

The Public Meeting of the Mount Olive Township Council was called to order at 7:48pm by President Nicastro.

President Nicastro: In accordance with the Open Public Meetings Act, adequate notice of this meeting has been provided by sending timely notice to the Daily Record and the Mount Olive Chronicle and posting notice on the bulletin board of the Municipal Building, 204 Flanders Drakestown Road, Budd Lake, N.J. Additional notice has been posted on the Township website and Facebook page and on the outside front door of the Municipal Building and sent to those individuals requesting same.

ROLL CALL

Present: Mr. Aaron, Mr. Mania, Mr. Roman, Mr. Stewart, and Mr. Nicastro

Absent: Mr. Ferrante & Mrs. Labow

Also Present: Michelle Masser, Township Clerk; Fred Semrau, Township Attorney; Jon Testa, Township Attorney; Andrew Tatarenko, Business Administrator; Claudia Quinn, Assistant Business Administrator; and Sherry Kolody, CFO

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

- 1. December 5, 2023 WS & PM (Absent: C. Labow)
- December 5, 2023 Executive Session (Absent: C. Labow)

Mr. Aaron makes a motion to approve the December 5, 2023, WS, PM, & ES Minutes, and **Mr. Mania** seconds.

ROLL CALL: Passed unanimously

CORRESPONDENCE

LETTERS FROM RESIDENTS/ORGANIZATIONS/OTHER TOWNS

- 1. Email received December 5, 2023, from NOFA NJ regarding NOFA NJ Weekly Email: December 5, 2023.
- 2. Email received December 7, 2023, from NOFA NJ regarding God Food Bucks Funding Opportunity from NOFA NJ Partners at City Green!
- 3. Email received December 11, 2023, from NOFA NJ regarding NOFA NJ Weekly Email: December 11, 2023.
- 4. Email received December 14, 2023, from the Statewide Hispanic Chamber of Commerce of NJ regarding Partner Offer: Verizon opens grants and free courses for small businesses!

RESOLUTIONS/ORDINANCES OTHER TOWNS

- 5. Email received December 6, 2023, from Chester Township regarding Chester Township, Ordinance 2023-25.
- 6. Email received December 7, 2023, from Denville Township regarding Denville Twp. R-23-195 in Support of Senate Bill 3739 Delaying the Fourth Round of Affordable Housing Obligations from July 1, 2025, to July 1, 2028.

LEAGUE OF MUNICIPALITIES

- 7. Email received December 1, 2023, from NJLM regarding Gov's Vetoes; Bills Advance; MWC Healthy Towns Designation Open.

STATE AGENCIES/LOI/HIGHLANDS

- 8. Email received December 4, 2023, from DEP Local Government Assistance regarding NJDEP Weekly Update.
- 9. Email received December 5, 2023, from DEP Local Government Assistance regarding Grant Opportunity: Climate Pollution Reduction Grant (CPRG) Program Accepting Applications.
- 10. Email received December 7, 2023, from NJDEP regarding UHOT NFA Letter for PI#: 1041279 - 100 Flanders-Drakestown Road (CSP230001).
- 11. Email received December 11, 2023, from NJDEP regarding NJDEP Weekly Update.
- 12. Letter received December 14, 2023, from the State of New Jersey, Department of Environmental Protection, regarding Removal of Classification Exception Area (CEA), Subject Item ID: CEA100000003, 95 Route 46, Mount Olive Township, Morris County, Program Interest Number: 832096.

MSA/MUA – none

MORRIS COUNTY

- 13. Email received December 1, 2023, from Morris County regarding This Week in Morris County: Dec. 1, 2023.
- 14. Email received December 6, 2023, from Morris County regarding Morris County Honors Chiefs Association Outgoing President.
- 15. Email received December 7, 2023, from Morris County regarding Two Trail Projects Approved for Morris County Funding.
- 16. Email received December 7, 2023, from Morris County regarding Morris County Shines a Blue Light on Antisemitism.
- 17. Email received December 8, 2023, from Morris County regarding This Week in Morris County: Dec. 8, 2023.
- 18. Email received December 11, 2023, from the Morris County Office of Planning & Preservation regarding October 2023 Minutes of the Morris County Planning Board.
- 19. Email received December 15, 2023, from Morris County regarding Morris County Approves \$400,000 to Combat Addiction.

UTILITIES - none

There was no discussion on Correspondence.

President Nicastro: I open the hearing to the public on Ordinance #35-2023,

ORDINANCES FOR PUBLIC HEARING:

Ord.#35-2023 An Ordinance of the Township of Mount Olive, County of Morris, State of New Jersey to Amend and Supplement Chapter 550 "Land Use" to Establish Definitions and Standards to Rezone Lots 21 and 28 in Block 3203 From R-4 Residential to New R-8 Residential Zone District.

President Nicastro: Mr. Roman, would you please take that?

Mr. Roman: Thank you, Mr. President. I move for adoption and final passage of Ordinance #35-2023.

Mr. Mania: Second.

President Nicastro: Does anyone from the public wish to be heard on this Ordinance? Please get up and state your name and address for the record, please.

Mrs. Otey: Margo Otey, 17 Stonewald Court. I am, like I've previously said, opposed to the rezoning for a lot of reasons. The area is too small for what they're looking to put there. I don't know if anybody's looked at the impact that having those houses there when it comes to runoff and things of that nature. We were already flooded at the end of the street yesterday. Okay. What's going to happen to the runoff when there's no ground available to soak it up in that area? I've also stressed before that I put a well in because I feared losing water. I'm sure the Township owns a lot of properties that are serviced by public water, not well. Why . . . they picked this area to put this many houses and to dig wells that we really don't know what's going to happen until they're in place and people are using them. I'm sure the Township owns plenty of property that's available where public water is run to those areas. That's not our area. It's just too many homes for that section. It doesn't make sense and as far as the nursing home . . . I lived there when it was a nursing facility. We had no traffic problems. We hardly had any traffic. We had one ambulance that ran up and down the road once in a while. We are going to have seven homes, fourteen cars, minimal, I'm sure. We got a stone wall at the end of the road. The visibility coming out of there, if you are in a car, is not what it is if you're in a truck. There's people who walk, kids on bikes, the wall's this high, they're down here, you have to be careful pulling out of there. I don't see the reason to change the zoning. That area was never designed for this kind of an impact. I oppose the zoning change.

Mr. Jaran: Peter Jaran, 88 Sand Shore Road. Mr. President, do I need to reiterate what I said previously?

Miss Masser: Yeah, you can just go over it again. That'd be . . .

Mr. Jaran: Sure. So, I live at the corner of Sand Shore and Stonewald Court and Mrs. Otey did emphasize the fact that this is a development that was constructed with a stone wall around it. Visibility coming out of that street is bad. I really believe that this is too much of a load on traffic in that area. Our, you know, each one of the houses there is on a quarter acre lot. Not on an eighth of an acre lot, which is what the zoning would do. In concern with . . . I'm not so concerned with the water that Mrs. Otey is, because the hydrogeologist that presented at the Planning Board made a very strong case that that would not be an issue. However, I am concerned with property values, too. Because now you're taking a development where these houses that we lived in are not that expensive. They're not the type of seven and eight hundred-thousand-dollar houses that are being built in Town and now you're putting low-income at the end of our street. So, what's our resale value? So, there's a whole number of issues that myself and my neighbors are concerned about and I just want to voice it to the Council. Thank you.

President Nicastro: Thank you. Does anyone else from the public wish to be heard on this Ordinance? Please state your name and address for the record.

Mr. Colon: Carlos Colon, 7 Lehigh Street. I have a question for Chuck. Why would these homes . . . why are we not using that well to feed those seven homes and making it a community well? Everybody's concern is the well.

Mr. McGroarty: Actually, the original concept, which went through a lot of iterations, envisioned that . . . a community system. A community water system, but a community water system has to be managed . . . has to be owned and managed on site. Habitat for Humanity builds single family detached homes and so, we moved away from the townhome configuration to a single-family configuration, which frankly, fits better there, at least in my judgment. So, there's not going to be the ability to have those seven homes function as a community water system and then be approved by the State of New Jersey under DEP and have all the requirements that come with that. So, that's exactly why those lots are not being served by one central well. If we could, we would've done it but it was too complicated and for single-family detached, it doesn't work.

President Nicastro: Thank you. Does anyone else from the public wish to be heard?

Mrs. Manning: Karen Manning, 5 Lehigh Street. My home is behind that lot, and I've come up several times in regards to our well, which we are worried about. We have a point driven well. My concern has slightly shifted. I feel that there's a lack of transparency. I feel that though it was originally, not originally, but it was changed from ten homes to seven homes, and we were told at the last meeting that there's two lots or there's two wells that are going to be held for future use. I feel like the conversation that was just brought up two people ago was they might be held. Well, are they going to be held or is there future for us to may not have water and a well to use those? Or may they just not be there? Which one is it? Are you holding the two wells for future use for residents that already live there or is it just going to be a dead spot and you're still going to service those seven units that you insist on having? Transparency.

Mr. Tatarenko: If I could clarify . . .

Mrs. Manning: Transparency.

Mr. Tatarenko: If I could clarify as well. I think we've been very transparent. There have been numerous public hearings between Council, Planning Board, notifications. I think there's a confusion with the wells and being reserved for the Township. The residents in that neighborhood will not be able to directly connect to that well. I think that's what the misunderstanding might be. What we are saying is that the Township is going to reserve those sites so that the Township could install wells to be connected to the Township's public water system which will then be expanded to service the residents in Budd Lake. So, it's not like the homes in that area are going to directly feed into the current well. This well gets pumped into a Township water system and then that water system . . .

Mrs. Manning: Where does that leave the residents if their well goes dry?

Mr. Tatarenko: This was discussed at the Planning Board . . .

Mrs. Manning: Yeah, I've been to many of the meetings. I feel that there's a transparency or a wishy washiness of it that it's not servicing the people that already live in that area. You're only worried about the seven homes that are coming in. We pay taxes. We've lived here. There's generations that have lived here. We have children that have gone through the school. We support this district, the community, the municipality, and yet there is no support for us. It's a large community around those seven homes that you want to put in and I don't feel that we are being supported by you and I feel that every . . . he's got an answer for everything and it's never . . . it's always wishy washy and it always works a little bit your way.

Mr. McGroarty: Well, may I respond? At the risk of being wishy washy, the idea is to meet the public interest. Eventually, there may be a central water system to serve not just these seven lots, but as many lots as possible in the area. I'm not the expert. I've said this at the first meeting. The Town's water and sewer people are the experts. Our town engineer is an expert. Those are the folks that really have a grasp how this stuff works, but the idea is if we had taken those two test wells out, removed them, and used them for the additional three lots, if and when in the future a public water system is designed to serve this entire area of Budd Lake, including all of the existing homes in the area, you would not . . . the Town would not have the advantage of the wells which are on this property, which the hydrogeologist, Matt Mulhall, testified to after his analysis, are very good producing wells and that would help serve the centralized water system. So, what the Town is doing is being farsighted in preserving those test wells. There's nothing . . . we're saying they're going to stay protected. There's going to be restrictions. There'll be no development around them and they'll stay that way until such time as the Town can figure out whether it can use it. Obviously, a central water system is a complicated question. It's an expensive question. It's a complicated question. Lot's of engineering and a lot of things go into it. So, what we're doing is maintaining one small aspect that will help make a system like that possible. So, I don't . . . I think in terms of transparency, I think we have gone not only what the law requires, municipal land use law, in terms of Ordinance and public notices, but we've done notice beyond that. We're trying to be as transparent as possible. And again, we're doing this for . . . as a small part to address the Town's affordable housing obligation.

President Nicastro: I was going to say, Chuck, by giving up those lots, we give up affordable housing that we could've had.

Mr. McGroarty: We'll surrender the opportunity for three lots and just today, I had the opportunity to skim the 70-page bill that's been introduced to legislature for the fourth round of affordable housing. It's not going away and the requirements are going to grow ever more complicated and restrictive and so, yes, we'll lose three lots there. We'll try and accommodate them somewhere else, but the Town can only do the best it can.

President Nicastro: Yeah, there's only so much we can build.

Mr. Semrau: So, Chuck. With respect to that, if I may, . . .

President Nicastro: Yes, you may. Go ahead.

Mr. Semrau: . . . Council President. So, that legislation and this is sort of unofficial, because we all just got this today. Even our legislators, but there's a part of it that says if certain lots are not developed for affordable housing, developers can ask for higher density. So, and again, this is all coming . . . so, the one thing about this

Ordinance, it is to reduce the yield. The number of units on this site and other issues, which have all been yes, vetted, but they're still . . . this is not a site plan approval tonight. This is just to say the yield has been reduced on the site. There will be notice and a site plan type of application where residents can ask about impacts offsite. Is that fair to say?

Mr. McGroarty: That's absolutely right. If you adopt the Ordinance and sometime next year, Habitat for Humanity will submit an application. It'll be a major subdivision application; it'll show the layout of the lots. We've talked about the kinds of homes. They're well-built, well-designed homes. We've talked about it. We've shown some illustrations when we did the Master Plan amendment back in April. They'll all have two car garages. They'll have driveways and one key element of course, with this, this location is so advantageous as opposed to other properties the Town owns, is that it's served by sanitary sewer and it's essential for, you know, for lots . . . anything under an acre, really, to have sanitary sewer there to make this function. So, but yes, this'll definitely come back in front of the . . . if the Ordinance is approved, it'll come back to public hearings with the Planning Board. All notice requirements will be adhered to. Again, the 200-foot list and so on and we'll do our best.

Mr. Semrau: Thanks, Chuck.

President Nicastro: Thank you. Mr. Aaron.

Mr. Aaron: So, I'm happy that we're going from ten down to seven on the property. I think . . . I've driven down that neighborhood. I hear the concerns. The one thing that's new was brought up by Peter, is effect on home property values. We haven't seen the plans yet for the housing but is it expected that the housing that goes in is complementary to what's existing in the area today? That it's not smaller or would negatively affect property value. That's kind of a new topic. I just want to kind of confirm size scale . . .

Mr. McGroarty: Let me . . . first, I'm not an appraiser; I'm not a real estate expert. So, I can't tell you if it will . . . I can tell you in my 35 years as a professional planner and I've done this work in a number of communities throughout the State of New Jersey, everywhere from Jersey City up to West Milford, and places in between. Hoboken and up to here, Mount Olive. I can tell you that the property values, in my judgement, will be tremendously enhanced by the development of seven single-family homes on this property versus the building that stood there, and the Town used the Housing Trust Fund monies to demolish and prepare the site for these homes. That's first. These homes are . . . I can actually point you to homes that the architect who works for Habitat for Humanity has designed other homes in Mount Olive but they're actually market homes but they're going to be the same type of homes. Again, we showed them during the Master Plan hearing. You'll see them again at the time of . . . if and when this comes in front of the Planning Board for subdivision. They have gable roofs, they have two car garages, they have small porches. They fit the lot. The lots will have the same kinds of setbacks proportionately, that we would have in any other zone. There'll be side yard, front, rear yard setbacks. There's lot and building coverage, standards, drainage, all the lots will have dry wells. I mean . . . we have drainage requirements, not only under the Town Ordinance but well, we have of course, the Stormwater Management Ordinance that the model from the DEP that was adopted. So, drainage is going to be addressed as well. I think when you, and as I said earlier, the intent is to open this up and make it a through street. So, there's two points of access, which certainly will enhance public safety, in terms of police and fire emergency access. We would never . . . I've been with Mount Olive since November of 1989. Okay. I don't think I've ever supported, introduced, or worked on a project that had hurt the Township and that means the residents of the Township and I don't . . . and I stand behind what we're doing here. I think it's going to help the neighborhood. I think the lot sizes are actually not a lot different from a number of lots which are out in that area. There are a number of lots which are larger. There are some, for example, on Lehigh and on the adjacent streets which are a little smaller. But I think this uniform approach that we're doing on this site will work well.

Mr. Aaron: Thanks, Chuck.

President Nicastro: Does anyone else from the public wish to be heard on this Ordinance?

Mr. Zabriskie: Greg Zabriskie, 8 Yale Street. I think me and my wife both have a lot of the same concerns everybody else does. I'm going to speak for ourselves. Our house on 8 Yale, our entire property runs the entire length of that lot and as far as that goes, I mean, we are losing every, every bit of our privacy. I mean, the original plan, and again, we don't know what the new plan looks like, but the original plan had the three- and two-bedroom homes basically, right off the back of our house. You know, part of us buying our house was the fact that we did have the privacy and again, our other concern is going to be the traffic on this street. On any given day now, you can sit out in front of the house and count the amount of cars on one hand that went up and down that street. And now you're going to take that number and multiply it by who knows. At the same time,

the entrance into that property now, which is not a . . . well, is not a street but is going to be, apparently. I do not see how that's going to accommodate any amount of cars. It's not wide enough. It was a gate's width, is what it is now. There's a stone wall on either side of it and it's probably 12, maybe 15 feet wide at the most and again, I don't know how we're going to get to squeeze all these cars through that space, unless you're intending on ripping that wall out or impeding on my property, which again, is right just to about to that road too. So, again, I have a lot of the same concerns but again, our biggest concern is the privacy that we're going to lose. And I think we have brought forth too, and this'll come later to . . . our electric meter's on the back of the house, which is going to be a problem for the electric company as far as reading our meter but that's down the road. But, you know, I've got a lot of concerns. It's just the way our house is situated on a lot and the fact that again, our privacy . . . the entire length of that property. Thank you.

President Nicastro: Thank you. Does anyone else wish to be heard on this Ordinance?

Mrs. Otey: Margo Otey, 17 Stonewald Court. There's a couple of things. One, this is saying 8 foot on the side to the next house. When the original houses were put there, many of them were just summer vacation homes and at that time, that's what they did. Some of those houses are gone now, the lots are bigger, they're not all stacked like Chuck is saying they are. I have eight houses up and down both sides and now we're trying to squeeze seven in, but if we change the zoning, I think we can go back to ten if we wanted to. That's what concerns me. Are we going to stick with seven or is it going to go back to ten? Whoa, now we got our zoning that we want. Who do we go to when the runoff is now flooding my house? Which I've never had before. Only during Sandy did I have an issue. Who am I going to turn to then? When the Mayor brought up last time, I dug a well. What happens if it affects my neighbor? All our houses have been there for 100 years. Okay. You're coming in with a bunch of new homes and now we've got to guess what's going to happen. I don't care what expert you have. Nobody's on the ground below to see really what's going on. Things happen. We have had wells in this Town go dry due to building. He'll say I'm wrong, call me a liar, whatever, but when they put the hotel in, some other building up there, people's wells ran dry. I have a new one. If something happens with my well, who is . . . who am I going to turn to? Because I just laid out a lot of money to protect myself and if my well gives me any trouble, it's not on me. I've got a brand new well. Who do I turn to? Who's going to compensate me? Because that's what I'm going to look for. Compensation. Whether I get flooded from drainage because I don't have buildings there. I never had a problem with the Cobblestone being there. As rundown as it was and what went on over there, even when we had people that had issues, disabilities . . . I never had an issue there with any of that. Didn't have a problem with traffic. We're in a certain type of a neighborhood and our lives are being impacted in a big way. You want to satisfy some of your low-income housing . . . it doesn't have to be done on our backs. You can put your few in like they did on Wallman and up there on the other side up on Woodsedge. I think it's Woodsedge or Prospect. I've looked at those homes. They're on normal size lots that fit into the neighborhood. This is changing our neighborhood whether you want to admit it or not, it's changing it. I've lived there 22 years. I like what I have now and it's not a lot and I scraped and clawed for every bit of it on my own and I don't want to be impacted in a negative way and it scares me. I'm opposed to the zoning change.

Mr. Jaran: Peter Jaran, 88 Sand Shore Road. I just wanted to . . . and I'm not sure if the Council members are aware of this, but we've attended the Planning Board meeting to discuss this issue and one of the questions that I asked Chuck during that is "What's the commitment that the Township has for low-income housing in the Township?" and he told me, Chuck, correct me if I'm wrong, somewhere over 600 units. So, I asked him, "Well really, what does this seven-unit development do to that requirement to put in over 600 units?" And I didn't really get a qualified answer other than we're chipping away at it. The Township's been chipping away at it as long as I've been here, which is 30 years. Right. But we haven't really added a lot of low-income housing into the area. Is that because we're not asking the developers or requiring the developers to put the low-income housing into their development? I know the location on Route 46 has low-income housing associated with it but the rest of the developments in Town don't.

Mr. Semrau: The Township is compliant. The Township was one of the first towns in Morris County to be compliant with affordable housing and actually, we're in a good, compliant place because of the fact over time, it's all been . . . it's part of developments. It's not separate. It's all weaved in development and Fair Share housing has, through the State and some of the court cases, really significant obligations on municipalities but fortunately, because of that type of planning, the Township . . . we did not have developers intervene. We were compliant. We were able to attain that obligation without making any concessions. Just going forward and making sure that developers, as they come forward, contribute and I have to tell you like this project here. This was part of the plan. This was a property that's in our plan. When Fair Share, and I can give you examples throughout the County, when you reduce units, they're the first ones to come out and fight saying because people don't want this in their backyard, or the Town doesn't want it and they'll come back and say, "We want this to be an even greater number now." So, we've really . . . we have to be transparent and very careful to go

even from ten to seven without triggering . . . you know, there's a very valid . . . there's a valid reason why we need to reduce this, and, in some ways, it works to the Township's benefit and the residents' benefit because there are just . . . we've had cases in other towns. In the Town of Boonton, over three or four affordable units where Fair Share has come in and said no, you can't just, you know, get rid of one unit, or move two units. So, the timing here is very important from a standpoint of this is the Town's obligation. This is what the courts have imposed and we're trying here, for good reasons to reduce that amount and even with the legislation you're seeing today, if you pull the paper, you'll see this is significant, what's happening. And we're trying to turn all the right corners for the right reasons, bring this down from the ten to the seven and I can only stress that in so many occasions throughout the last few years, when you try to reduce affordable housing units, you get a lot of pushback because Fair Share is concerned that everybody's going to say, "It's two or three units." We're really doing this in a very good . . . we're taking a very significant and overall positive step to make it a better development, but at the same time, we're able to reduce these units here, which I can only just try to stress that doesn't happen without intervention and here, Mr. McGroarty's done a really good job to explain why and document why this reduction in units is going to still be complaint with our plan.

Mr. McGroarty: I did answer at the Planning Board, but it was lots of stuff going on. For everyone's information, we're in what is known as the, and I promise this will be short, not a COAH seminar, but we're in the third round, which is now coming to a close. It was . . . it's been in a prolonged period because of lots of reasons but our obligation in this third round period was to provide opportunities for 634 affordable units. Half low, half mod. Actually, some very low-income and contrary to the perception that the Town has not done anything, of course, Bartley Ridge—which is now Woodfield—was the result of the Town getting sued years ago because it did not comply with the first round of Affordable Housing obligation. Prior to my time, so I can't tell you a lot of the details but once, you know, following that, it was clear and it's been certainly clear to me, as I said doing this work here and elsewhere, the last thing you want to do is make yourself vulnerable to what we call a builder's remedy lawsuit, which means that a developer can come in, if you have not made a good faith effort to achieve your affordable housing obligation, if you've not done all the housing element, and all the stuff that goes with it, then developers have an opportunity then to sue the municipality with support from the court. Fred has mentioned Fair Share. That's an organization of attorneys that has championed this cause and sued municipalities throughout New Jersey, and then, they come in with a much higher density. Any one of us that has done this . . . attorneys, planners, if there are any, and engineers in the room will tell you municipalities, will tell you horror stories where stuff way far, much denser than this, that we're talking about, get stuck into properties like this.

Mr. Semrau: Chuck, we've seen 15-20 units an acre that Fair Share's . . .

Mr. McGroarty: Yeah.

Mr. Semrau: . . . insisted on, right?

Mr. McGroarty: Right. All due respect to you, attorney gentlemen, that's what attorneys like to say, "Fifteen, twenty sounds good to us."

Mr. Semrau: The developer's attorney.

Mr. McGroarty: I know. I'm kidding. A little levity for the moment. But just for the record, I mean, the Town has made an effort in developments that have occurred over the years. Down in Flanders, Regency, that is an age restricted project, but we have 56 affordable apartments next door to that for families. Low and moderate income. Or actually, there, it's all moderate income. Up here, Ryan Homes on Route 46; that's the R-7 zone, the other is the . . . R-7 zone is down in Flanders, R-6 is up here on Route 46. Again, market townhomes, we have 54 apartments for low- and moderate-income families that are all occupied now. I mentioned the senior housing down in Flanders. Abiding Peace in Mount Olive Manor, that's over . . . I think it's just over 100 units for seniors, all of whom are qualified as low-income for the most part. So, you know, we make an effort every place. I'm probably missing another zone but those are the ones that come to mind. Everywhere we . . . oh, of course. The new development that was introduced back in 2015 by the Planning Board through the Master Plan process and ultimately approved by the governing body, to put an overlay zone in the Foreign Trade Zone. So, where that was land which was not developed in the Foreign Trade Zone district four off Love Lane and Continental Drive, that has now been approved for 494 residential units, of which, 100 will be affordables. Again, low and moderate. So, everywhere we have an opportunity, particularly where there's the water and sewer infrastructure, particularly sewer infrastructure, the Town has made an effort to zone appropriately and try to meet that 634-unit obligation.

Mr. Semrau: And Chuck, we just can't transfer units from one site to another. That's the other thing, you know. So, like that last project, we can't say well, we can add a few more affordables. The law doesn't work that way.

Mr. McGroarty: No, the law doesn't work that way. We deal with markets, it's private property, it's . . . there's lots of factors. Exactly.

Mr. Semrau: Yeah.

Mr. Aaron: I just want to ask a question real quick. I'm sorry. One of our residents asked about a number of units being changed. This Ordinance reduces us down to seven.

Mr. Testa: That's correct.

Mr. Aaron: The Planning Board doesn't have the authority to increase that without Town Council approval?

Mr. Semrau: Correct.

Mr. Aaron: So, we're at seven.

Mr. Semrau: Right. It's being adopted.

Mr. Aaron: That's where we're locking this in.

Mr. Semrau: Yes.

Mr. Aaron: You would have to come back to this governing body to change that. Okay.

Mr. Semrau: Right. Or they'd have to come in with some type of variance, significant variance, which would be a big hurdle to overcome if this Ordinance says seven.

Mr. Aaron: Right. Also, the term low-income and affordable housing has been used on both sides. I want to confirm this is affordable, not low-income. Where have we landed on that, Chuck?

Mr. McGroarty: The units will be, as it's designed, every project should have a mix. Again, these are the rules that we live with, of half of the moderate income and half the low-income units. Now, these are going to be for sale units. So, and people will have to get mortgages, they'll have to qualify, and these income levels are based on lots of statistics that are done for a housing region. We're part of a housing region. What counts as a low-income unit in Mount Olive is very different than it would be somewhere else in New Jersey. All right? So, it's based on . . . and it's also based on household size, in terms of two persons, three, and so on. So, the image that perhaps conjures up at least in some minds of low-income means, you know, undesirable perhaps to some people, you know, I'm not even going to address that issue, but these are going to be owner-occupied homes and I again, there are low-income owner-occupied homes in the Township now. You just don't know where they are. I know where they are. I could tell you where they are but as a matter of privacy, I won't. And these count also toward our obligation but these are not going to be rental units. These are going to be owner-occupied and they're going to have to be qualified income households.

Mr. Aaron: Thank you, Chuck.

Mr. Testa: And just so everyone understands, low-income for 2023 for our region requires for a one-person home for example, it is between \$43,000 and \$49,000 for a two-family home. Okay. So, income limits are . . . they are not what you might think. They are significant.

Mr. Jaran: So, my next question for Chuck is, based on the numbers you just gave, Chuck, I come up with about 310 low- and moderate-income units out of the 635? Is that correct?

Mr. McGroarty: Yes and no. What happens is we have an inventory of affordable housing in the Township, some of which we allocate to what was called the first round. Or actually, I'm sorry, the second round. And then there's some leftover so we apply it to the third round. I'm trying to do this without, you know, driving everyone to tears and boring everyone to death because this stuff can really get very difficult to follow after a while. But we have, for example, what are called . . . we have age restricted homes. So, age restricted; Abiding Peace, Mount Olive Manor, Paragon Village; we have in the independent and assisted living buildings at

Paragon Village, we have a total of 29 units, beds, there. We have special needs housing. So, this housing throughout the Township where, as the name suggests, these are persons with special needs. We have a number of homes throughout the Town and in those situations, we count beds, not the unit. So, one house could have six beds. And again, they all have to be qualified. These are not just someone fly by night coming and saying they want to do this. So, those beds count as credit. We get what's called rental bonus credits up to a certain point. So when we have rental units that are affordable, we get a certain amount of rental bonus credits for those. So, when we're all said and done, we would've met our obligation in its entirety. We're going to be short because as I mentioned last time, in the Foreign Trade Zone, we had three tracts of land to develop that was going to generate 150 affordable units. The third tract, again, these are privately owned properties were sold and Matrix is developing a warehouse on it. So, that's not the BASF site. That's the other site over by across from the hotel. So, in a sense, we lost 50 units there, but we'll have to deal with that. We can't dictate to people that they can't sell their land either. So, we're close to achieving our 634 obligation with age restricted units, the ones that I mentioned with rental bonus credits, with special needs housing, but we're still going to fall short.

Mr. Jaran: Can you tell us how much?

Mr. McGroarty: Right now, I can't tell you precisely but it'll probably in the order of maybe 30-40 units. Maybe a little more.

President Nicastro: Thank you.

Mr. McGroarty: And when I say fall short, I just, you know, was glancing through the 70-page Bill that's pending and it's no surprise if this is the way the process has worked before, if we don't meet our obligation in total, we'll have to account for it in the next round.

Mr. Testa: As the starting point.

Mr. McGroarty: Yes. As a starting point. So, we prefer not to start in a deficit position but we're doing the best we can. So, to the question earlier . . . why this particular location? Every place counts. Every unit counts. Family housing and by the way, I didn't mention this before . . . in the new legislation as it's been at least for the third round, 50 percent of our obligation has to be family housing. There's only so many age restricted units that we can count towards our obligation. There's only so many special needs we can count towards our obligation and after that, we have an obligation to provide at least 50 percent of our number has to be family units and these are . . . this is an effort to help address that.

President Nicastro: Okay.

Mr. Testa: Thank you.

President Nicastro: Yup.

Mr. Jaran: I stand with my previous comment. I ask you not to pass this Ordinance. Thank you.

President Nicastro: Thank you. Does anyone else before we close want to say anything? Just state your name and address for the record, please.

Mrs. Zabriskie: Valerie Zabriskie, 8 Yale Street.

Miss Masser: You can bring the mic down to you.

Mrs. Zabriskie: One, I did want to say many of us in the neighborhood talk a lot about this. I want you to understand, not one of us has ever said not in my backyard. None of that is the issue. Okay. I just want to make sure that's understood. That, you know, isn't what we're about. The question I had, I'm not sure, Chuck, because I don't know a lot about it. Again, the aesthetics of the neighborhood typically ranch style homes, 1200 square foot average. So, again, part of our issue is that, with us, being that they are two stories, is there a . . . I'm not even sure of the word. Is there a way of finding out if instead of making them two-story homes that they made them ranch homes or raised ranch homes maybe or something so that in itself might look better for the neighborhood? I don't know if it makes a difference. I wasn't sure with the bedrooms also, you know, do we have to have two-, three-, and four-bedroom homes or does it count if we just had two bedroom or two bedroom and an office . . . do you understand what I mean? You know, and I don't know who does that but . . .

Mr. McGroarty: The last part of your question, bedrooms do count, yes . . . are important. So, again, we're working with . . . I keep saying this, these are rules that have been established through this process to not . . . we do not come up with this. There has to be a distribution of bedroom types and the idea was, the thinking behind that by the agencies that develop these rules and by the courts who ruled on it is that a municipality couldn't just create all studio apartments, essentially. So, if there's going to be family units, it has to be a mix of two, three . . . there's a limit on the number of one bedrooms. There's a requirement that at least 20 percent or 30 percent, I'm not sure of my number at that point, have to be two bedroom and then the rest can be three bedroom. Office, dens, and so on don't count.

Mrs. Zabriskie: Right. Well, I'm sorry, I was just using that as a . . .

Mr. McGroarty: Understood.

Mrs. Zabriskie: . . . from a two bedroom to a three bedroom . . .

Mr. McGroarty: For general purposes, that's a perfectly valid observation. For our purposes, we have to document that these, and Habitat, as the builder in this case, the nonprofit, would have to establish that these are bedrooms. And then they have to have a certain amount of square footage as bedrooms as well. As to the question about the design, the Town, in all our single-family residential zones, and this has been the case at least for 40 years, the height limitation's 35 feet. So, this will be no different. That's why these two . . . and the reason for the second story is because we don't have a lot of room in terms of footprint. So, we want to keep the . . . to the point earlier, we want to have side and rear setbacks to give people, not only you as residents, privacy, but the new folks some room to live as well. So, we can't spread out on the lot, so the only option is to have the second story, but that's . . . there's at least one house that I know very well on Lehigh, that's two story. Right behind this property, or catty-cornered to it, if you will. I will tell you, not necessarily on Stonewald or the immediate area but one of the things I do during the week here is process zoning permits and we review building applications that don't come in front of the Planning Board. I can't tell you the number of homes in the Township, these one-story homes that are being converted to two-story by, you know, these in lot developments because they're just more marketable but that's a different issue. The aesthetics of these homes, I believe, will fit very well in here as I said earlier. They're designed to . . . they have a professional architect working with Habitat to do this. This is not . . . and they won't all look the same. There'll be variety amongst these homes in terms of the gable roofs and the window treatment and so on. So, I think it'll fit well. Again, anyone on Stonewald Court, anyone on Lehigh Street could come in tomorrow and look to do a second story if they wish. If they stay within the 35-foot height.

Mrs. Zabriskie: Do they want to put a second story on my house?

Mr. McGroarty: Well, we'll process it, you put it on.

President Nicastro: Thank you, everyone. I don't see anyone else, so I will close it to the public and where were we? Anyone else from Council have any other . . . Mr. Roman.

Mr. Roman: These are one of the few decisions that are not sometimes easy to make but many of the factors that when deciding to approve an Ordinance like this and an application like this, not the least of which was the State's obligation. You know, you never want to make a decision that impacts any resident negatively but as some of you have heard the testimony from Chuck and that there is a governing State agency that holds a sort of Damocles, so to speak, over our heads that were we not to approve an Ordinance of this type, the outcome would be worse. Unfortunately, to address the issue that there's plenty of other property within the Township that this could be done, that is unfortunately not the case. The Township does not own an abundance of property where sewers are available, where any development like this can go into place. On the issue of transparency, this cannot be anything more but transparent. There's been numerous meetings, both televised in person, with plenty of opportunity so, to say that this has not been a transparent process is unfortunately not the case. Regarding water, I am convinced by the many hours of testimony performed by the hydrogeologist, not hired by the applicant, but by the Township, that this development will not impact negatively, the residents in the area when it comes to the issue of water. And on the subject of low-income, I know that's been thrown around. Low affordable income. When I first moved into this Township, I was low-income and if I dare say, I was probably very low-income. So, I think we should not decide to not allow housing of this nature to go into place just because of the label "low" or "affordable income." That's all I have. Thank you.

President Nicastro: Thank you. Anyone else? Seeing none. Roll Call, please.

ROLL CALL: Passed unanimously

President Nicastro: Ordinance #35-2023 is passed on second reading and I hereby direct the Clerk to forward a copy of the same to the Mayor and publish the notice of adoption as required by law. I open the hearing to the public on Ordinance #37-2023,

Ord.#37-2023 An Ordinance Amending Ordinance #5-2023 of the Township of Mount Olive Entitled Salaries of Certain Non-Union Personnel

President Nicastro: Mr. Aaron.

Mr. Aaron: Thank you, Mr. President. I move for adoption and final passage of Ordinance #37-2023.

Mr. Roman: Second.

President Nicastro: Does anyone from the public wish to be heard on this Ordinance? Seeing none. Closed to the public. Anyone from Council? Seeing none. Roll Call, please.

ROLL CALL: Passed unanimously

President Nicastro: Ordinance #37-2023 is passed on second reading and I hereby direct the Clerk to forward a copy of the same to the Mayor and publish the notice of adoption as required by law. I open the hearing to the public on Ordinance #38-2023,

Ord.#38-2023 An Ordinance of the Township of Mount Olive Amending Ordinance #32- 22 Which Established Salaries for the Mayor, Council, Department Heads and Other Exempt Employees

President Nicastro: Mr. Mania.

Mr. Mania: Thank you, Mr. President. I move for adoption and final passage of Ordinance #38-2023.

Mr. Roman: Second.

President Nicastro: Does anyone from the public wish to be heard on this Ordinance? Seeing none. Closed to the public. Anyone from Council have anything? Seeing none. Roll Call, please.

ROLL CALL: Passed unanimously

President Nicastro: Ordinance #38-2023 is passed on second reading and I hereby direct the clerk to forward a copy of the same to the Mayor and publish the notice of adoption as required by law. We have no Ordinances for first reading, so we have 24 Consent Resolutions. Does anyone wish to move any to Non-Consent?

ORDINANCES FOR FIRST READING: NONE

CONSENT RESOLUTIONS AGENDA:

1. Resolution of the Township of Mount Olive, County of Morris, State of New Jersey, confirming the appointment of Judi O'Brien to a four-year term as Tax Collector
2. Resolution of the Township Council of the Township of Mount Olive establishing the annual reorganization meeting for January 2, 2024
3. Resolution of the Township of Mount Olive authorizing submission of a petition to the Highlands Council for designation of Highlands Redevelopment Area for Block 8300, Lots 5, 5.02, 6, 7, 8, 9, 11 & 11.01; Block 8100, Lot 38; and Block 8400, Lot 1
4. A Resolution of the Township of Mount Olive, County of Morris, State of New Jersey, authorizing an amendment to the contract of sale for 20-23 Stonewald Court Drive (Block 3203, Lot 21 & 28) with Morris Habitat for Humanity
5. Resolution of the Township Council of the Township of Mount Olive approving the Fraternal Order of Police Officers contract between the Township and FOP Lodge #122 for 2024 through 2026

6. Resolution of the Township Council of the Township of Mount Olive approving the Fraternal Order of Police Sergeant's Association contract between the Township and FOP Lodge #122 for 2024 through 2029
7. Resolution of the Township Council of the Township of Mount Olive approving the Fraternal Order of Police Superior Officers contract between the Township and FOP Lodge #122 for 2024 through 2029
8. Resolution of the Township Council of the Township of Mount Olive approving a non-fair and open vendor service contract pursuant to New Jersey local unit pay-to-play law (Turnout Uniforms)
9. Resolution of the Township Council of the Township of Mount Olive authorizing the award of a contract for re-bid #12-2023 Transportation and Disposal of Leaves, Woodchips, and other Vegetative Waste (Elvada Supply) (January 1, 2024 - December 31, 2025)
10. Resolution of the Township Council of the Township of Mount Olive authorizing the award of two (2) contracts for Bid #10-2023 Aftermarket Auto Parts for Fleet Vehicles (Ciocca Parts Warehouse/dba Motoright Auto Parts: Primary Vendor) (Padik Auto Parts: Secondary Vendor) (January 1, 2024 - December 31, 2025) *Revised - correcting contract term
11. Resolution of the Township Council of the Township of Mount Olive authorizing the award of two (2) contracts Bid #12-2023 Ford OEM and Chevy OEM Auto Parts for Fleet Vehicles (Fred Beans Parts: Primary Vendor) (Ciocca Parts Warehouse/dba Motoright Auto Parts: Secondary Vendor) (January 1, 2024 - December 31, 2025) *Revised - Correcting contract term
12. Resolution of the Township Council of the Township of Mount Olive authorizing the award of a contract for Bid #11-2023 Tree Removal, Trimming, and Stump Grinding (Harmony Tree Care) (January 1, 2024 - December 31, 2025) *Revised - Correcting contract term
13. Resolution of the Township of Mount Olive authorizing the transfer of unexpended storm control appropriations to the accumulated snow trust fund
14. Resolution of the Township of Mount Olive providing for the transfer of 2023 budget appropriations for the current fund budget
15. Resolution of the Township of Mount Olive authorizing the cancellation of 2023 appropriations in the current fund
16. Resolution of the Township of Mount Olive authorizing the cancellation of 2023 appropriations in the recreation utility fund
17. Resolution of the Township of Mount Olive authorizing the cancellation of 2023 appropriations in the water utility fund
18. Resolution of the Township of Mount Olive authorizing the cancellation of 2023 appropriations in the sewer utility fund
19. Resolution of the Township of Mount Olive authorizing the cancellation of 2023 appropriations in the sanitation district
20. Resolution of the Township of Mount Olive authorizing the cancellation of a general capital ordinance balance
21. Resolution of the Township of Mount Olive authorizing the cancellation of the reserve for assessment receivable in the sewer assessment trust fund
22. Resolution of the Township Council of the Township of Mount Olive to cancel taxes on Block 3104, Lot 3.01 for disabled veteran declared 100% totally & permanently disabled by the Tax Assessor
23. Resolution of the Township Council of the Township of Mount Olive authorizing the award of a non-fair and open Professional Services agreement for pyrotechnic services (International Fireworks Manufacturing Co) *Revised - Re-allocating funds

24. Resolution of the Township of Mount Olive Authorizing a Chapter 159 Budget Amendment in the 2023 Budget For the Body Armor Replacement Fund For \$3,763.39.

Mr. Stewart moves for the adoption of Consent Resolutions one through twenty-four and **Mr. Mania** seconds.

John Kaplan, Harold Law, 25 Independence Boulevard, Warren Township, New Jersey, representing Stephens Park Holdings, LLC, the owner of Block 8300, Lot 5.01, discusses Resolution number three. He asks the Council to table and carry the Resolution so they can have the opportunity to address it. **Mr. Semrau** discusses the timeline of Resolution number three and that the property owners have been given an ample amount of time to attempt to join the application. **Mr. McGroarty** clarifies the role of the municipality in the process and discusses the application process and history behind it. **Lawrence Cohen**, attorney at Lavery, Selvaggi, Abromitis and Cohen, representing Jeff Mountain, the owner of Block 8300, Lots 11 & 11.01, reiterates this is only a petition to ask the Highlands Council to review this plan. He discusses the work his client has put into this. He asked this not be tabled and instead be approved. **Irene Sergonis**, 37 Mount Olive Road, Budd Lake, explains she's part of the Environmental Committee and they didn't hear anything about this. **Mr. McGroarty** clarifies he did mention it to the Environmental Commission. He explains they didn't get a formal site plan because there isn't one yet. He reiterates this is the first step. **Margaret Noon**, 69 Stephens State Park Road, explains she hadn't heard anything about this, and her property abuts the back side of the buildings. She discusses issues she's had at her certified organic farm. She expresses her concern about not being notified. **Mr. McGroarty** explains the notification process under the Highlands. He emphasizes this being the first step and that there isn't a development proposal yet. He then discusses potential development. **Mr. Cohen** further discusses notifications and reiterates what Mr. McGroarty said. **John Zawistowski**, 5 Waterloo Road, Budd Lake, asks if developers are required to install fire hydrants when the properties are being developed. He expresses concerns regarding inoperable fire hydrants. **Mr. McGroarty** explains the sites in the International Trade Zone will have fire hydrants. He then discusses issues that will have to be addressed with the properties on Sand Shore since there is no water there.

ROLL CALL: Passed unanimously

MOTIONS

1. Bill List

Mr. Roman moves for approval of the Bill List and **Mr. Mania** seconds. There was no discussion.

ROLL CALL: Passed unanimously

ADMINISTRATIVE REPORTS

Mr. Tatarenko thanks the Mayor and Council for all the support and resources they've provided throughout the year. He also thanks the department heads, staff, and volunteers for their hard work.

President Nicaastro announces the Any Who's Winter Fest is taking place on Friday from 4:00pm to 7:00pm, Saturday from 12:00pm to 7:00pm, and includes holiday lights, vendor village, food, music, bonfire, rides, and characters. He also announces Stuff the Sleigh for the Mount Olive Food Pantry continues to collect nonperishable items through December 22, 2023. He mentions Wrap the Community in Warmth is complete and Santa has sent out letters.

OLD BUSINESS – none

NEW BUSINESS – none

LEGAL MATTERS

On behalf of Dorsey & Semrau, **Mr. Semrau** thanks the Township for their reliance and support. He also expresses his gratitude for Mayor Greenbaum and the governing body.

COUNCIL REPORTS

Board of Education Liaison Report

Mr. Aaron reports the Board of Education met December 18, 2023, and recognized the sports teams. He goes over the sports awards, recognition for Board of Education members that are moving on, and the referendum that did not pass.

Legislative Committee Report
Planning Board Report

Mr. Mania reports he contacted Senator Oroho's office about Route 46 and the office is working on getting them a meeting with the Department of Transportation. He also reports that the Planning Board approved the Mount Olive Township Quarry Operation and reclamation plan update for Saxton Falls Sand and Gravel for 2024. He further discusses various applications that were approved by the Board.

Economic Development Committee Report

Mr. Stewart reports the EDC, in conjunction with the Mount Olive Area Chamber, conducted their annual business holiday food drive, which was very successful.

Environmental Committee – none
Lake Issues – none
Library Board Liaison – none

Open Space Committee Report – none
Board of Health Report – none
Senior Citizen Liaison – none

Recreation Liaison Report – none

PUBLIC PORTION

Irene Sergonis, 37 Mount Olive Road, Budd Lake, thanks the Councilmembers who attended the Senior Party at the Chandelier. She then discusses the Friends of the Library's book sale that raised \$2,000.00 to give to the Library to help with their programming.

Mr. Roman comments about his attendance at the Senior Party.

John Zawistowski, 5 Waterloo Road, Budd Lake, discusses his involvement with the Board of Education meeting and people passing school buses. **Mr. Roman** asks if there's a way to list on the website how many people have been caught, without giving identifying information. **Mr. Tatarenko** suggests including it in the biweekly release of guidelines for bus safety. He also informs them they are increasing enforcement. **Mr. Roman** asks if the fine is the State maximum allowable. **Mr. Tatarenko** confirms. **Mr. Aaron** asks if there's a secondary offense penalty. **Mr. Tatarenko** will have to check.

Nancy Redisch, 38 Manner House Road, discusses the bus issue and suggests a sound be added to the buses to help people notice the bus is stopping. **Mr. Tatarenko** points out the buses are school board property, but they can recommend it.

COUNCIL COMMENTS

President Nicastro thanks Mayor Greenbaum for his many years of service. He also thanks the Council for serving with him as it's his last year as president. He states he looks forward to serving as the Mayor. He wishes a merry Christmas and a happy New Year to everyone.

Mr. Aaron echoes President Nicastro's sentiments about Mayor Greenbaum. He congratulates the Police Department on their promotions. He also sends well wishes to Councilwoman Labow and wishes a merry Christmas and a happy New Year to everyone.

Mr. Mania cautions everyone against the weather changes. He recognizes Mayor Greenbaum's service and wishes everyone a merry Christmas and happy New Year.

Mr. Stewart echoes the comments about Mayor Greenbaum. He congratulates President Nicastro on his new position as Mayor. He also thanks the Administration, Council, and Police. He then thanks the residents for attending the meeting and providing feedback.

Mr. Roman congratulates Chief Mike Spitzer, Captain Mike Cordileone, and Lieutenant Mike Zarro on their promotions. He thanks the Council and the Administration for a good year and looks forward to working with Mr. Nicastro as Mayor. He then wishes everyone a merry Christmas and happy New Year.

President Nicastro thanks Administration and all the employees for everything they do.

ADJOURNMENT - Motion made and seconded. All in favor, none opposed, the meeting was adjourned at 9:20pm.

Alex Roman, Council President

I, Michelle Masser, Township Clerk of Mount Olive do hereby certify that the foregoing Minutes are a true and correct copy of the Minutes approved at a legally convened meeting of the Mount Olive Township Council duly held on January 23, 2024.

js

Michelle Masser, Township Clerk