

**TOWNSHIP OF MOUNT OLIVE  
PLANNING BOARD**

Public Meeting  
Thursday, May 19, 2022 at 7:00 pm  
Remote/Virtual Meeting

In accordance with Township Ordinance # 26-09 the Mount Olive Planning Board is authorized pursuant to N.J.S.A. 40:55D-25(c)(2) to hear all variance applications including the six variance categories set forth in N.J.S.A. 40:55D-70d.

**MINUTES**

**Reorganization Meeting & Public Meeting / Remote Virtual Meeting** of the Mount Olive Planning Board of May 19, 2022 commenced at 7:00 pm.

**The Pledge of Allegiance** was recited.

**Open Public Meetings Act Statement** was read into the record by Mary Strain, Board Secretary.

**Roll Call:**

Present: Mr. Scapicchio, Mr. Schaechter, Mr. Forlenza, Ms. Natafalusy, Mr. Mania, Mr. Galop, Ms. Shanaphy, Mr. Weiss  
Excused: Ms. Mott, Mr. Nelsen, Mr. Batsch

**Board Professionals**

Present: Chuck McGroarty, PP/AICP, Board Planner  
James Bryce, Esq, Board Attorney  
Mary Strain, Board Secretary  
Excused: Michael Vreeland, PE, Board Engineer

Mr. Weiss: Thank you. I see some new people. Jamie, nice to see you in person.

Ms. Shanaphy: Nice to see you.

Mr. Weiss: This gentleman next to you, I haven't seen him in a while. Welcome back. On our agenda tonight we have three applications.

**Developmental Applications**

PB 19-12 Kalashian, Kraig, 15 East Forest Road, Block 4118, Lot 44

Mr. Weiss: Two of them are not going to be heard. The first one if anybody from the public is here to see PB 19-12 Kraig Kalashian for the variance. That is not going to be heard today. That application will be re-noticed. Do we have a date for that?

Ms. Strain: They will re-notice for June 9<sup>th</sup>.

Mr. Weiss: But they will have to re-notice?

Ms. Strain: They do have to re-notice.

PB 22-02 Wang, Leonardo, 6 Stark Court, Block 4401, Lot 14

Mr. Weiss: And then as we jump down towards the end of the agenda, PB 22-02 Leonardo Wang for his variance at 6 Stark Court, Block 4401, Lot 14. Also, will not be heard. They will need to re-notice. Mary, do you have a date?

Ms. Strain: June 16<sup>th</sup>.

Mr. Weiss: June 16<sup>th</sup>. We have time on that date?

Mr. McGroarty: Yes.

Mr. Weiss: Okay, June 16<sup>th</sup>.

Ms. Natafalusy: Do we have an extension for him?

Ms. Strain: Yes.

Mr. Weiss: Thank you.

PB 22-10 Henry-Silver, Caralyn, 40 Indian Spring Road, Block 2100, Lot 41

Mr. Weiss: So, we have one lone application tonight which is PB 22-10 for Caralyn Henry-Silver. I would imagine that's you. Welcome. And you're here for a variance at your property at 40 Indian Spring Road which is Block 2100, Lot 41. Caralyn, I welcome you tonight. If you want to come up here. I'm going to have Mr. Bryce swear you in.

Ms. Henry-Silver: Okay.

Mr. Weiss: We'll make this as painless as we can.

Caralyn Henry-Silver was sworn in for the record.

Ms. Henry-Silver: Caralyn Henry-Silver (H E N R Y – S I L V E R).

Mr. Bryce: Thank you very much.

Mr. Weiss: Caralyn is okay for the evening?

Ms. Henry-Silver: I'm sorry?

Mr. Weiss: It's okay to call you Caralyn?

Ms. Henry-Silver: Yes, please.

Mr. Weiss: No formal...

Ms. Henry-Silver: No.

Mr. Weiss: Okay. Have a seat and relax.

Ms. Henry-Silver: Thank you.

Mr. Weiss: Okay, so what we do...I'm sure you haven't been to too many Planning Board Meetings. What we're going to do is create a record. I want you to just relax and...you know...there's 15 people looking at you, but...for the record I need you to tell us...although we have a report and kind of know the answers to the questions...we are going to create a record.

Ms. Henry-Silver: Okay.

Mr. Weiss: I want you to tell us a little bit about your property, a little bit about what you want to do, and why you want to do it...

Ms. Henry-Silver: Okay.

Mr. Weiss: And then we'll work with you to make sure that you're answering the questions...inaudible.

Ms. Henry-Silver: Okay.

Mr. Weiss: So, go ahead. Why don't you tell us a little bit of why you're here.

Ms. Henry-Silver: Okay, so we...I would...so it's actually like a mother-daughter house. My son and daughter-in-law are upstairs with their children. I'm on the bottom level. I have a living room and a bedroom. And I would like to have an office. I'm working from home, and I don't have any space for my desk right now. And then above it is going to be deck for my son and daughter-in-law so they can access the backyard which they really can't unless they come out the front right now. So, what we would like to do is to put this room behind the garage which is there now. The reason I'm here tonight is because it's...the setback is 25 feet and I believe it says here it's 14.6 feet. So, that's why we are here for the variance. So, we are not asking to encroach further but we just want to maintain that line to add this room. We cannot put it any where else because the other corner of the house is where the children's bedroom are...they have a two month old and a two year old. And we really can't have a deck off of a child's bedroom. It would just be unsafe. There's also septic pipes running from there...so putting a foundation there...but as far as I'm concerned, it's the children that the reason why we can't do it anywhere else.

Mr. Weiss: So, you're probably...just for the record...you're at 40 Indian Springs Road...

Ms. Henry-Silver: Yes.

Mr. Weiss: Indian Spring Road, your property is about an acre?

Ms. Henry-Silver: No, it's like 2.8 something.

Mr. Weiss: Okay. The zone is a R-1, so it's a minimum lot size of one acre. Minimum side yard setback is 25 feet. You're coming in to propose a setback in this development of 14.6 which is what you said.

Ms. Henry-Silver: Yes.

Mr. Weiss: And so in the report that Chuck provided to you. This report was provided to you...he just asks and jump into Section 5.2...5.1, these are the proofs that you have to make as far as why you are asking for relieve of the bulk standard. I took a look at your property earlier this morning. So, I have a pretty good grasp...I'm not sure if anybody else understands the property at 40 Indian Spring Road. But, tell us a little bit about the property that's currently there. Is it a steep slope?

Ms. Henry-Silver: It is a steep slope in the back. That's why actually my room is ground level in the back. So, so...yes. And there is...like I said 14.6 feet on the side that we want...inaudible...a lot of space on the other side. I'm not sure how many feet. We have this whole side yard...you know...that if we could put the room there, we wouldn't need the variance. But it's just...because of these children's bedrooms that...you know...I can't have a deck going off there with a door in a children's bedroom. It would just be unsafe.

Mr. Weiss: As I look at this...your property...if I was to say that your property is not necessarily irregular shaped, it's very rectangular, would you agree with that comment?

Ms. Henry-Silver: Yes, I guess.

Mr. Weiss: Yes, it's not perfectly...so it's not...certainly loaded with steep slopes, correct?

Ms. Henry-Silver: Yes, yes.

Mr. Weiss: If the Planning Board was to ask you, besides the fact that we hear that the children's bedrooms are on the other side, would the slope effect you moving this additional to the other side, do you think?

Ms. Henry-Silver: I'm not a contractor or a mason, I guess...yes.

Mr. Weiss: So, I don't know if anybody has any questions or just wants to chime in as I'm asking the questions...

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Yes, go ahead.

Mr. McGroarty: ...inaudible...I think the essential fact here is that it's a preexisting nonconforming house. The house itself...some may remember Mr. Zebora owned the house years ago. It's in much better condition today than it was in recent past. But it's a preexisting nonconforming house. The tax record information dates it back...I think even prior to the 1950 first ordinance in town, so the R-1 zone that's been imposed today obviously...the house does not meet the front yard setback nor that side yard setback. So, I think in this case, it's probably the third bullet point from the statute, the extraordinary exceptional situation and the house is lawfully created, of course, but it just doesn't meet current standards.

Mr. Weiss: Okay, well that certainly helps move the process along quickly. Thanks, Chuck. I appreciate that. David?

Mr. Scapicchio: Yes, just a couple of questions. The...is that Dirt Woods Road a real road?

Ms. Henry-Silver: Yes.

Mr. Scapicchio: It is? Is it a paved road?

Ms. Henry-Silver: Gravel.

Mr. Scapicchio: And there are...I guess three remains...a missionary building, an inground pool, and a deck?

Ms. Henry-Silver: Yes, the pool is gone. Is that a deck next to the...I never saw the deck. So, I guess if that was...

Mr. Scapicchio: It just says remains of deck.

Ms. Henry-Silver: Yes, I don't even think that's there. It's just ground now. It kind of terraced down. But there is the concrete...as we hope to someday put a roof over and make that a garage. I think it was a barn at one point.



Mr. Weiss: So, I would think based on Chuck's comments and that fact we've identified some steep slopes, Mr. Bryce, would you say the applicant has made the positive criteria?

Mr. Bryce: I would, Mr. Chairman. And just by way of reference to the statute, you do have as Mr. McGroarty indicated a lawfully preexistent structure and the standard...I think...is that it would extraordinary expectable situation uniquely effecting a specific piece of property where the structure is existing lawfully thereon...and a striped application would be an undue hardship, an unnecessary hardship.

Mr. Weiss: Thank you for putting bigger words into my comment.

Mr. Bryce: Yes.

Mr. Weiss: As we jump ahead to Mr. McGroarty's report. I'm referencing Section 5.2, where Mr. McGroarty...inaudible...comments about the negative criteria. Sometimes that a tough concept to grasp. How are you supposed to prove the negative and if you read the report...read the words underneath it...Mr. McGroarty does a very nice job explaining. And so, as you read 5.2, do you believe that this addition you're proposing will have a negative impact on the community. Will it...

Ms. Henry-Silver: No.

Mr. Weiss: Will you be putting up something that we normally don't see in a residential neighborhood? We're not pick up this (nodded head) so maybe talk a little louder.

Ms. Henry-Silver: No, definitely not. It actually won't even be seen by the road. The only people that will possibly see it will be 38 and there's a strip of town land in between there like woods. So, their seeing will be minimal. Anyway, definitely no.

Mr. Weiss: So granting such relief will not effect the purpose of the Master Plan. I'm not sure you're aware of the Master Plan, but the Master Plan kind of spells out what and where things should be in your residential zone. By adding this addition, you're not taking away anything from the residential zone.

Ms. Henry-Silver: No.

Mr. Weiss: I would agree with that. Chuck, did you have any...inaudible...negative criteria.

Mr. McGroarty: No, I agree. I just checked and the...you provided notice to all the property owners?

Ms. Henry-Silver: Absolutely.

Inaudible

Mr. Weiss: So, does anybody from the Planning Board have any questions? It seems to be a fairly straightforward request.

Ms. Natafalusy: Anything from the Health Department? I mean, it's not a bedroom, right?

Ms. Henry-Silver: No.

Mr. McGroarty: I didn't get anything from them. There's septic for this...because I remember them putting it in or repairing it...it's way back of the property.

Ms. Henry-Silver: Yes.

Mr. McGroarty: The well?

Ms. Henry-Silver: We have town water now.

Mr. McGroarty: You have American Water? Yes, public water. So, the Health Department really didn't have any concerns.

Ms. Natafalusy: There's a closet there?

Ms. Henry-Silver: No, no closets.

Inaudible

Mr. Weiss: Does an application like this go to the Health Department, Chuck?

Mr. McGroarty: It may once it's approved and goes for building permits, it may.

Mr. Weiss: But at least right now, I don't see any...anybody from the Planning Board. I see none. Let me open it to the public for those in attendance. And there's no body here. Nobody from the public has any comments. That being said, Chuck, if you have nothing...I have no conditions.

Mr. Bryce: I have nothing.

Mr. Weiss: Mr. Bryce has no condition. If somebody would please make a motion to move this application.

Mr. Schaechter: I'll make the motion for PB 22-10.

Mr. Scapicchio: Second.

Mr. Weiss: Thank you, Brian. Thank you, David. Any comments, questions? Seeing none, roll call.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	William Galop	Yes
	Jamie Shanaphy	Yes
	Howie Weiss	Yes

Mr. Weiss: And with that, Caralyn, the Planning Board will adopt a Resolution to make this official and formally...it will probably done next month...probably 30 days from now. Once you have that, then you can go forward with your building permits...inaudible...I wish you a lot of luck. And I do understand the process was very cooperative and provided all the documents needed. And I thank you for that.

Ms. Henry-Silver: Well, I thank you all for coming in for me. As well as Mary for all of her help because I was lost.

Mr. Weiss: Wonderful. Have a great evening. I look at my agenda and I see nothing else. So maybe we might want to sit and reflect on...inaudible...or you can make a motion to adjourn. I think we're done reflecting. Ken, did you just make a motion to adjourn?

Mr. Forlenza: I did make a motion to adjourn.

Mr. Scapicchio: Second

All in favor: Aye.

Meeting Adjourned at 7:13 pm

Transcribed by: Mary Strain

*Mary Strain*  
Signature

*July 21, 2022*

Planning Board Meeting date approved: