan. The number of parking spaces and cart corrals are accurately reflected in the plan. There is a discrepancy in the number of spaces now. He further explained that during the course of the last two years Lowes has paved and restriped the parking lot. The last time they restriped the parking lot, they added some additional specific types of parking spaces. They created angled parking spaces for contactors, which has caused some discrepancies. Regarding the cart corrals, the portable cart corrals get moved around by the snow plows. He has tried to put them back into the exact location shown on the plans, although they are not always exactly where they are shown since they are movable. Mr. Bulgar totaled the parking spaces at 629 spaces. He indicated that the plan submitted also shows all previously approved areas for outdoor storage in red. The blue color indicates areas for outdoor display. Mr. McGroarty noted that there are now fewer parking spaces on the plan than originally approved. Mr. McGroarty also asked that the portable cart corrals be noted and counted on the plans since they move around. Mr. Bulgar agreed that the plans would be revised accordingly. Also, fencing has been repaired and will be shown on the plans. Dead trees in the parking lot will be replaced in March. Mr. McGroarty noted for the Board the additional outdoor storage being requested for PVC pipes and pallets. He also noted that no storage should be allowed in the back of the building except for the two trailers that have been previously approved by the Board.

Mr. Bulgar said the store manager for Lowes was present that evening. She has only been managing the store for a short period of time. She understands that there is history of doing work and improvements at the store that required approval by the Planning Board. Future work and improvements will be submitted for the Board's approval. Mr. Bulgar assured the Board that all improvements discussed that evening will be completed and the site will be cleaned up.

Overnight tractor trailer parking was discussed. Sargent Gallop explained Title 39 and regulations for parking overnight at the ITC shopping center. The overnight parking is more of a police concern and Lowes cannot be held responsible since they do not own the parking lot. Lastly, it was noted that unloading of tractor trailers is only permitted in the area where the bays are located. Tractor trailers cannot park and unload in any other locations. The trucks are not permitted to sit parked for any length of time after they have finished unloading because they are blocking a fire lane.

No public came forward. The Board voted 6 in favor with 3 opposed, therefore approving application PB 23-13 with the conditions as listed for Lowes Home Center, LLC, amended preliminary site plan, Sections 1 and 2, and final site plan Section 1.

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Second:	Mr. Nelsen	
Roll Call:	Mr. Scapicchio	Yes
	Mr. Schaechter	Yes
	Mr. Forlenza	Yes
	Ms. Mott	Yes
	Ms. Natafalusy	No
	Mr. Mania	No
	Mr. Nelsen	Yes
	Mr. Galop	Yes
	Mr. Batsch	Yes
	Ms. Shanaphy	Yes
	Mr. Weiss	No

With no further business the Board adjourned at 9:49 pm