

**TOWNSHIP OF MOUNT OLIVE**  
**PLANNING BOARD**  
Reorganization Meeting & Public Meeting  
Thursday, January 13, 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.
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**MINUTES**

**Reorganization Meeting & Public Meeting / Remote Virtual Meeting** of the Mount Olive Planning Board of January 13, 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.

Ms. Strain: First item on the agenda is the swearing in of Members. We have a new Member this year, William Galop. Along with...I'm sorry...David Scapicchio, John Batsch, Catherine Natafalusy, Kim Mott and Bill Galop, of course, John Mania have all taken their oaths administered by the Municipal Township Clerk and they have been sworn.

**Roll Call:**

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

Excused: Mr. Schaechter

**Board Professionals**

Chuck McGroarty, PP/AICP, Board Planner

Michael Vreeland, PE, Board Engineer

James Bryce, Esq, Board Attorney

Mary Strain, Board Secretary

**Nomination for Chairman**

Motion:	Catherine Natafalusy	Nominate Howie Weiss
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Second:	Dan Nelsen
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No other nominations

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: Mary, I thank you for taking us to this point in the meeting. And to my colleagues on the Planning Board, I thank you all tremendously for your continued support. In having me be the Chairman of this wonderful Planning Board and again I do appreciate it and I cherish every time we get together to represent this Planning Board with you all. And that being said, let's move the agenda along we're going to ask for a nomination for the Vice Chairman of the Planning Board. Will someone please make a nomination?

**Nomination for Vice-Chair**

Motion:	John Mania	Nominate Catherine Natafalusy
Second:	Dan Nelsen	
No other nominations		
Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

**Nomination for Secretary**

Motion:	John Mania	Nominate Mary Strain
Second:	Dan Nelsen	
No other nominations		
Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

**Nomination for Board Attorney**

Motion:	Catherine Natafalusy	Nominate James Bryce
Second:	John Mania	
Mr. Weiss:	Technically we're nominating Jim Bryce from the law firm Murphy McKeon, Inc.	
No other nominations		
Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: And with that I'd like to formally welcome Jim to our team. As you all know, Ed announced that he is going to step back a little bit. We went into a fairly quick search, and it became apparent to me quite immediately that Jim was the right person to represent this Board. So, maybe Jim, you want to introduce yourself, have anything to say? I'm so proud to have Jim join us.

Mr. Bryce: Well, thank you, Chairman and thank you for the kind words and for the people that have not met me yet my name is Jim Bryce. I've been doing this for a while now, and I recognize that I have very large shoes and experience to fill in this Board. Ed Buzak, of course, is a is a giant in the field, so I thank you for having confidence in me. I hope I can deliver on that for you and I will give you my absolute best.

Mr. Weiss: Thank you, Jim. Can't ask for more than. Let us move our agenda along and I'll take a nomination for the township...for the Planning Board Engineer. Someone please make a nomination.

**Nomination for Board Engineer**

Motion:	Dan Nelsen	Mike Vreeland
Second:	John Mania	
No other nominations		
Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

**Nomination for Board Planner**

Motion:	Dan Nelsen	Chuck McGroarty
Second	Kim Mott	
No other nominations		
Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

**Nomination for Environmental Consultant**

Motion:	Catherine Natafalusy	Dr. Keller, Habitat by Design
Second:	John Mania	
No other nominations		
Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

**Nomination for Traffic Engineering Consultant**

Motion:	Catherine Natafalusy	Walter Lublanecki, PE
Second:	John Mania	
No other nominations		
Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes

Kim Mott	Yes
Catherine Natafalusy	Yes
John Mania	Yes
Dan Nelsen	Yes
William Galop	Yes
John Batsch	Yes
Howie Weiss	Yes

Mr. Weiss: And I think it's appropriate this time then also add one other professional contract nominate our Special Counsel for 2022. Mary is that when you wanted to do that?

Ms. Strain: I didn't know we need to make a nomination for them.

Mr. Weiss: It wasn't on the agenda, but I think now would probably be a good time to nominate Special Counsel for 2022.

Ms. Strain: Okay.

Mr. Weiss: Right? Or did you have that somewhere else?

Ms. Strain: I had it with the Resolutions being he was going to be used for preexisting litigation.

Mr. Weiss: No, I think that's fine. Jim, we're really talking about two other special circumstance professionals, obviously, a Conflict Engineer and Special Counsel, can we do that just by resolution.

Mr. Bryce: You certainly may, Mr. Chairman.

#### **Resolution Adoption 2020 Meeting Dates**

Mr. Weiss: Okay, so let's hold off on that then. Thank you for that advice. Let's move on to...we received today adoption of the 2022 Meeting Dates, we've all got a copy of that to review. I'd like someone to make a motion that we accept this schedule for our 2022 calendar year.

Mr. Mania: So moved, Mr. Chairman.

Mr. Forlenza: Howie, I have a question.

Mr. Weiss: Well let's move...we have an emotion by John. Somebody second it?

Mr. Scapicchio: Second.

Mr. Weiss: Okay, David. Thanks. We have a question, Ken, go right ahead.

Mr. Forlenza: Yes, just curious as to why November 17 wouldn't have been a meeting date. Was there something that day or...

Mr. Weiss: Yes, there is. It's usually the date of the League of Municipalities.

Mr. Forlenza: Okay, sorry.

Mr. Weiss: Most of the professionals are not available. We kind of take that into account and try not to schedule. Which is why November with Thanksgiving also falling on a Thursday oftentimes it's just one meeting.



Mr. Forlenza: Okay, thank you.

Mr. Weiss: My pleasure.

Ms. Natafalusy: I just want to...Howie?

Mr. Weiss: Yes, go ahead, Catherine.

Ms. Natafalusy: I send Mary an email late this afternoon there was a typo in the Resolution. She said she was going to change it. I just want to make sure that was done.

Ms. Strain: Yes, it was 2021. I changed it to 2022. Thank you.

Mr. Weiss: Okay, so motion made, seconded. Any other questions or comments? I see none. So let's...roll call, Mary.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

### Official Newspaper

Mr. Weiss: We're going to then make a nomination to accept the official newspaper of the Planning Board. Will someone please make a motion.

Mr. Mania: So moved, Mr. Chairman.

Mr. Weiss: On the Daily Record, John?

Mr. Mania: Yes.

Mr. Weiss: Motion made by John, seconded by Dan. Do I hear any other nominations or opinions? I see none. Mary, roll call.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

### Rules of Procedure

Mr. Weiss: Next item on our agenda is the approval of our Rules of Procedure, we have copies of those that's fairly...that's been updated fairly recently. Will someone please move that? Accepting the Rules of Procedure as they've been presented.

Mr. Mania: I'll move, Mr. Chairman.

Mr. Weiss: Thank you, John Mania.

Mr. Mania: To accept the Rules of Procedure.

Mr. Batsch: Second.

Mr. Weiss: Thank you John. Thank you, John Batsch, looks like you were going to make that second. Any questions or comments. Seeing none, Mary, roll call.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

### Committees

Mr. Weiss: And so we have committees, we have certain committees that we use as a Planning Board, and so what we'd like to do is fill these committees. The first committee on our list is Ordinance Committee, and I have already spoken with John Batsch who's expressed his interest. John was on the committee last year, and I certainly have no problem adding John...or keeping John on the Ordinance Committee. Would anybody else like to be on the Ordinance Committee? Mary, I just can't see the list...what are we looking for? Was it four?

Ms. Strain: Four people, it was Howie Weiss, Catherine Natafalusy, Dan Nelsen, and John Batsch.

Mr. Weiss: Would anybody like to join that committee or step down from that committee?

Mr. Nelsen: I'll join again.

Mr. Weiss: It looks like will...is it okay if we keep the same members? Catherine, you in for that?

Ms. Natafalusy: Yes.

Mr. Weiss: Okay, so let's keep that the same. Let's move then...we don't need to vote on this, correct?

Ms. Strain: No.

Mr. Weiss: Okay. Mary why don't you to remind me again because I can't find this...

Ms. Strain: Street Naming was Brian Schaechter, Ken Forlenza, John Mania, and Joseph Ouimet. Joseph Ouimet, so we need one person, we have four people for Street Naming.

Mr. Weiss: Well, for years I was on that committee, I will replace Joe on that committee.

Ms. Strain: Sure. Okay.

Mr. Weiss: Everyone else okay staying there? Anybody else wanted to join? Ken, you're good? Okay.

Ms. Strain: Open Space was Kim Mott and Paul Ottavina was on that.

Mr. Weiss: Kim, I take it you'll be staying.

Inaudible

Mr. Weiss: Kim, you're good. Does anybody want to sit on that committee? I think we can keep that open until...unless someone wants to step up on that...that's okay. Environmental Committee?

Ms. Natafalusy: That's me.

Mr. Weiss: Alright.

Ms. Natafalusy: That's part of my appointment.

Mr. Weiss: Correct. You're the...that's your designation. So, Catherine you'll remain as our Environmental Committee liaison. Board of Education, Brian was that person. I would imagine that Brian would have no problem continuing with that. Anybody else would like to sit on that committee? Okay, so that's fine let's keep on moving.

#### **Resolution Appointing Planning Board Planner**

Mr. Weiss: Next on our agenda is a Resolution appointing the Planning Board Planner, Chuck McGroarty, Mount Olive Township, Director of Planning. We have a copy of that Resolution. Mary, is that correct?

Ms. Strain: Yes.

Mr. Weiss: I think so many things in this...I see it. Okay, so we have the Resolution will someone please make a motion to accept this Resolution?

Mr. Mania: So moved, Mr. Chairman.

Mr. Weiss: Thank you, John.

Mr. Scapicchio: Second.

Mr. Weiss: Thank you, David. And we do vote on this correct.

Ms. Strain: Yes.

Mr. Weiss: Okay, so that being said, we have a second, we have a motion and a second any comments? I see none, let's roll call.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

**Resolutions authorizing the award of non-fair and open contract for professional services**

Mr. Weiss: Yes, for the next item, I think I do believe we can do all these at once...with one vote. Jim, you'll tell me if I'm wrong for the next item.

Mr. Bryce: You're absolutely correct.

Mr. Weiss: Okay, so the next item are the Resolutions for the authorization of authorizing the award of non-fair and open contract for professional services from the following: Murphy McKeon for legal services; Van Cleef Engineering Associates for engineering services; Habitat by Design for environmental consulting services; Lublanecki Engineering for traffic consulting services; Finelli Consulting Engineers, Inc. for conflict engineer; and The Buzak Law Group for special counsel. That being said, will someone please make a motion to accept...

Mr. Batsch: I'll make a motion.

Mr. Nelsen: Second.

Mr. Weiss: Thank you, John Batsch. Thank you, Dan Nelsen. Just...just...I only have comment. Just to remind everybody what that's all about. If, in fact, there is a conflict for whatever reason, I know we've had it...Mike, I think it was with Saxton Falls?

Mr. McGroarty: The quarry.

Mr. Weiss: The quarry.

Mr. McGroarty: Mr. Chairman, it's for the quarry. And actually, the contract, if I may, the Finelli Resolution goes...it's more specific than we said in the agenda. They are conflict engineer just for the Solar Farm.

Mr. Weiss: Solar Farm. That's what it was. Thank you, Chuck.

Mr. McGroarty: Did I say quarry? I meant Solar Farm.

Mr. Weiss: No, no...I...probably because you took my lead. Which I was wrong. It was the Solar Farm. If in fact, we ever have a conflict that comes up, then the Finelli firm will handle that. And that's only because Van Cleef had done some work previously with the....

Mr. McGroarty: If I may, Mr. Chairman? Right now, you're just...you're just authorizing Finelli for the Solar Farm.



Mr. Weiss: Perfect. And that's okay, we have John and Dan on that motion, and second. And then, of course, Buzak Law Group we're going to retain a special counsel. There is some litigation that's ongoing. It makes tremendous sense to keep Buzak Law Group on board they've taken it to this point it's going to be very specific to the litigation that's been underway. I don't...I don't think there's any other limitation that Buzak Law Group is handling, but if so they're going to continue to handle any current litigation that they started. So, that's what we're approving. Does anybody have any questions? Okay, so the motions been made and seconded for those professional services. Mary, roll call.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

### **Meeting Minutes**

#### February 18, 2021 Meeting Minutes

Mr. Weiss: Yes, let's move on now, we have two minutes. We have a few different meeting minutes to approve. The first one is from February 18, 2021 public meeting. We've been recently...you all have a copy of that. Will someone please move those minutes for us?

Mr. Mania: So moved, Mr. Chairman.

Mr. Weiss: Thank you, John Mania.

Ms. Mott: I'll second it, Howie.

Mr. Weiss: Seconded by Kim. Thank you very much, Kim. Any questions, concerns. I see none.  
Roll call, Mary.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	John Batsch	Yes
	Howie Weiss	Yes

#### October 21, 2021 Public Meeting

Mr. Weiss: Yes, and the final minutes for approval tonight are from October 21 2021 also public meeting. All of those minutes have been distributed, we reviewed them. Will someone please make motion to move these minutes.

Mr. Mania: So moved, Mr. Chairman.

Mr. Weiss: Thank you, John Mania.

Mr. Nelsen: Second

Mr. Weiss: Second, thank you, Dan Nelsen. I see you were ready to give me the head nod. So, thank you for that. Any questions or concerns? I see none. Mary, roll call.

Roll Call:	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	John Batsch	Yes
	Howie Weiss	Yes

### **Resolution**

PB 21-19 Hodzic, Michele & Almin, 6 Clearwater Road, Block 2204, Lot 2

Mr. Weiss: Yes, and then one last thing before we get into our developmental matter tonight is, we have one Resolution on the table on the agenda, which is PB 21-19 for Michele and Almin Hodzic for their property located at 6 Clearwater Road, Block 2204, Lot 2. Again, that Resolution has been distributed, I don't believe there's been any changes or updates since we've received it. So, I will entertain a motion from someone on the Planning Board to move this Resolution.

Ms. Mott: I'll make a motion to move PB 21-19.

Howie Weiss: Thank you, Kim. And the second?

Mr. Batsch: Second.

Mr. Weiss: Thank you, Ken. Any questions or concerns? I'm seeing none. Mary, roll call.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes*
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	John Batsch	Yes
	Howie Weiss	Yes

\*Mr. Forlenza: That wasn't me who seconded that. I think it was Mr. Batsch.

Ms. Strain: John Batsch. Thank you.

Mr. Weiss: Sorry about that.

### **Developmental Application**

Pb 21-18 Excel Property Group, LLC, 31 Old Budd Lake Road, Block 4101, Lots 4, 5, & 6

Mr. Weiss: And so, as we get ready for our lone developmental application tonight, I want...you can start to bring them up too, Chuck.

Mr. McGroarty: I'll bring them up, Mr. Chair.

Mr. Weiss: Thanks so much, Chuck. I just want to take five seconds and let's welcome Bill Galop. I didn't get a chance before. But for those that don't know Bill he comes from a long line. His family's been part of the town. His dad was a long-time police officer. Bill, of course, is on the force and certainly my position as the Chairman has always been if we can get an officer from the Police Department on our Board, we're better off for it. We've done so well with Paul, he did a great job. And kind of like I've known...I've known Paul for a very long time. Billy has been somebody that I've known for a long time, and I'm just real

pleased to have Bill join us. So again, if you haven't met Bill, I'd like to say, we could meet in person in the next couple of weeks. But, Bill, welcome. And you and I have had a conversation about what you're going to do and how you're going to do it and relax and enjoy the time. And we look forward to your expertise.

Mr. Galop: Thank you very much, Mr. Chairman. It's a pleasure to be here and been a Member of this now for 32 minutes strong doing this. So, bear with me I'm going to do my best and I'm here for whatever anybody needs. And my phone is always on. So, anything any of you ever need by all means...

Mr. Weiss: Thank you very much. Let bring up our...let me get rid of some of these things...hold on one second clean up my...

Mr. Bryce: Chairman, at this point, would you like me to swear in the Board Professionals?

Mr. Weiss: Yes. What I'm going to do, Jim, is I'm going to introduce...let me introduce the application. I'll turn it over to Mr. Selvaggi and then he will give us a little bit of a background and then before we bring up anybody, you can swear in the applicants professionals and anyone that will be testifying.

Mr. McGroarty: Mr. Chairman, I think he means us, first.

Mr. Weiss: You know what? Thank you, Jim. That's a great idea. Let's do that. Let's do that now and that way we'll have a record of it being done. Also we'll maybe we'll do it again next time we see Walt to have him join us and it might be a long time before we see Dr. Keller. Why don't we do that now? Thanks, Jim.

Mr. Bryce sworn in the following professionals for the year for the record:

Chuck McGroarty, Planning Board Planner

Michael Vreeland, Planning Board Engineer

Mr. Weiss: Thank you for that. Thanks for that direction, let me bring up our first developmental application tonight which is PB 21-18 Excel Property Group, LLC here for preliminary site plan and a final site plan with a bulk variance for their property located at 31 Old Budd Lake Road, Block 4101, Lots 4, 5, and 6. Obviously we have Mike Selvaggi for the applicant. Welcome, Mike, Happy New Year. Nice to see you again. Why don't you get this started for us.

Mr. Selvaggi: Okay. Well, thank you and congratulations to all the new Board Members. Congratulations, Mr. Bryce. I do agree with him he's got some rather large shoes to fill, but I think you're up to the task. We're here tonight...well, I'm Michael Selvaggi from Lavery, Selvaggi, Abromitis, and Cohen on behalf of Excel Property Group, LLC. Excel is the owner of these three nonconforming lots on Old Budd Lake Road. They also have frontage along Route 46 to the rear. They're nonconforming with respect to size and some other conditions, because the three lots...if those who are familiar with them...kind of come to a triangle out on to 46 making it very difficult to develop each of these lots individually. So, what Excel's intending to do if they security the approval is to merge all three of those lots into one, it would make it more conforming with respect to size. We wouldn't be fully conforming. But much, much more conforming than we are currently. We would also still need a variance with respect to the lot width. But, overall, I think the decision to merge the lots is one that's...you know...a move in the right direction. Assuming the Board grants the approval, what the applicant would like to do is there's an old home on Lot 5, which is the middle of the center of the three lots and convert that dwelling into an office for a construction company which is permitted in the C-1 Zone and then along with the renovation of the existing dwelling and conversion into an office would be the addition of a garage that would also be used in connection with the business. The renovations will certainly aesthetically improve the look of the home which is old and dated as well as the garage. There will be new siding, landscaping, lighting. There will be an addition of a parking lot as well, small parking lot because you'll hear in a moment that it's really an administrative office. It's not an office that attracts customers an...by and



large all of the construction materials and equipment. are delivered to the to the job sites, so it functions really as an administrative office. We will need site plan approval and will also need a bulk variance. The argument is in support of a c1 variance because when you'll hear from our engineer when he describes the property, it is exceptionally narrow. It's bordered by these...you know...Old Budd Lake Road and Route 46, leaving no building envelope. You couldn't really put anything on this lot that wouldn't trigger the need for some bulk variance and then again the site...the site plan approval. So, we have had an opportunity to review the reports that were issued by Mr. Vreeland and Mr. McGroarty. What I'd like to do, Mr. Chairman, is our first witness is going to be Rob Nugent who's a principal with Excel Property Group. He'll take us through kind of a description of what the operations will be what the proposed improvements will be and then Mr. Glasson will talk about the engineering perspective of this hearing.

Mr. Weiss: So, I think the first thing we really need to do is address...

Mr. Selvaggi: The completeness...

Mr. Weiss: Yes, for regarding the EIS. And I think the applicant is seeking a waiver from the requirements to submit the EIS.

Mr. Selvaggi: That's correct, I apologize, yes.

Mr. Weiss: So, we can decide if this is a...you know...what we're going to do and we should address that before we move on to anything else.

Mr. Selvaggi: Yes, so we did we did submit a request for a waiver from the EIS. As I said, the proposal is modest renovating and...inaudible...to look at the house, adding the garage, there's...you'll hear from Mr. Nugent. I mean this is not a use that triggers...we're not storing 55 gallon drums of hazmat materials. It's vehicles that will be parked there, it's a low traffic generator. Currently there's nothing on the property that would lead anyone to believe that there's environmental conditions that need to be addressed. And...you know...we just think that given the relatively modest scope of what's proposed, the garage is an extra couple 1,000 square feet. The existing dwelling is going to remain as is. We're not entirely convinced that what you would look for in an EIS...inaudible...are triggered by what's being proposed this evening.

Mr. Weiss: So perhaps maybe...because we might have some questions, maybe we should swear in Mr. Nugent to help maybe answer some questions that could come up as we're considering the waiver of the EIS.

Mr. Selvaggi: That's fine.

Mr. Weiss: Mr. Bryce, would you please swear in Mr. Nugent? You're muted Jim. Hold on Jim, you're muted.

Robert Nugent was sworn in for the record.

Mr. Nugent: Robert Nugent (N U G E N T).

Mr. Weiss: Your business address?

Mr. Nugent: The proposed business address or..?

Mr. Weiss: Whatever you're using for business address.

Mr. Nugent: It's PO Box 142, Budd Lake, New Jersey 07828.



Mr. Weiss: Okay, and so Mr. Glasson had noted that you're the principal of Excel. The question...I have a question as we're considering the EIS...hold on one second, here's my report...when I look at the former...we have Lot 4, 5, and 6. Your proposal is to put this warehouse into a Lot 4, correct? And as you're looking, I'm going to follow up with a question. What was previously on 4 and 6? Was it simply wooded, was it maintain, manicured? Tell me this...inaudible.

Mr. Nugent: Lot 4 and 6 currently are wooded and grass on Lot 6 mostly bordering Route 46. Back to your first question, the proposed addition is going to be partly Lot 5 and 4. It's going to be attached to the building on Lot 5.

Mr. Weiss: Is it accurate to say that Lot 6 will be mostly undisturbed and left in the condition that it is now.

Mr. Nugent: Yes.

Mr. Weiss: Okay, that's kind of important as we're going to consider the EIS. Chuck, is there anything that we might want to inquire about as we look to determine the EIS waiver?

Mr. McGroarty: Not from my vantage point, Mr. Chairman. The only issue that they have shown on the site plan...Jim has shown on site plan, is the trees that are being removed and replaced with trees. Other than that, I don't...there's no wetlands on the site or anything of that nature.

Mr. Weiss: Yes, I'm looking...I just wanted to make sure. Essentially the larger of the lots that were currently vacant, is Lot 6. And that's going to remain...based on what Mr. Nugent just told us. It will basically stay intact. So, if any of us are concerned about habitats that might be disturbed it sounds like we're minimizing that by the fact that Mr. Nugent is not going to really go near that. So, if we were to...does the Planning Board have any kind of direction to give the applicant, as far as our desire to waive the EIS? Does anybody object? Maybe is a more direct question.

Mr. McGroarty: Like I don't know if Mike...Mike, you didn't see any...

Mr. Vreeland: No, based on the scope of work they're proposing...the fact that the most of the...inaudible...are very developed. We didn't see any issues with regards to existing mapping. The fact that the site is surrounded by a state highway in a municipal road right...you know...we feel the information that they provided is sufficient and have no objection to all the requests.

Mr. Weiss: Perfect. Okay, sounds like we're in agreement so. Speaking for the Planning Board it sounds like we're going to waive the requirement to have the EIS and we can proceed with the application with the waiver that EIS and, of course, unless anybody on the Planning Board disagrees with that...let's move this application forward with a waiver. We'll grant that waiver. I don't believe we need to vote on that. I think that's going to be part of the record. So, Michael, let me then turn it back over to you...

Mr. Selvaggi: Thank you. Alright, so we'll get right into it. Mr. Nugent, I think Mr. Weiss had indicated that you're a principal with Excel Property Group. And what does Excel Property Group do besides own these three lots.

Mr. Nugent: Mainly property management, we own other properties as well.

Mr. Selvaggi: Okay. And what does...what's Excel looking to do with respect to Lots 4, 5, and 6, and Block 4101?

Mr. Nugent: It's going to be an investment property, so Excel is going to hold the property and then lease it to my construction company or RMN Construction.

Mr. Selvaggi: Okay, and what type of construction does RMN do?

Mr. Nugent: We are strictly commercial carpentry.

Mr. Selvaggi: Okay. If you got the approval here and my opening remarks, I talked about the renovation of that existing dwelling and adding the garage...let's start with the dwelling itself, right now, I mean what's the size and what are you proposing to do with that house that's on Lot 5 now?

Mr. Nugent: Our proposal is to make the second floor offices, the first floor just to be storage for files and access documents and such. The main purpose is the second floor for two offices.

Mr. Selvaggi: Okay, and who would be in those...who would be working in those offices?

Mr. Nugent: It's myself and a bookkeeper, secretary.

Mr. Selvaggi: Would you have any other employees working in this in this building?

Mr. Nugent: No.

Mr. Selvaggi: Okay. And then...on the...in the garage that you're looking to construct, what would you be using that for?

Mr. Nugent: For the storage of our vehicles, our materials, our equipment.

Mr. Selvaggi: Okay, and how many vehicles would be stored in the garage?

Mr. Nugent: Two.

Mr. Selvaggi: What type of vehicles would they be?

Mr. Nugent: A van, it's a like a 430/500 van...high top van and a pickup truck.

Mr. Selvaggi: Okay, and what type of equipment would be stored in the building?

Mr. Nugent: The equipment that we're using is just hand tools, mainly drills...impact drills, chop saws, power actuated guns for shooting down metal track to concrete, pallet jacks, generators.

Mr. Selvaggi: And would you be storing construction materials you need to use or need on job sites?

Mr. Nugent: Just overflow. Materials that were leftover from a job that we'd be...that would be coming there until the next job started and we'll go from there to the next project.

Mr. Selvaggi: Okay now with respect to the dwelling I mean you talked about the breakout of the interior space of the dwelling, and I assume...you know...I didn't follow up, I mean there's going to be a there's going to be bathrooms in there. There's going to be a kitchen for you and the bookkeeper.

Mr. Nugent: Kitchenette and two half baths.

Mr. Selvaggi: What are you proposing to do on the outside of that building?

Mr. Nugent: The finishes are just going to be vinyl...gray vinyl siding, white trim, black shingle roof.

Mr. Selvaggi: Are you're doing anything with the windows?

Mr. Nugent: Vinyl windows, white vinyl windows, black front door.

Mr. Selvaggi: Okay in the garage exactly to be connected to the dwelling?

Mr. Nugent: Yes.

Mr. Selvaggi: Alright and what's the garage going to look like?

Mr. Nugent: On the exterior?

Mr. Selvaggi: Yes.

Mr. Nugent: Same makeup. It's going to be either wood or metal construction, vinyl siding and asphalt shingles. Same colors...vinyl...white vinyl windows.

Mr. Selvaggi: Is that going to be on a slab.

Mr. Nugent: Yes.

Mr. Selvaggi: And is in the garage itself, is there going to be, is it all open or you're going to have a loft area in there?

Mr. Nugent: There'll be a partial loft area for storage and then the other half of it will be open to stories.

Mr. Selvaggi: Okay, now the vans themselves. I...I assume employees will come and grab those in the morning.

Rob Nugent: Occasionally. Typically, my employees drive to the projects on their own. Occasionally they'll need a vehicle, if they have to take a longer trip or take supplies with them.

Mr. Selvaggi: Okay, so are those vans going to be used every day?

Mr. Nugent: Not every day.

Mr. Selvaggi: Okay, and so you and your bookkeeper working here how many employees you have out on the field?

Mr. Nugent: We have nine altogether.

Mr. Selvaggi: The job sites are generally local?

Mr. Nugent: Generally, yes, I have job sites all over.

Mr. Selvaggi: Well, let me ask you. Those nine employees how frequently, if at all, do they come...how would they come to this site?



Mr. Nugent: They...I would say they most likely won't.

Mr. Selvaggi: Okay. And you and your bookkeeper, when will you guys be occupying this space.

Mr. Nugent: Typical work hours. The office is typically nine to five Monday through Friday occasionally were there on a Saturday, not my bookkeeper but maybe I would be checking in on the office or grabbing something that I needed to do work wise.

Mr. Selvaggi: Okay. Do you have customers come to that site?

Mr. Nugent: No.

Mr. Selvaggi: Okay. Now...when an employee comes if they need that van, I assume they come with their own vehicle leave it there and then grab the van out of the garage.

Mr. Nugent: Correct.

Mr. Selvaggi: Okay. Besides an occasional employee, you and your bookkeeper what other deliveries or...you know...visitors might you have to that property?

Mr. Nugent: We don't have any visitors. We will have occasional FedEx packages, UPS. That sort of stuff, nothing else.

Michael Selvaggi: Okay. Now since all of the work is going to be done at the job sites, I mean what type of debris would be generated out of this property?

Mr. Nugent: Just domestic garbage.

Mr. Selvaggi: Okay. And how do you plan on handling that?

Mr. Nugent: Township garbage.

Mr. Selvaggi: Okay, so you're not going to have dumpsters out there or anything like that, right?

Mr. Nugent: No.

Mr. Selvaggi: And on a job site if there is a dumpster there, it'll remain there for pickup it's not going to be brought back to this site, correct?

Mr. Nugent: No.

Mr. Selvaggi: Okay. The question came up...I think it was Mr. McGroarty's report, are you proposing or do you need signage on the property?

Mr. Nugent: Neither.

Mr. Selvaggi: You work nine to five generally, are you proposing any exterior lighting.

Mr. Nugent: Just for security purposes during business hours.

Mr. Selvaggi: Okay. So, you're not going to have a lit parking lot or anything like that?



Mr. Nugent: No.

Mr. Selvaggi: You know just a follow up question. When an employee comes and grabs that van if they're going to do that, what might be the typical hours that they would come in the morning to take grab the van and when would they likely return in the evening?

Mr. Nugent: Depending on the distance of the project, maybe about 6:30 to 7:00 to pick it up and based on traffic will be back between 4:00 and 5:30.

Mr. Selvaggi: And again that's it's not a vehicle that's like a large truck that's going to generate noise or anything like that, correct?

Mr. Nugent: No, it's a 2022 van, Ford Van.

Mr. Selvaggi: Okay. Let me see. I think Rob...besides the home on Lot 5, how long has Excel owned these three lots.

Mr. Nugent: I believe June or July of last year.

Mr. Selvaggi: Alright, so when you...but prior to purchasing them...you walked the property, correct?

Mr. Nugent: That's correct.

Mr. Selvaggi: All right, there's never been any development on Lots 4 or 6, correct?

Mr. Nugent: No.

Mr. Selvaggi: You saw no evidence of any old foundations or anything like that, correct?

Mr. Nugent: No. Inaudible.

Mr. Selvaggi: Mr. Chairman, that's all that I have for Mr. Nugent. I mean obviously...you know...Board Members may have questions for him, but I think we've covered what we needed to.

Mr. Weiss: Thank you. Does anybody from the Planning Board have any questions for Mr. Nugent? Go ahead, Dan Nelsen.

Mr. Nelsen: I have a question. Size of the garage?

Mr. Nugent: Square footage it's about 2,600 square feet approximately.

Mr. Nelsen: Okay. What by what? How would that play out? Length, width?

Mr. Selvaggi: You do you have that, Rob? I know Jim does but...

Mr. Nugent: I do. I'm looking it's small print. It's approximately 37 feet deep by about 69 feet wide.

Mr. Nelsen: And that's just for two vehicles.

Mr. Nugent: No. Two vehicles and storage of tools and so on.

Mr. McGroarty: Could I...just on that, Mr. Nelsen. Mr. Nugent, it's a three-bay garage, correct?

Mr. Nugent: It's proposing to be oversized one garage and then a secondary...so two.

Mr. McGroarty: You're showing three parking spaces in the garage. I think Mr. Glasson will get to that when he testifies.

Mr. Nugent: Garage door wise, it's two doors.

Ms. Mott: And the property entrance will remain on Old Budd Lake Road, not access to 46, right?

Mr. Nugent: Correct.

Mr. Nelsen: That's a pretty big garage, 37 by 60. Will there be any material stored outside the garage.

Mr. Nugent: No, and it will be three car. It's written there. Just two garages.

Mr. McGroarty: Two doors. You're right, you're right...oversized.

Ms. Natafalusy: I have a question.

Mr. Weiss: Go ahead, Catherine.

Ms. Natafalusy: Are you in this building already because it...your architectural plan say existing office space.

Mr. Nugent: No that's just how...he made a mistake when he wrote on it, when he drew the plan, the architect.

Ms. Natafalusy: You're not utilizing this building? Did you do any work I see you...you put...you've already done vinyl siding and the windows that looks like so.

Mr. Nugent: Siding, the roofing, and the windows, yes.

Ms. Natafalusy: Right, and you have you done anything inside?

Mr. Nugent: No.

Ms. Natafalusy: Okay, have you gotten any permits for any of the work you've done?

Mr. Nugent: We haven't done any permitted work yet. Other than the hooking up with the water.

Ms. Natafalusy: And you've got permits for that?

Mr. Nugent: We have a permit for that.

Mr. Natafalusy: Okay, thank you.

Mr. Weiss: Okay, anybody else have any questions for Mr. Nugent?

Mr. Forlenza: Mr. Chairman?

Mr. Weiss: Sure.

Mr. Forlenza: Question. Are you going to be storing any sort of construction equipment like backhoes or...anything like that?

Mr. Nugent: No, we're carpenters.

Mr. Forlenza: Just carpenters. So just your carpenter tools will be inside, okay?

Mr. Nugent: Right, pallet jacks and stuff like that.

Mr. Forlenza: Thanks.

Mr. Weiss: Okay, anybody else? I had just a couple of quick questions. I heard you give an explanation as to what you're going to be doing in there, I just want to clarify that you don't plan to use the garage to construct any kind of prefab work, maybe work that you can do at this site and then bring to the work site completed. Correct? You don't plan on using this little thing as a workshop. Is that correct?

Mr. Nugent: That's correct.

Mr. Weiss: Okay, and then do you have any idea, Mr. Nugent, what color you plan on siding the building with? Even if it's a range of a couple of choices?

Mr. Nugent: Gray.

Mr. Weiss: What do you have in mind.

Mr. McGroarty: It's done already, Mr. Chairman. It's gray.

Inaudible

Mr. Weiss: Gray...the warehouse?

Mr. Nugent: Right, it'll match. It's all going to match.

Mr. Weiss: Okay. That's fine. So it will stay gray. And I heard you tell us about the black roof, and the white vinyl. That's fine. Just wanted to make sure that the warehouse wasn't going to be anything out of character...

Mr. Nugent: I'm looking to keep it discreet.

Mr. Weiss: Okay, perfect. Dan?

Mr. Nelsen: Are there any additional curb cut out or are you using the same...is there a driveway there now?

Mr. Nugent: It's gravel currently. And no, we're not we're not adding any additional curb cuts.

Mr. Weiss: Okay, any other questions?

Mr. Galop: If I may?

Mr. Weiss: Go ahead, Bill.

Mr. Galop: I was wondering, are you going to be getting any deliveries there? You've mentioned these pallet jacks a couple times so I'm just curious what you're going to be using those for...if you're going to have any large box trucks, any deliveries coming back and forth?

Mr. Nugent: The pallet jacks are for the job sites when we're moving sheet rock and materials around. So, we store them at the shop and then we bring to the job.

Mr. Galop: Okay.

Mr. Weiss: Good. Anything else?

Mr. Forlenza: Howie, one more question.

Mr. Weiss: I didn't see that. Ken? Yes, go ahead, Ken.

Mr. Forlenza: Yes, I'm not sure if this is going to be for Mr. Glasson or for Mr. Nugent, just curious, how would you gain access to the loft you're proposing in the garage?

Mr. Nugent: So, you want me to answer that Jim?

Mr. Selvaggi: Go ahead, Rob.

Mr. Nugent: Yes, set of stairs. If...on the proposal floor plan it shows a mudroom we labeled it with a set of stairs to go to the loft.

Mr. Forlenza: Yes, it just looks to me like there's a solid wall, how would you get from the mudroom to the loft area?

Mr. Nugent: The solid...the wall is on the bottom.

Mr. Forlenza: When you go up those stairs in the back of the room...you're where?

Mr. Nugent: So, when you go up the stairs then you want their...inaudible...back stairs, you go up the stairs to a platform to another set of stairs to the loft. That wall you see goes to the...the wall on Page A2.1 goes to the bottom side of the loft.

Mr. Forlenza: So once you're up on that platform, that whole thing is a full...it's all one...area.

Mr. Nugent: That's correct and then the wall on A2-2, that separates the two, would be a second-floor wall.

Mr. Forlenza: Got it. Thank you.

Mr. Weiss: Just as a point of order here, you mentioned A2-1 and A2-2 they've been handed in as part of the exhibit. I don't think we need to mark them. Is that correct?



Mr. Selvaggi: Well, that's what I had assumed. We can, but maybe Mr. Bryce wants to opine on that.

Mr. Bryce: Chairman, it's pretty customary that the plans that are referenced if they're not marked up or otherwise colorized that have been submitted, you're not necessarily need to be marked as separate exhibits.

Mr. Weiss: Thanks, I tend to agree because Mr. Nugent identified them as already submitted A2-1 and A2-2, so there's been no change to the plans and Mr. Nugent was referring to other than those that have been submitted. So, we can just reference them to A2-1 and A2-2. What I was going to do at this point was open to the public. Anybody...

Mr. Nelsen: Mr. Chairman, one other question. The height of the garage, Mr. Nugent?

Mr. Nugent: It's...inaudible...I believe it's about...it's even...it's about a foot or two above the existing elevation which I think is approximately 26 feet or so.

Inaudible

Mr. Weiss: I'm going to make a suggestion, let's leave that. We'll have Mr. Glasson testify to the exact height. That's probably more accurate.

Mr. Nugent: I don't have a full size.

Mr. Weiss: But I have confidence in Mr. Glasson can answer that question when it's his turn. So, let's leave it to that. Anybody else from the Planning Board have any questions? And Dan, I didn't want to dismiss your question. Are you're okay with that, having Jim Glass answer that?

Mr. Nelsen: Absolutely.

Mr. Weiss: Perfect. Okay, so that being said, I'm going to open it to the public. If anybody from the public has any questions for Mr. Nugent on the testimony that he delivered. I'm seeing...just a few people from the public if you have a question, you'd hit the raise your hand button, otherwise I see none. And I'm going to close it to the public. Mr. Nugent, did you have anything else?

Mr. Nugent: No.

Mr. Weiss: Okay, thank you very much for your time. Mike, let me throw it back over to you.

Mr. Selvaggi: Yes, now I'd like to now introduce our civil engineer on the job, Mr. James Glasson. I believe Mr. Glasson not to be sworn and we'll go through the Board there.

Mr. Weiss: Okay, please. Go ahead, Jim.

James Glasson was sworn in for the record.

Mr. Weiss: I think we could save the effort to introduce Mr. Glasson. We've all seen him in front of us, we know the work that he does, I have no issues accepting Mr. Glasson as your engineer. Jim, welcome back. Nice to see you. Hope everything's been well. Let's move forward. Mr. Selvaggi, I'll throw it back to you.

Mr. Selvaggi: Okay. So, Jim, you were...oversaw the preparation of the engineering plans that were submitted, correct?

Mr. Glasson: Yes, I did.

Mr. Selvaggi: Okay, why don't we start with...you know...for...we did talk briefly about the current or existing conditions and then kind of slide into what we're...what Mr. Nugent is proposing to do.

Mr. Glasson: I'd like to share my screen and pull up...the first item I'm going to pull up is labeled existing conditions rendering. It's a rendered version of my Sheet 2 of 8. I'd like to pull that up.

Mr. Selvaggi: Okay.

Mr. Glasson: Can everyone can everyone get a handle on that and see that right now?

Mr. Weiss: Yes, we got it perfect...

Mr. Selvaggi: We're going to mark...we're going to mark this A-1 because this is a colorized version of your sheet that was submitted, but we didn't submit it in color so...

Mr. Glasson: It's a colorized is version of my Sheet 2 of 8, it's dated 8/11/21, the same as the plans, but it's a different colorized version of it. I'm going to walk you through items on the sheet. I'm going to move my mouse around to try to do some overview. This property encompassed by three lots all located within your C-1 zone between Old Budd Lake Road shown on the bottom of the picture here and Route 46 on the top. This being 46 in the eastbound direction, this being 46 in the westbound direction. On our...it would be on our left side of the drawing here is the Adams Family Restaurant, right off of 46. On our right just passed us on Old Budd Lake Road is the Little Learner Academy...inaudible...parking lot and directly across the street from us are single family homes in the R-3 zone on Lots 117, Block 3100; Lots 104, 4100; and 103, 4100. Our property is in the C-1 zone and also within your Highlands planning area, the least restrictive of the Highland zones, thank goodness. The C-1 zone requires a minimum of lot size of one acre, lot width of 200, depth of 150, lot coverage 60 percent. Your floor area ratio allowed is .4, your building coverage is 30, your front setback for principal structures 75, your sides 25, and your rear is 20, and your maximum building it is 30 feet. As you can see, this properties is encumbered by double frontages is so when you take a 75 foot setback from Old Budd Lake Road in the 75 foot setback from Route 46, the property at its widest point is about 117 feet. You no longer have a building...inaudible...Mr. Selvaggi has indicated when talked at the beginning of the presentation. I'll go through these lots one by one, on the left hand side adjacent to the Adams Restaurant is Lot 4. It's kind of a rectangular shaped lot. It has 29 feet of frontage on 46 and has an additional 57 feet of frontage on Old Budd Lake Road. It's .146 acres. The next lot which has the existing two story...was a residential dwelling on it...is this triangular shape type of lot. You can see it has like a little... to 46, so it already has 19.5 feet of frontage on 46. It has another 164 feet of frontage on Old Budd Lake Road. That property is .196 acres slightly larger. And then the third property as we talked about earlier is the large piece on the corner which is a triangular shaped Lot 6, Block 4101. That property basically has .334 acres. It's triangular in shape. It has 299 feet of frontage on 46 and it has an additional 202 feet of frontage on Old Budd Lake Road. Getting back to Lot 5, which is the lot that has the structures on it or the structure on, it is a two-story structure previously the residential home that footprint of that structure is 1,253 square feet. And it has a second floor of 760 square feet. It has building height of 25.7 for the existing home. The total floor is 2,013 square feet, so that floor area ratio that exists based upon that lot size of the .196 is only .06 where .4 is allowed. The building coverage is 14.5 percent where 30 percent is allowed. That property right now, or that that structure that exists on that lot is 39.8 feet from the right of way of Route 46 where 75 feet is the requirement because that is a front yard setback and it's only 5.8 from the edge of the property on Old Budd Lake Road. Again 75 feet is the required. So, it's deficient in the front setback on both 46 and Old Budd Lake Road based upon the configuration of the lot. The left side has a setback off of the existing sideline of that lot 40.4 by 25 is the



requirement. And you'll see the back right hand corner of the structure is actually over the property line on to Lot 6 so it's really a zero side setback that currently exists with that existing two story structure. All also in conjunction with that there's a gravel driveway encroaches somewhat slightly off of Lot 4 but it's about 3,000 square feet of gravel and asphalt all off of the entrance of Old Budd Lake Road. There is currently no access whatsoever from 46 nor are we proposing it. It's served by a connection currently by the Budd Lake Sewer System. There is a sewer main located on Old Budd Lake Road. You'll see a sewer connection here running into the existing structure. The owner, Mr. Nugent, has had a watertight already made off of the water main that exists in Old Budd Lake Road. I'll show you that on the proposed plan. There was previously a well located this area here that has been abandoned. It's also served by an overhead utility line from a utility pole located along Old Budd Lake Road that hits the corner of the existing structure. As Mr. Nugent indicated there's an area, and I've shown here by my colors. The green indicating the grassy area around the existing home or the existing two-story structure. The brown indicating the brush and tree area that surrounds the home on three sides. The far corner of Lot 6 is the grass area that is the intersection of Budd Lake Road and Route 46. You'll see a number of X is proposed on trees here. We are removing 13 trees between 6 and 24 inch caliper to construct an addition that I'm going to show you on the next sheet. They're X'd out of this sheet. Just to give you an idea of where our addition will be going. It's going over where my cursor is showing right now. The addition to the garage addition to the two-story structure that exists now. The second...the second rendering I'm going to show you is my proposed layout plan. Can everyone see that?

Mr. Selvaggi: Yes, and we'll mark this A-2.

Mr. Glasson: A-2. And A-2 is label existing conditions rendering also dated 8/11/21. You got a colorized version. The difference between this and my site layout is that I've turned on more items. I've turned on the landscaping, I turned on the lighting, and I've kept the utilities on so everything's kind of shown on this one. As indicated, we're proposing to merge the three of these lots into one brand new lot to be designated as Lot 5. For the tax assessor, it can be .677 acres when you combine the three lots. It's not quite in conformance with the one acre but it's a lot closer than the three lots independently. One acre being your C-1 requirement. It does bring the property into conformance with lot width for all three of the properties. Separately it had deficient lot width. It now has a lot width of 218 feet where 200 feet is the required. This property now would have 348 feet of frontage on 46 with 423 feet of frontage on Old Budd Lake Road. As was indicated by Mr. Nugent, Mr. Selvaggi, they're proposing to convert the...what was the residential home into office...the offices of RMN Construction and that's the commercial contracting company that Mr. Nugent talked about. Again, as he had said it employs about nine employees between full and part time. Their hours would be nine to five Monday to Friday. Again, as Mr. Nugent testified to there is one main office employee besides himself...and then there is the possibility of one to two employees coming and leaving their cars and picking up the two company vehicles that would be onsite, the van and the pickup truck. In pink here, a part of our proposal in pink is this addition that we're proposing that would be connected to the existing welling or the existing to story structure. That is 37 1/2 feet on its longest side, 65 feet in the back, and 69 feet in the front. It would connect by structure, but there is no internal door connecting between these. You would have to go outside to a...inaudible...door that's located on the sidewalk area that we propose between the house and the garage or enter the garage area through the two overhead doors. There's a smaller overhead door, a much larger overhead door further down. That's why I've designated three spaces within the garage. Two for the larger door and a single space for the smaller. And the area that you see around this outside the area for storage of materials, tools, as Mr. Nugent testify to. That structure that we're proposing as a footprint of 2,552 square feet on the second floor has a mezzanine of 1,215 square feet so it's less than half so when you when you enter through as he showed you on the architectures you enter through this mud room, you enter go up to stairs that have a switch back and you enter into that second floor about a little bit less than half of that second floor is a second floor mezzanine for storage. That total area when you add the existing structure of the house, the total floor area is 5,780 square feet for a floor area ratio now .19 where .40 is allowed so. That is in conformance with your floor area ratio. The building coverage is only at 12.88 percent where 30 percent is allowed, so it does conform to both your floor area ratio, as well as your building coverage allowed. Now I'll talk about the location of this structure and what it does to our setbacks. The addition at its closest point to



Route 46 is now 24.1 feet so as you recall earlier I testified the fact that the house had a setback a 46 of 39.8...inaudible. The house now is as close as 24.1 in this area to the right of way of Route 46. The travel way of Route 46 is actually about 50 feet from this corner, to the actual travel lane of 46 in eastbound direction. The front of the proposed addition at its closest point is 22.8 feet to the right of way of Old Budd Lake Road. The principal existing setback of the principal structure that is existing would still be the closest point at 5.8 but this new edition is as close as 22.8 in this area. The left side setback is conforming with your side setback 28.5 over here along the sideline of the Adams Family Restaurant where 25 feet is required. That is outlined in pink is that area of the new proposed addition, outlined in browns is the existing home to follow that. We're proposing a parking area and gravel or an asphalt driveway in the front of the building and that area is about 3,000 square feet. That encompasses six parking spaces, four spaces on this side and two on the side. We've asked for exemptions for the parking space size of 9 by 18. We could have put longer spaces and all it would have done was cut down on our side area here from the Adams Family Restaurant to make these spaces longer. They're really for car spaces for employees. We don't anticipate the vehicles will be parking here the van or the truck will be parked internally inside the larger 37 foot the garage addition. We have not shown a handicap spot, because we do not intend for public access to this structure, so we did ask for an exemption for the handicapped space. We also do not have a...inaudible...space proposed we don't even feel that we're going to use this as parking spaces that are shown on the plan we have the six externally, and we have three internally shown. I did a parking requirement on my site layout plan based upon the office space and storage, nine spaces are required, and then I put an actual usage and I come up with that maximum. If two of the employees were to return and switch their cars out maybe one of the part time employees comes to the property, the most the spaces that would be used would be six and we have nine spaces with the six outside and three inside. If the employees were to come and take the vans, they would swap out van spots for the pickup truck spots for their car spots. So, we feel we have plenty of parking. Again, no loading space because we don't anticipate any deliveries by delivery trucks, other than FedEx and UPS. Any deliveries for building material are taken to the individual sites. Utility wise this site is somewhat close to where the water line is as...inaudible...it's not the exact one. This was proposed prior to the waterline being installed. We are still keeping our sewer connection that is currently from sewer main then on Budd Lake Road. We're still proposing our overhead connection to the utility pole on Old Budd Lake Road for electricity. We do have no trash closure, as I stated earlier, all our trash will be handled internally, recycling and office garbage in and located internally within the garage and then Mr. Nugent would be required to have garbage pickup at his scheduled hours by its private hauler, or whoever he has pick up garbage, but it would be handled internally. The can and then put out...inaudible. We are proposing on the right-hand side of the structure, the existing structure that's there an underground and filtration system. The total increase in coverage on the property is...we've gone from 4,384 square feet that exists today it's 7,238. It's an increase of 2,854 square feet. We're taking 3,135 or about 280 square foot more of this roof area piping underground. And I have a detail that on my detail sheet...my plans to an underground infiltration system located over here, we did a solar log and testing and presented that to your engineer for this infiltration system, he did ask that we put some type of configuration to block any debris from entering into it, which I will do on revised plans. But we have cut down on our overall runoff from the site by a couple hundred square feet 281 square feet, is the difference from what we're inputting into that drywall system...underground system...it's an eight-foot diameter drywall 108 inches deep. We are proposing Mr. Nugent and said, we have security lighting, we do have one site light located on the front of the garage, it is a nine-foot height box mounted light to illuminate the parking area, and that would be there and would be on during the normal working hours in the winter months, just like I have in my building I have lights on while people are in the office, so when they leave it there at 4:30 / 5:00 as he had stated...that light would be turned off, and that would be normal security lining over doorways. With regard to I guess the entrance...the main door entrance but the overhead parking lot light would be turned off. Inaudible. For the landscaping, I'm trying to show here what the landscaping that we've proposed because we're taking out 13 trees, because of the size of those trees are required to add 48 trees. We've added I believe 34 trees blue spruce is to really kind of buffer ourselves around the structure that we're proposing to renovate and to add to and we have a small retaining wall in the back here two and a half foot high it's about 50 feet long. We propose plantings around the outskirts of that but we're also leaving most of the woods intact. You can see the specimen trees that are still left within the tree line that exists between us and Adams and us and Route 46. And also on the right hand side between us



and our other portion of the property that's currently grass, we have proposed an additional I believe it's 14 specimen trees over here to bring our total to the requirement, which is 46 or 48 trees that are required. So between the 34 trees on this side of the 14 specimen we've met our required tree replacement. We do not meet the 25 foot buffer requirement from our neighbors across the street in the R-3 zone. We're going to switch back to the existing conditions, just to show you something a little bit about those neighbors. Right now that structure, just at 5.8 feet, we can't provide the 25 foot buffer because there's not even 25 feet. The only thing I'll say about our neighbors across the street like this neighbor here enters off of Ringenback Lane with their driveway here. Our neighbor further down the road to our left is not directly across from our structure or addition and they enter on their left hand side with their garage and their home, and the only other residential across the street is located further down more across from Lot 6. So, the only neighbor that we really have direct impact on, I would say is Lot 104, Block 4100. It is a R-3 residential lot. It does face Ringenback. We face or work the back of the house. Inaudible. Because we're also parking within the proposed front setback, we have no choice but to park within the front setback because again we have overlapping setbacks. The 75 foot on both sides because we're double front lot so we need an exemption for that. If I can I'd like to go through what are right now what our nonconforming conditions are in the lot, what our proposed variances are, and our proposed exemptions. Just going to kind of go through them one by one. Right now our lot area requirement is one acre and as the lots exists right now all three of them are deficient. Again, together they equal to .677 but...inaudible...so they're nonconforming conditions currently. They still require a new variance for the lot area at .677 where one acre is required. The lot with is nonconforming for all three of the lots as they exist individually at 200 feet. They're nonconforming conditions none of those can form when we join the lots together we do meet the required lot width. The front setback is a nonconforming condition for the existing home at 39.8 feet off 46. And 39.8 feet in this area here and the 5.8 off of Old Budd Lake Road. The side setback again for the existing home as it exists on Lot 5, right hand side, forces nonconforming because it's on the property so there is no real side setback. We make that better in that we are much further from the right side, but you technically do not have, once we once we do our merger we technically do not have a right side because the two fronts meet at the point here, so we technically do not have a right side setback, we really have...inaudible...the front setback requirement off 46 is a variance requirement now at the 24.1 which is lesser than our 39.8 that exists right now for the Route 46 setback for the existing two story structure. We do have a number of exemptions that we've requested. I guess I'll call waivers or exemptions, the Environmental Impact Report was listed, the loading space, the handicapped parking, our parking space size. I will say I'm going to increase these space sizes in the structure to be conforming at 9 by 20. And then ask for exemptions on a revised plan for the six outside at 9 by 18. There's no reason to ask for exemption for anything inside the structure because I can accommodate the required size. But I would ask for the exception of the six outside spaces. The parking within the front setback, again 75 feet cannot be accommodated because there is no 75 feet on the lot with the overlapping. And the dumpster area, although I think Mr. McGroarty said it wouldn't be required if we're doing containers inside but I had that listed as dumpster area with the exception conditions. The only other item is not subject to an exemption because we're in the Highlands planning area. That kind of walks you through what we're proposing. Anybody have any questions?

Mr. McGroarty: I do, Mr. Chairman.

Mr. Weiss: Go ahead. Jim, if you could reduce your plan. Okay, go ahead Chuck. You have some questions.

Mr. McGroarty: A couple things, for the lot area variance. There are two variances, right? The this is for the plan with the improvements, not the existing conditions. So, Mr. Glasson just explained that the combined four or five and six cannot produce anything greater than .67 acres. I think it's it is what it is. I don't know if the Board needs any more specific planning testimony on that. The principal building, Jim, if unless I missed it you just testified about the variance when you add the garage, as I said in the report, you add the garage to the house, the garage then has to meet the setbacks for the principal structure. I heard you mention the 24.1 feet to Route 46. I did not hear you mentioned...you did earlier, but you need to address the 22 and change to Old Budd Lake Road.

Mr. Glasson: Right.

Mr. McGroarty: Here...

Mr. Glasson: 22...

Mr. McGroarty: 22 Feet. But the question is are you going...what is the nature of that variance? I mean...what are the...you need to address. I shouldn't say you need to, but I'm asking are you going to address that both the positive criteria and the negative.

Mr. Selvaggi: I mean we can...I mean as...as you know, Jim's not a planner but I mean we can generally...you know...I mean in terms of the positive criteria under the C-1 the lot configuration that emerged is odd. It's exceptionally narrow. We don't have a building envelope which creates the need for the variance. You know...in terms of the negative criteria, Chuck, I mean...you know...it's a permitted use in the zone. We're landscaping the heck out of it. While we still have that front yard setback it's...it's Route 46. I don't think anybody cares and obviously we're not exacerbating the existing setback condition off of Old Budd Lake Road.

Mr. McGroarty: It's different to hear that attorney, but is it possible or would it have mattered if this garage and it may not be a practical solution and that may be the answer, but if we're located to the east of the house, on the other side, would you comply with one or with at least one of the setbacks?

Mr. Glasson: No. You would not.

Mr. McGroarty: You would not.

Mr. Glasson: If you flip this no, you would not.

Mr. McGroarty: Okay. And then I would just, Mr. Chairman, for Jim went through a list, and I know Mike has them, I have them in my report, the various exemptions and as we've done in the past, we've pointed out while they're not variances they still should address the...you know...if there's...according to the language in both the Municipal Land Use Law and in our ordinance which I site in the report, if the literal enforcement of these provisions is impractical or would exact undue hardship. That the question then in terms of whether the Board grants the exceptions to such things as the loading space, the parking space dimensions, and so on. So, that's the Board decide if you've heard testimony to satisfy you on that. Buffers, I think that's pretty obvious they can't meet the buffer requirements. It's just the nature of that property. Thank you.

Mr. Weiss: So let's go back and address that. So, it looks like we need to just have one more conversation about the exemptions and my opinion is that you've addressed many of them, if not all of them loading space, of course. Parking space dimensions, you've explained parking in the front yard setback and you've explored the trash enclosure. I have a little trouble understanding your request to have an exemption to a handicapped parking space. I've heard you're almost like you speaking out of both sides of your mouth, where you know the spaces they're not going to really be used, so why would you not put in a handicapped parking space, because you just never know. I don't see any reason why we should make an exemption for handicapped parking space.

Ms. Natafalusy: I agree.

Mr. Selvaggi: So, if we do that, we'll just eliminate instead of...Jim, we can do it. We're just going to have to cut back a little bit further on the number of overall spaces, correct?



Mr. Glasson: Yes, you'd have to put...inaudible.

Mr. Weiss: Right.

Mr. Glasson: So, it would be...you lose a parking space. It would just be...but I don't think you needed anyway, but then it's up to the owner to make sure that the building is handicapped accessible, which I can't comment on that.

Mr. Weiss: Well, I would think that would be a standard mode of operation anyway. You're building a new building it should be handicap accessible.

Mr. Glasson: I don't know the answer to that because I know there are some things when you renovate a building that's different. So, I can't answer that.

Mr. Weiss: Okay, but again...you know...you made it clear there's only two employees, anybody that may come would be swapping out a car, I don't doubt that you have enough spaces for your need, but I do...I do stand firm, that you should have a handicapped parking space because, like I said you just never know. And it would be terrible to have the employees parking closest to the building and a handicap...somebody well whoever it is comes and there's no spot for them. So, I'd like to see them put the handicapped spot in.

Mr. Glasson: The only thing I will say is that...inaudible...exemption for the number of spaces if its...

Mr. Weiss: I think that's a fair-trade in. I don't have a problem with that Jim, more important to put in the handicapped spot. Let's not just walk away from the handicap building, is it not part of the construction process that the accessibility to this building would be part of the inspection process? I know you said you don't know but, Robert...I'll go back to the applicant. Rob, do you know if there's any kind of...you know...accessibility inside the building?

Mr. Nugent: For the new building, the propose building, or the existing?

Mr. Weiss: No, no, the proposed building.

Mr. Nugent: The proposed building is just a garage, so there's no...someone that was wheelchair bound could access that building through garage if need be.

Mr. Weiss: Okay, so there is accessibility to the building through the garage door. Accessing the building without a stair would be the garage. I don't know the criteria, but it sounds like you're giving me a good answer. And in the house, if your bookkeeper was handicap, how would they access the upstairs.

Mr. Nugent: They wouldn't. We'd have to make provision downstairs.

Mr. Weiss: Okay, I don't know where that goes. I don't know what the rules are. I'm just throwing it out.

Mr. Glasson: I can comment on my office. I had to put handicapped in, but I'm only required to put a handicap bathroom on my first floor I don't have to provide handicap space on the second floor so.

Mr. Weiss: Okay, and I suppose that something that can be addressed, and when I don't...I don't know that answer, but I would imagine we could be that, up to a construction official to address that because that seems to be their area of expertise.

Mr. Vreeland: My experiences is that does fall under the construction code renovations versus new construction and the magnitude of the renovations I think that would probably be the appropriate place for that to be decided.

Mr. Weiss: Yes, I agree with that Mike but, again, going back to handicap...handicapped parking that doesn't really seem to be any reason to make that exception. Sounds like we agree with that, so we could move on. Does anybody on the Planning Board have any other input?

Ms. Natafalusy: I have a question.

Mr. Weiss: Go ahead.

Ms. Natafalusy: Are we're not going to have...I know, Michael, gave some testimony on variances, are we not going to have a planner coming tonight to give some testimony.

Ms. Selvaggi: What we're...look, I mean we're hoping that the Board could take notice, because, as I said the property is obviously nonconforming and it's clearly impacted by the exceptional narrowness of it, the applicant has by merging the three lots has eliminated several nonconforming conditions, the front of the remaining addition for the setback, while it's technically a...not technically, it is...it's a need for bulk variance. It's no greater nonconformity than the current house, which is... what is it, Jim? 5.9 feet off the road.

Mr. Glasson: 5.8.

Mr. Selvaggi: Yes, 5.8. So, I mean overall...you know...what was proposed is a vast improvement and brings the property much more into conformity than what's out there right now.

Mr. Weiss: I would just...

Ms. Natafalusy: I would...

Mr. Weiss: Catherine, go ahead.

Inaudible

Mr. Natafalusy: No, I just...we've always had planner give testimony and never...you know. I thought they would be prepared tonight with a planner, that's all I have to say.

Mr. Selvaggi: I understand that, but I again, I think you guys can take notice of what's going on out there, I mean...is a planner going to convince you that the property is exceptionally narrow, even after its merged? Is a planner going to tell you anything that you can already see from just reviewing the report and listening to the information that's been given?

Ms. Natafalusy: But the planners is going to give the professional testimony based on his license and his expertise. Right?

Mr. Selvaggi: But you can make that finding yourself. You can find that the standards for the C-1 criteria have been met. I mean...look the practical side of it is this...does anybody disagree that this is not a better alternative approach for this? And...you know...look if it was a use variance, I would get it, but...you know...to add several thousands of dollars more on to the process to...you know...more or less repeat what I think is plainly obvious. But look if that's what the Board wants, we'll...you know...we'll adjourn, and we'll go get a planner.



Ms. Natafalusy: I'm only one vote.

Mr. Selvaggi: Yes.

Mr. Weiss: Does anybody have any difficulty with that with that concept? I know Catherine is...you know...kind of standing firm that she thinks there should be a planner. If anybody has a comment to that, maybe we should talk about it, if not it's okay. You know...obviously Mr. Selvaggi is making some points. He's kind of imploring upon us that we see the obvious. Catherine is certainly looking to do it the way we've always done it. Perhaps the proper way. Somewhere in between there's going to come to an agreement, so no one necessarily has a comment, so let me just continue to move on.

Mr. Nelsen: Mr. Chairman, I agree with Catherine, however, I don't feel strongly enough that it would totally sway my vote. I did want to...I did want to ask of the applicant, one more time if there would be any construction equipment like vehicles such as skid steers or lulls or anything like that being kept at the property?

Mr. Nugent: No, we don't...we don't own lulls or any of that.

Mr. Nelsen: None of that. And it's just got a big garage. Again, Jim, the height of the garage is what?

Mr. Glasson: The height 29...it's under your ordinance. Your ordinance allows 30 and based upon the way you calculate height, it's 29.9 or something. It's close, but it's not over your orders requirement, I believe.

Mr. Nugent: You got to keep in mind too, Dan, you got three vehicles, doors open, equipment in there, materials, there has to be room for maneuverability too so you know if I make it any smaller, it could be...it could force me to have to pull the vehicles out to do more of the things that I'd be able to do with them in.

Mr. Mania: Mr. Chairman, I have a question.

Mr. Weiss: Go ahead, John.

Mr. Mania: For Mr. Nugent, he said that excess material from job sites is brought back to the garage and stored in the garage. Now if he has and he says he has a number of jobs going. If he has say six jobs going and access materials coming from all six jobs, what happens if the garage gets filled? Where does the excess material go?

Mr. Nugent: Well, that's the reasoning for making the garage the size that we're making it so we don't have overflow issues with the garage storage.

Mr. Mania: So, you don't anticipate filling it up with access material.

Mr. Nugent: I don't think I could possibly fill this up with that much material, no.

Mr. Mania: Okay, thank you.

Mr. Weiss: Alright, John Batsch.

Mr. Selvaggi: ...to a condition that...you know...the materials not going to be stored outside I mean it's not what Mr. Nugent's intension is.

Mr. Weiss: I've already noted that, Mr. Selvaggi, so thank you for bringing that back up. John Batch, you have a question?

Mr. Batsch: Yes, getting back to the issue that Catherine brought up, I agree with Catherine as far as the you know the normal approach and standard but also Mr. Selvaggi's explanation seems to make sense of it all. And to bear additional cost to state the obvious, it doesn't make sense.

Mr. Weiss: Thank you, John. Let me do this if there's nobody else from the Planning Board at this point, let me just open it up to the public. If anybody has any questions for the testimony that Mr. Glasson delivered and I do see...Mr. Delpizzo has his hand raised. And again, what we're doing, we're opening it to the public, to ask questions of Mr. Glasson on the testimony that he delivered. So, Chuck, if you could bring up Robert Delpizzo.

Mr. McGroarty: Yes.

Mr. Weiss: Hope I have that right.

Mr. McGroarty: If I promote Mr. Delpizzo to a panelist, I'm not sure how to bring him back down so....we're just going to do it this way that he...if this is acceptable to Mr. Bryce. I know in the past, we required him to...actually appear here. I don't know, Jim, if you're going to swear him in or if he just has a question?

Mr. Weiss: No, I think...I think the procedure and Jim, of course, tell me if you disagree, Mr. Delpizzo...I'm sorry I have to mess this up, has a question and he's not making comments, if there was an open for comment, we would probably swear them in, but if there's a question, we do need video from you, though.

Mr. McGroarty: Yes, that what I...I don't know...promote them to a panelist. I've had the problem in the past. Once he's...I guess we'll promote him and he can stick around. How's that?

Mr. Weiss: Yes, that's worked for us, Chuck. Because otherwise we remember the last time we ran into this and Jim just to bring you up to speed. Just from a technology standpoint, the last time we reduced somebody status, it just threw everything off. So, Chuck, suggesting that after Mr. Delpizzo makes his...asks his question, we're going to leave him here, rather than trying to move them back down. I think that's what we're saying. Correct, Chuck?

Mr. McGroarty: Yes, that's up to him to get his video going and...

Mr. Weiss: Right. So, that's certainly one of our Rules of Procedure, that if you're going to ask a question, you need to have your video working so if it's...looks like you're trying to move it, but there you are.

Mr. Delpizzo: There we go. Okay, thank you.

Mr. Weiss: So, let me do this I brought you up. What I need you to do is state your name and address, for the record, and then you have a question for Mr. Glasson.

Mr. Delpizzo: Robert Delpizzo, 5 Falcon Road, Flanders, New Jersey. So, my question is just the riprap. Why the riprap there and if you give a little explanation as to that...on the eastbound side of the property.

Mr. Glasson: So, the riprap is required by the Soil Conservation District as an overflow. It's a standard procedure where you have to have an overflow pipe from any type of underground infiltration system. There's nothing going to come out of that unless there's a complete failure of the system.

Mr. Delpizzo: Okay, thank you.

Mr. Weiss: All right, Mr. Delpizzo, we're going to just leave you there because in the past, if we reduced you vback to the member of the public, we might lose you so hang tight. You've joined our club here. Let me do this, let me reach back out to the public if anybody else from the public has any questions. I see none. So let me close it to the public and Mr. Selvaggi, I'll turn it back to you.

Mr. Selvaggi: Okay again I don't I don't have anything further. I believe Chuck went through his report. I believe, Jim in the course of providing his testimony addressed Mr. Vreeland's comments, although Mr. Vreeland can certainly chime in if there's something we failed to address.

Mr. Weiss: And I thank you for that Michael I do have up on my screen, Mr. Vreeland's report because I didn't want to bypass this without having Mike go over his comments...

Inaudible

Mr. Vreeland: I'm not going to go through the whole report, but I just do have a couple questions for Jim. He covered pretty much everything in the testimony. Are you going to perfect the consolidation by the deed?

Mr. Selvaggi: Yes.

Mr. Vreeland: Okay, I just wanted confirmation on that. And also any thought about doing any stripping at the driveway entrance? I initially posed that question, particularly if the site was going to be an active site for the public to be sure that it's warranted.

Mr. Glasson: Yes. You're talking stop sign and stop bars?

Mr. Vreeland: Yes.

Mr. Glasson: Yes. we're going to add that to the revision...the revised plan because now we're going to have the handicap spot, there is the potential for the public to come in there, so we're going to add the stuff you would had ask me.

Mr. Vreeland: And the one other suggestion that I had was that the sewer line...inaudible...one so we can confirm the condition of it before the driveway is reconstructed and also ensure that we don't have any...unintended...issues. Is that acceptable...inaudible.

Mr. Weiss: That seems to be...yes. A question?

Mr. Selvaggi: That's fine.

Mr. Vreeland: Other than those couple points I think Mr. Glasson covered everything else in my memo.



Mr. Weiss: Okay. Thanks, Mike. I know it's a bit out of order at this point, but I absolutely need five minutes. It's 8:50, let's take a five-minute break and then we'll wrap this up. I apologize, but I have to take care of something real quick. So, five minutes let's stop the meeting and we'll be back at 8:55.

Mr. Selvaggi: Okay.

Break: 8:50 pm

Reconvene: 8:55 pm

Mr. Weiss: Okay, let's bring it back, I have 8:55. Let's come back into session. I think we've had conversation. We heard from our engineer in place of a planner. It sounds like things have been accomplished. Do we have any other comments? Chuck, did you have anything added that you wanted to add at all?

Mr. McGroarty: Well, Mr. Chairman, I'm just going to tell you...I'm going to say it again, for the record, I don't think this is a bad application at all. But I think it's unusual to present it and say we're doing an addition and it's self-evident that you need a variance for it. But if the Board is satisfied that the proper criteria has been addressed, it's up to you.

Mr. Weiss: Okay, thank you, Chuck. And Mike, I think you said you finished a...you were satisfied with the answers to your reports, correct?

Mr. Vreeland: From an engineering standpoint, yes.

Mr. Weiss: Correct. And Ken, I think you had a question.

Mr. Forlenza: Yes. This is just something that...I'm not sure it's...if it's directed towards the construction group or Mr. Nugent. Just curious is what the thought process is why there's only two half baths in the entire structure and there's no need for a full bath if they're...if this building was to be using another purpose or somebody was to take it for a residential home potentially in the future, that is to have two-half baths on the second story was enough. What was thought process there?

Mr. Nugent: The thought process for two half baths it's just there's only two employees that are going to be sharing that space. So, there's no one's showering so the half bath we felt was adequate.

Mr. Forlenza: So, if one of the employees arrives at the site and they need to use the restroom they got to go up to the second floor in the office building and then there'd be no showering, none of that in the structure?

Mr. Nugent: No.

Mr. Forlenza: I'm just thinking forward use if you're not going to occupy this for the rest of your life so you know what would happen in that case, but you satisfied my question, thank you.

Mr. Weiss: Okay, anybody else? Otherwise, let me turn it over to Mike Selvaggi.

Mr. Selvaggi: Yes, look...you know...I think this is a good project, not because they're my clients, I mean I just think realistically, taking three non-conforming lots you're bringing more into conformity. You know the property has no building envelope because of the frontage on both sides. Jim talked and...you know...before the application was submitted there was consideration about trying to do this in a way that was the least non-conforming approach and I think we've kind of accomplished that. And again, I been here long enough to know...you know...usually you want a planner but I don't...you know...and I certainly...you know...Mr. Bryce wants to weigh in on, I think you guys can make that that call. It's an exceptionally narrow



piece of property, I think that's self-evident. We've made it more conforming or less nonconforming I should say, and...you know...the setback is no different or is no greater than what's already on the property. So, I think you're in a position...you're in trusted under the land use...you know...you act to make these findings...you know...because of that, I think we satisfy the c1 standard. We hope you find that and obviously by addressing Mr. Vreeland's report and Mr. McGroarty's on the site plan issues I think we've done...you know...a good job. I mean, in fact, this is probably one of the first applications that I've had in Mount Olive where we're not asking for relief from the tree replacement ordinance, we're actually going to provide the number of trees that we have to and not have to worry about making a contribution. So, overall it's a vast improvement over the dwelling that that's there now...you know...the property itself the uses conforming where right now the residential dwelling is not. And...you know...a vast majority of this property is still going to remain...you know...open space, particularly on that side on Lot 6 so...you know...is it is it a much better condition proposed than what's there now? I don't think there's any doubt in my mind that that's the case. So, I don't have anything further to add, Mr. Chairman.

Mr. Weiss: Okay. So, let me open it to the public. I'm going to come back to the Planning Board...Bill, hang tight for one second. Is anybody from the public have any questions or comments about any aspect of this application as it was heard this evening, if you do feel free to hit the raise the hand button, otherwise I don't see...don't see anybody. I'm going to close it to the public, and what I want to do see if anybody from the Planning Board has any comments. Bill?

Mr. Galop: I had a question. I was curious because the one thing that I know you said that it's improving the current conditions, but you are minimizing the setback to Route 46. You're encroaching closer to that. Did you guys examine possibly the new addition is going on there if you rotated that like counterclockwise some 15 degrees you would keep that current set back and not encroach further. Is that something you guys looked at or...?

Mr. Selvaggi: Jim?

Mr. Glasson: Yes, we did, and the reason...part of my testimony was that we're still 50 feet from the traveled way of 46 so I felt that if you rotated that, we would actually get posted to our neighbor and we left the pretty good buffer between our neighbor and Adams, so I thought it was more important that we actually got closer to 46, then closer to our the neighborhood at Adams only because that it's a real big distance to the traveled way of 46, although the numbers 24 it's almost 50 to the actual lane of 46.

Mr. Galop: That area of 46 is pretty wide, I guess, my concern is just if there's any future expansion of Route 46 that that's going to grow to be even less than what's currently proposed.

Mr. Glasson: You'll notice, if you look at our plan, the neighbor's property, it actually jogs out...our right of way, is actually in further so we've given a maximum dedication on 46...inaudible... the neighbor's property Adams, they're actually sitting out further on 46, then we are with the right of way, so we do have a large right of way, we probably have the full 66 foot on the 46 side.

Mr. Galop: Okay, thank you.

Mr. Weiss: Thanks, Bill. Anybody else from the Planning Board? If not, let me entertain a motion for this application and that...before we do that, though, I just want to consult with my attorney. Usually at this point, Jim, is that if you have any thing that you would add to a proposed Resolution. So, for example, I've been keeping pretty good notes, and I think that during the testimony there's two conditions that I'd like added to any motion that's made. That number one clear and obvious that the applicant is agreed to and it will be part of the Resolution that no material would be stored outside. And number two, as it was testified to there'll be no access whatsoever onto route 46. And, of course, number three that there will be a handicap parking spot added to this plan. Those are the three conditions that I happen to notice. Jim, I don't

know if you had anything else, that if this application is to be approved those conditions would be included, unless anything else that you might see that we would add.

Mr. Bryce: No, Mr. Chairman, I think that you have it. I'm just looking over my notes, right now, as well. I think, compliance with the engineers and planners reports, except as otherwise provided. But those are the three areas of conditions that were discussed. And my only real question is and it's really because of my lack of familiarity with the zoning ordinance is whether converting that parking space to the ADA actually does incur an additional variance or whether it does count as part of the parking total.

Mr. McGroarty: Again, what was the question again, please.

Mr. Bryce: If they convert the one parking space to an ADA compliance space does that affect their parking total?

Mr. McGroarty: Yes, it does okay.

Mr. Bryce: Okay.

Mr. McGroarty: But that is a variance as an exception.

Mr. Bryce: Okay.

Mr. Glasson: And I'll fix that on the cover sheet and show that.

Mr. Bryce: That's fine so just be noting that, as an exception not a variance.

Mr. Selvaggi: Okay, also just to point out, I mean, Mr. Vreeland had asked us to consider this stop bar and the stripes. And Mr. Glasson had testified that we will in fact do that so rather than it being a consideration as presented in Mr. Vreeland's report, you may want to include that as a condition.

Mr. Weiss: Thanks, Michael. So we have that, Mr. Bryce, that we have those the bars in the comment.

Mr. Bryce: I have that, Chairman.

Mr. Weiss: Okay, so that being said, it seems like there's four conditions that if we were to approve such application those conditions would be included in the motion and ultimate Resolution if someone from the Planning Board would please move this application.

Mr. Nelsen: I will make a motion to approve 21-18 with conditions set forth by Mr. Selvaggi, Mr. Weiss, and Mr. Bryce.

Mr. Weiss: Okay, I just...you know what...for some reason, let me just confirm...your right...just confirming, it's 21-18. So, thank you for that motion and look for someone to second that.

Mr. Mania: I'll second that, Mr. Chairman.

Mr. Weiss: Thank you, John Mania. Any comments from the Planning Board before I call for a vote. I see none. I just maybe one quick comment I don't disagree with Catherine and I'm sure it's surprising to most that I would allow such a change. You know I'm usually the stickler for the process and in here I tend to agree, I don't know of a planner would make...would convince me otherwise. I think we're looking at an obvious situation. Yeah, it's odd that we're going forward without a planner, but I think it's so

clear and obvious what the problems are here and how this application would mitigate some of those problems that exist. So as much as I would normally historically not give my endorsement for this I tend to hear Catherine, and I understand the concerns. I can understand the need not to have a planner. So, I just wanted to throw that out there. If anybody else has anything, I will ask Mary for roll call.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	No
	John Mania	Yes
	Dan Nelsen	Yes
	William Galop	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: Perfect so we know the process, we will have the Resolution drawn up by next month and at that point, you know that you know the process. That's all we have on the agenda tonight. Just so everyone on the Planning Board knows before we before we adjourn that it was our goal to go in person on a meeting. And, based on the recent turn of events, we chose it be most prudent to continue via zoom and we're at the point where we're going to work...homework with Mary and Chuck as far as notification. I think we would like to do this for the month of January, but I don't want to put anybody at a disadvantage by making them notice twice. So, we'll sit down the three of us and come up with the right way to go about noticing future applicants to maybe come live. For whatever the time frame, maybe March would be the right thing. Mary, I don't...we'll talk. I'll see you in the morning, but we can talk about what's the most appropriate thing to not put any future applicant at an extra expense to notice twice. So, I think things...the world is getting a little bit better. I'm an optimist. I'm hoping that maybe March 1 or the first of March or the first meeting of March, would be the right time for us to come back live. It goes against my initial notice that I was optimistic that we would do it the first of the year, but the world changed a little bit and we're going to do everything we can to react to it properly and responsibly, so I thank everyone for their time tonight. Welcome Bill, welcome Jim. I look forward to a lot of positive work by this Planning Board, and I will look for a motion to adjourn.

Mr. Mania: So moved.

All in favor: Aye.

Meeting Adjourned at 9:09 pm

Transcribed by: Mary Strain

*Mary Strain*  
Signature

*June 16, 2022*

Planning Board Meeting date approved: