

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, December 9, 2021 at 7:00 pm
Remote/Virtual Meeting

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

MINUTES

Public Meeting / Remote Virtual Meeting of the Mount Olive Planning Board of December 9, 2021 commenced at 7 pm.

The Pledge of Allegiance was recited.

Open Public Meetings Act Statement was read into the record by Ms. Strain, PB Secretary

Roll Call

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

Board Professionals in attendance were:

Present: Chuck McGroarty, PP/AICP, Board Planner
Michael Vreeland, PE, Board Engineer
Edward Buzak, Esq., Board Attorney
Susan Crawford, Esq. Board Attorney
Mary Strain, Board Secretary

Audio and video technology and platform.

Committee Reports

Mr. Weiss: If there's any committee reports...anybody has anything to report, we could start with Open Space. Kim, do you have anything?

Ms. Mott: Not at this time.

Mr. Weiss: Catherine, Environmental Commission?

Ms. Natafalusy: No, I didn't go to the meeting.

Mr. Weiss: Okay. John, Ordinance Committee

Mr. Batsch: Nothing to report, Mr. Chair.

Mr. Weiss: Brian, Board of Ed?

Mr. Schaechter: Nope.

Mr. Weiss: John, anything from the Council?

Mr. Mania: Nothing.

Mr. Weiss: Ken, anything from the Mayor?

Mr. Forlenza: Nothing to report right now.

Mr. Weiss: Nothing from Street Naming I take it? Anything else? Chuck? Mike? Ed, any professional report?

Mr. McGroarty: Nothing.

Meeting Minutes

April 15, 2021 Public Meeting

Mr. Weiss: We have one set of minutes then to approve for this evening it goes to April 15, 2021 Public Meeting. If someone can please move these.

Mr. Mott: I'll make a motion move the minutes from April 15, 2021.

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

Mr. Scapicchio: Second.

Mr. Weiss: David, thank you very much. A motion has been made and seconded. Does anybody have any comments or questions? I see none. Roll call, please, Mary.

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

Resolutions

PB 21-16 Hunkele Equities, LLC, 160 Gold Mine Road, Block 4400, Lots 85, 85.01, 85.02

Mr. Weiss: We have two Resolutions on the agenda this evening. The first one is PB 21-16 Hunkele Equities, LLC at 160 Gold Mine Road, which was Block 4400, Lots 85, 85.01, and 85.02. Would someone please move this resolution?

Mr. Mania: I'll move that resolution, Mr. Chairman, PB 21-16.

Mr. Weiss: Thank you, Mr. Mania. Second?

Mr. Schaechter: Second.

Mr. Weiss: Thank you, Mr. Schaechter. Any comments, questions. Seeing none, roll call, please.

Roll Call:	Brian Schaechter	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes

PB 21-11 Chmiel, Kazimierz, 24 Camp Pulaski Road, Block 400, Lot 5

Mr. Weiss: All right, thank you, the next Resolution is PB 21-11 for Kazimierz Chmiel for his property located 24 Camp Pulaski Road, Block 400, Lot 5. We've had a chance to review the Resolution for denial. Will someone please make the motion to accept the Resolution?

Mr. Schaechter: I'll make that motion on PB 21-11.

Mr. Mania: Second.

Mr. Weiss: Thank you, Brian. And thank you, John Mania. Any comments, questions? Motion's been made and seconded, I see no comments. Mary, roll call.

Roll Call:	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Development Applications

PB 21-24 Saxon Falls Sand & Gravel, 66 Waterloo Valley Road, Block 700, Lots 2, 3, 4, 5, 8; Block 701, Lots 4, 6; Block 800, Lot 40

Mr. Weiss: Thank you all. Let's move right into our developmental matters for this evening. The first one will be PB 21-24 Saxton Falls Sand & Gravel. And they're here for an operation and reclamation plan update for their 2022 license year for the property located at 66 Waterloo Valley Road, which is Block 700, Lots 2, 3, 4, 5, and 8; Block 701, Lots 4 and 6; Block 800, Lot 40. I believe for the evening we have Mr. Rogers. Michael Rogers is here for the applicant, and I do believe we'll

¹ Ms. Natafalusy: Something is wrong.
Mr. Weiss: Mary, you're....
Mr. Scapicchio: I'm having a hard time hearing Mary.
Mr. Schaechter: Mary, shut your camera off for a second.
Ms. Strain: John Batsch...is that better?
Ms. Weiss: We'll give Mary...that's a little better.

also hear from...well I guess Mr. Rogers can tell us who's here and who we'll hear from. So, Mr. Rogers, I know you're muted right now. Perhaps we'll turn it over to you when you get yourself organized.

Mr. Scapicchio: Howie, I don't see a Mr. Rodgers.

Mr. Weiss: Michael Rogers is up on the Board. It's just no camera and he's muted.

Mr. Rodgers: I'm clicking unmute. Do you hear me now?

Mr. Weiss: I can hear you, Mr. Rogers. Absolutely.

Mr. Rodgers: All right now, I don't know why I don't show up on the screen.

Mr. Schindelar: You have to turn on the video, Mike.

Mr. Rodgers: Start video. Here we go.

Mr. Weiss: And there are.

Inaudible

Mr. Weiss: All right, well, thank you, Mr. Rogers. I'm going to turn it over to you. You'll explain why you're here and what business we have together and to see exactly who you'll be bringing up to testify.

Mr. Rodgers: Okay, so your ordinance requires that any mining operation, including Saxton Falls, have a license to operate. And it further requires that that license be renewed every year. So, Saxton Falls came...we all came before you and I believe it was February of this year and submitted extensive plans, 10 sheets and extensive testimony. Then at the Board's request, we submitted written summaries of all the testimony and ultimately the Board made a recommendation to the Council to grant Saxton Falls a license based on all the submittals and testimony that we had given. So, now we're back here tonight, eight or nine months later to renew that license and to seek a favorable recommendation from the Planning Board to renew the license. We don't have the same level of presentation in mind tonight, and Mr. Schindelar will explain this. The reason is because essentially nothing has changed. Everything we submitted, the plans haven't changed, the reclamation proposals haven't changed. The way we're operating hasn't changed and we don't plan to change it during the coming year. So, we think that a fairly more simple and simplified and straightforward presentation will give you what you need. And so with that, I'd like Mr. Schindelar to be sworn in and to address what's changed, what little has changed and where the company is going from here for the coming year.

Mr. Weiss: Okay, and before we do that, I just want to make sure that the Planning Board understands our mission here this evening. Ed, certainly feel free to chime in, but essentially Saxton Falls is here for their license, as we talked about, and it will be the objective of the Planning Board to listen and, if so desired, to make a recommendation to council that because it's ultimately Council that will approve the license. So, we're here to make...to determine if we're going to make the positive recommendation to Council. Is that correct and accurate, Mr. Buzak?

Mr. Buzak: That is correct.

Mr. Weiss: Okay. So, as you said, Mr. Rogers, the testimony...the presentation will be much more streamlined because our focus is a lot different than it was last time. So, I think you asked Mr. Buzak to swear in Mr. Schindelar.

Richard Schindelar was sworn in for the record.

Mr. Schindelar: Richard Schindelar, S C H I N D E L A R, President of Saxton Falls Sand and Gravel, 66 Waterloo Valley Road, also P.O. Box 576, Stanhope, New Jersey.

Mr. Weiss: Thank you, Mr. Schindelar. And you've obviously been in front of us before in the same capacity, so I would now go back to Mike Rogers and have him proceed with the application.

Mr. Rodgers: Thank you, Mr. Chairman. So, Mr. Schindelar, why don't you explain to the Board the status of the review by Mr. Vreeland and the status of where the company, what the company has done and what it plans to do for the coming year?

Mr. Schindelar: Okay, I actually have a whole prepared, hopefully not too long...inaudible...about what we've been doing and everything at Saxon Falls. Anyhow, Good Evening, Chairman and Board Members. My name is Richard Schindelar. As was just stated. Tonight before you is an application to renew our quarry license for the 2022 year. Since it was just eight months ago, we won't be giving the same testimony. Since our operations have not changed and we are going to be following our current plan that was presented back in February. The plans have been supplied are identical to the ones presented eight months ago with this license renewal. I'm asking that all current waivers that are in place stay in place for this renewal and I will be updating the Board and the public on what's happened over the last eight months. First off, I am asking for one new waiver if it is a waiver, I'm not sure the right word, but currently there is a \$10,000 escrow fee that is supposed to be put up. And I would like to propose and ask for a waiver of that and propose going to a rolling \$3,000 escrow fee that when the money drops below that from the inspections from Mike Vreeland, which he's been doing over the year, that we just replenish that back up to 3,000. Last year, when we were in front of you, that is what...how it worked and it seemed to work well, on my end at least. I hope Ms. Strain agrees. But anyhow, I am asking for that one additional waiver

Mr. Rodgers: Mr. Schindelar, as to that. Let me just clarify. So, throughout the year, you have continuously put...updated your escrow whenever necessary to keep it up at \$3,000?

Mr. Schindelar: A pretty much, yes.

Mr. Rodgers: This is not like a normal application where everybody comes, gets together and presents to the Board and then goes away. This is like an ongoing thing throughout the years, the Board, zoning officer or planning office building officer, engineer, of course, repeatedly coming out there...

Mr. Schindelar: Or coming out and doing inspections. Exactly. So, and that's I'm assuming that's what the escrow is mostly for during the year. Okay. The only changes that we made that were on recommendation from the town engineer to the plans, and that was actually for the updated the

operations performance bond exhibit to show the next year, which is this renewal year we're asking for 2022, which is which is in the packet and presented tonight. I'm not sure...does that have to be labeled or anything as an exhibit or because you have it, it's okay.

Mr. Rodgers: If the plan has been changed, I mean, imagine Mr. Buzak would want it labeled. Ed, are you still there? Ed, has gone blank.

Ms. Crawford: We can go ahead and label it.

Mr. Weiss: Susan's here. If there's...if there's any doubt, let's label it, we can label it A-1. Right, Susan, you're comfortable with that A-1?

Ms. Crawford: Yes, I do...A-1. Yes, A-1. I forget we're on...

Mr. Weiss: I'm assuming it's A-1 because it's the very first exhibit of the night's presentation.

Ms. Crawford: Okay, yes.

Mr. Schindelar: So, now I just want to go into the overview of our current operations. We are still mined.

Mr. Weiss: Mr. Schindelar, I don't want to interrupt you. Just a little bit of time. Tell us what A-1 is again, for the record.

Mr. Schindelar: I'm sorry, A-1 is the operations performance bond exhibit. And this shows the area of...that is actually we're bonding from back in February, and we just updated that map. The map is exactly the same, except we added the year 2022 on it for the coming year.

Mr. Rodgers: Mr. Schindelar, am I correct that that map shows the area in which you plan to be doing mining operations?

Mr. Schindelar: Mining reclamation, yes.

Mr. Rodgers: Mining reclamation. So, it hasn't changed since eight months ago?

Mr. Schindelar: Right. It has not.

Mr. Rodgers: You just increased...updated it to the current date.

Mr. Schindelar: Yes. Over the next year, labeling it,

Ms. Crawford: Could you just state for the record, the actual date on this updated map?

Mr. Schindelar: Okay, hold on one second.

Mr. Rodgers: It's in Mr. Vreeland's letter. Mr. Schindelar, the latest revision date is in Mr. Vreeland's letter and it states November 5, 2021.

Mr. Schindelar: I'm sorry. Yes, exactly...2000...11/5/2021.

Mr. Weiss: Okay, yes.

Mr. Schindelar: Am I okay to move forward?

Mr. Weiss: Yes, go ahead, please.

Mr. Schindelar: Okay. So, we're still mining down back next to the pond in that area. It's the same area in the northeast corner of the property. We have...we have not done...we have not done a lot of excavating of sand and gravel back there. We have only removed about 30 or 40,000 yards of material in that area because of COVID breakdowns and...parts supply shortages. It's really hurt us this year in production. The next is the dredge that is back there...is still in testing mode and it's not fully up and operational. We're still trying to work through kinks and get it to work properly. And basically, we are still processing that the material that we are excavating the same way that was described back eight months ago, bringing up by haul truck up to the plant, processing it through the plant in segregating and washing it. Next, I want to do an update since the last we met with the Planning Board, we heard back from the New Jersey DEP Solid Waste and we have worked out a corrective action plan better known as a CAP C A P. This CAP was presented to you back in June for the extension of our temporary license. We have moved forward with doing the CAP plan. Ms. Bonbase from the New Jersey DEP has been inspecting us. We have finished two sections of the CAP plan and have eight more sections to go. It has been slow going to date. Hurricane Ida and major breakdowns with our screener have slowed the whole process. Ms. Bonbase is aware of this and she has been out inspecting the first and second sections and she approved us in September to go ahead and recede the first two sections in the packet there are pictures of the area that we've receded on the correction action plan map. I've also revised it to put in some orange hash marks of where this area is. Ms. Bonbase from the DEP told us to move forward to the next group of sections and continue our work. I will have to say winter is coming and bringing in freezing weather. We anticipate some time in December this month having to stop and hold up the process until spring because we really can't screen in freezing weather. My understanding from Ms. Bonbase is that the project is moving forward and she is okay with what we are doing. Next on permits, we have been issued a Morris County Soil Conservation Permit...certification back in May 5, 2021. The permit will expire in November 5, 2024. We applied next permit...we applied for an R13 stormwater permit back in the winter. We still have not received it. The New Jersey DEP has received our application and has deemed it complete. My environmental consultant has contacted them on multiple occasions and all we're getting from them is it's being reviewed. So, we're still waiting for the permit. This time I would like to go over Mr. Vreeland's letter and if I can go down his letter and hit right on to Number 2 plans, 2.1, I just want to confirm that we will abide by our current plan from the February 3, 2021 meeting and the plans that were supplied. 2.2...

Mr. Rodgers: I would like to interrupt for one second there.

Mr. Schindelar: Yes, go ahead.

Mr. Rodgers: Mr. Weiss, the plans...the plans, the 10 sheets of plans have been submitted, all of which are the same without change, except for the one that we just entered into evidence. All

the others we're treating as being still in evidence because there are in your file and identical to what we relied upon eight months ago.

Mr. Weiss: I don't disagree with that, especially given the nature of this meeting is a little bit different than we did in the past. We certainly, if there's any disagreement with that comment, Mr. Vreeland or Mr. McGroarty would certainly jump in on that. But I don't disagree. I don't have a problem with that.

Mr. Rodgers: Okay, thank you.

Mr. Schindelar: So, then back to Mr. Vreeland's letter 2.2, I just want to confirm that the proposed calendar year 2021 and 2022 on the bonded area is the same as a previous bonded area from back in February of 2021 earlier this year. Moving down 3.1.1, as I stated before, the dredge is still being tested and is not fully functional at this time. With the freezing temperatures coming, there won't be much work being done on the dredge over the winter, but I'm hoping it will be fully functional in the spring. 3.1.2, we have removed approximately 30 to 40,000 yards of material from the mining area this year. Next year, 2021 or 2022, excuse me. I'm hoping we can excavate more material to process. I'm actually hoping that we can hit maybe 100 or 150,000 yards of material. But given the fact that I've had a really hard time hiring people and the delays in getting parts, I'm not sure if we're going to be able to reach those numbers, I'm hoping. Next 3.2, we did not bring in any soil fill this year. We really are focusing on handling the new DEP CAP plan that is before us. At some point, we will bring in some soil and fill, and at that time, we will be following the current soil fill importation ordinance that Mount Olive has and appropriately notified and do the applications and everything at that time. 3.3.2, I believe I've answered this, but we're still waiting to get some feedback from the NJDEP regarding our stormwater application. At this time, I think I am finished with my update. Questions?

Mr. Weiss: Let me give Mr. Vreeland an opportunity to address his report and certainly address your comments. Mike, why don't you either go over the report or confirm or discuss anything you might feel is open for an answer?

Mr. Vreeland: Thank you, Mr. Chairman. First for the Board's information. If you recall, when we made the recommendation, the applicant came in and asked for an operational area that was larger than the ordinance. I think in total was approximately 80 acres. And that's what we heard at the Planning Board level. And when he went to go get his license with the township there's a requirement in the ordinance for him to bond for restoration work based on the work that he anticipates doing. So, in order to kind of track where the applicant is planning to work and give our office something to work off of when we go out and do our site inspections, I had requested that the applicant prepare that bonding exhibit. That was actually submitted to the township, not to the Planning Board. That's where that additional exhibit came from. It was prepared for the Township Council's benefit for bonding for the annual license. And I did ask Mr. Schindelar to update it based on what is anticipated work area is in 2022. Based on the visits that we made to the site, I can confirm that the testimony is accurate and that during calendar year 2021, he has been operating within the limits of the bonded area. The other thing I wanted to point out for the benefit of the Board, the corrective action plan actually came around after we had our hearing. There was, I think, a brief discussion and maybe an indication that the DEP had a concern with regard to some of the fill material that was brought on site. DEP and it was still an open issue when the applicant came to the Planning Board meeting. Since then, the as the applicant indicated they prepared what's called a corrective action plan and submitted

that to the DEP. That falls under the DEP's jurisdiction to address the fill material that the DEP had an issue with. We've been out to the site on a regular basis in the spring, summer and fall seasons and have met with the applicant and observed the conditions at the site. I've also had personally, I've made telephone calls and talked to the DEP case manager, and she is...she has indicated what Mr. Schindler has put on the record that the currently the DEP has allowed them to wrap things up on part of the corrective action plan and proceed to the next area. And they are satisfied with the work that's been done so far. I don't really have much other information to report...you know... other than we go out on the...at least on a quarterly basis, do site inspections and meet with Mr. Schindlar to find out the status of his operations, what he's planning on doing and to confirm that he's operating within the limits of the bonded area for that current calendar year. And based on our observations that were made during the visits this past calendar year, it seems like everything is in order and the work is being done, according with the approved plans.

Mr. Weiss: Okay, well, that's certainly good news. So, do we say that he was done, does anybody from the Planning Board have any questions for Mr. Schindlar based on his testimony?

Mr. Scapicchio: Howie, I have one question?

Mr. Weiss: Go ahead, Dave.

Mr. Scapicchio: I guess the...is it a performance bond that they're asking to be reduced from 10,000 to 3,000?

Mr. Rodgers: No, I'd like to address that.

Mr. Scapicchio: I'm sorry too many voices are talking.

Mr. Rodgers: It's not a performance bond in terms of their reclamation of the site. It's just an escrow, to be sure that there are funds available to pay the fees of Mr. Vreeland and Mr. Buzak and Mr. McGroarty and other board professionals. It's a separate type of fund and it's called an escrow, really.

Mr. Scapicchio: I understand that. I guess, Chuck, Ed or Susan, is the \$3,000 escrow good with you, folks. Or should it be the 10?

Mr. McGroarty: I'll start with that answer, I would ask Mike if...well, let me ask Mary first. I don't think we've had any difficulty with this account and I don't know. I don't see Mary, but if you can hear me just to verify what I'm saying, that you have not had a problem this year when bills come in paying them out of this account. That's a question to Mary.

Mr. Scapicchio: I don't see Mary.

Ms. Strain: Yes, that's correct. There was never any problem.

Mr. McGroarty: Mary is saying there was never a problem. So, as long as Mike is...

Ms. Strain: It was never a problem.

Mr. McGroarty: Yes, we heard you. Thank you. So Mike, you don't...you don't have any...you never had a problem with this applicant falling behind paying his bills.

Mr. Vreeland: No not that I'm aware of.

Mr. Scapicchio: All right. So, everybody's good with it.

Mr. McGroarty: I don't know if anyone else wants to add, but from our standpoint, I don't think we need \$10,000 at...you know...to be as a standing escrow.

Mr. Weiss: And I don't expect...I don't expect anything to change, but I would imagine that if it does become a problem, we'll have to readdress that internally. But based on your previous performance, Mr. Schindelar, I don't have any doubt that that's certainly enough money and we do always appreciate your cooperation when it comes to that. Let me just real quick, David. Any other questions? I guess, David, you're fine?

Mr. Scapicchio: No, that's it. Thanks, Howie.

Mr. Weiss: All right. So, if anybody else from the Planning Board has any questions, otherwise I'm going to see if there's anybody from the public that has any questions for Mr. Schindelar. I don't see anything from the public. So let me close to the public. Mr. Rogers, let me send it back over to you. Thank you for your testimony this evening, Mr. Schindelar. And I certainly appreciate the length of testimony here, the depth of the testimony...inaudible...I much appreciate it.

Mr. Schindelar: Thank you for your time.

Mr. Weiss: My pleasure. Mr. Rodgers?

Mr. Rodgers: Mr. Weiss, what we're then requesting is that the Board make a recommendation to the Council that the prior recommendation is...Mr. Buzak may want to tweak this, but essentially that's the prior recommendation to allow the...renew the license in accordance with the plans that are on file with the one new plan that's been amended just to continue for another year following those plans and all of the conditions and approvals that are associated with them, as was done before. In terms of the escrow, I'm not sure that even is something that goes to the Council that might just be a Planning Board matter to...to agree to accept the lesser escrow, and I'm not sure the Council needs to be involved in that. But that's all we're seeking now is to let us recommend to the Council that we get a renewed license to continue.

Mr. Weiss: Okay. Mr. Buzak, maybe you could put it into language, I was writing as fast as Mr. Rogers was speaking, and I can give it a whack if you'd like or I just want the directions given to the Planning Board in a manner that makes sense and something that you can kind of wrap your head around as you present the language.

Mr. Buzak: Well, I think the way this works, Mr. Chairman, is that the last time our planner prepared a report based upon the Planning Board's recommendations and it was a...you know...a six or seven page report outlining all of the details, I think that the Board can provide that direction to the planner to prepare a report to the Township Council recommending that the license be renewed in the manner in which it has been presented. And...you know...the details of that Chuck work out

with Mike and the...Mike Vreeland and the escrow issue. I'd have to check on them. I thought that that was mentioned in the report that Chuck did last time, but I can't tell you for certain that it's something that the Township Council has any input in. If they do, then we'll put that in. If they don't, then we make that decision unilaterally. So, I think the recommendation is or the motion would be to direct the planner to prepare a report recommending the renewal of the license based upon the discussion that has been had today. And then he can...he can do that report and it can be reviewed by Mike and I.

Mr. Weiss: Ok, so then the motion to the planner...inaudible...A-1 amendment that was made tonight. And so our motion here, as Ed explained and as I botched terribly need to direct the planner to prepare such a report and if someone would please make that motion.

Mr. Scapicchio: I'll make a motion that we authorize the planner to make that recommendation and report to the Council.

Mr. Mania: I'll second it.

Mr. Weiss: Perfect, so it's actually an in favor of issuing a license for the 2022 year. That's what you're asking the planner to do. Correct, David?

Mr. Scapicchio: Correct.

Mr. Weiss: And your second is still good.

Mr. Mania: I second it. Howie.

Mr. Weiss: Yes. Okay, so we have a motion and a second. Is there any comment, any conversation to be had? I don't see any, so let me direct them. Mary, roll call, please.

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

Mr. McGroarty: Mary, repeat that please?

Ms. Strain: John Mania.

Mr. Mania: Yes.

Ms. Strain: John Mania.

Mr. Mania: Yes. Yes.

Mr. Weiss: We're hearing... I think the problem, Mary, is that we're having some trouble with Mary's internet. Chuck, do you have a list that you maybe run from here.

Mr. Schaechter: The last one is Mr. Weiss.

Mr. Buzak: I have a list here, if that's easier.

Mr. Batsch: John Batsch votes yes.

Mr. Weiss: For the record.

Mr. McGroarty: How many members do we have?

Ms. Natafalusy: The list is on the agenda.

Mr. Schaechter: All except for Mr. Ottavinia and Mr. Nelsen.

Mr. McGroarty: I think Mr. Weiss is the last person to vote then, right? Are you there, Howie?

Ms. Natafalusy: He's gone.

Mr. McGroarty: Either gone, or is staring angrily at me.

Mr. Ouimet: Chuck, am I voting in this or no? No.

Mr. McGroarty: Oh, who asked that?

Mr. Ouimet: Joe.

Mr. McGroarty: Joe didn't call you, Joe, you should...

Mr. Ouimet: I didn't hear.

Mr. McGroarty: You should be.

Mr. Ouimet: My vote is yes.

Mr. McGroarty: It was right after John Mania, so she...that's where.

Mr. Weiss: I voted yes as well.

Mr. Mania: I voted yes.

Mr. McGroarty: Yes, we know, John. Thank you. So, I think that's nine.

Mr. Weiss: Can everybody hear me?

Board Members: Yes.

Mr. Weiss: Okay, Nine zero vote in favor of this application. And before any other technology fails. Gentlemen, I thank you for coming in. Thank you for being so precise and direct, and we will see you again next year for the same formality. Good holidays and we'll see you soon.

Mr. Schindelar: Very good. Thank you, very much and Happy Holidays.

Mr. Rodgers: Thank you, Mr. Weiss. Thank you. Thank you, everyone.

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

Mr. Weiss: Let's get right into it before things fail again. We have one more development application, which is PB 21-19 which is Michele and Almin Hodzic here for a variance...an addition on their property located at 6 Clearwater Road, which is Block 2204, Lot 2. I think you're bringing up...could we bring up the applicant.

Mr. McGroarty: Yes, I think you can let Mike go if he wants, Mr. Chairman.

Mr. Weiss: Well, I would think there's...unless he wants to sit in on this.

Mr. Rodgers: I'm trying to get my computer to go off.

Mr. McGroarty: No, not Mike Rodgers, our Mike.

Mr. Weiss: Yes, I know. Mike Vreeland, thank you. You'll be excused for this application. We will see you next week.

Mr. Vreeland: Thank you, everyone to have a good night.

Mr. Weiss: Okay, yes. Thanks for reminding me, Chuck, that's right....so, our applicant is here. Your unmuted welcome. Do I have that name, right? Hodzic?

Mr. Hodzic: Yes, sir. Yes.

Mr. Weiss: Perfect. Okay. So here we have...I've introduced the application. It looks like Mr. and Mrs. Hodzic are here for us. The first thing I think we should do Mr. Buzak is swear them both in. I guess you're both testify. Or will it just be one of you?

Mr. Hodzic: Both of us

Mr. Weiss: Let's do both, let's swear you both in.

Almin Hodzic was sworn in for the record.
Michele Hodzic was sworn in for the record.

Ms. Hodzic: Michele Hodzic, H O D Z I C, 6 Clearwater Road in Budd Lake.

Mr. Buzak: Thank you.

Mr. Hodzic: Almin Hodzic, H O D Z I C, address is 6 Clearwater Road, Budd Lake.

Mr. Buzak: Thank you, sir.

Mr. Weiss: Thank you. You're the homeowners and the applicants for this application, correct?

Mr. & Mrs. Hodzic: Yes, sir.

Mr. Weiss: Okay, so what we want to do here this evening is create a record. The record... basically, I'm going to ask...to start why don't you explain to the Planning Board exactly what exists today, what you'd like to do, and maybe what will be existing when you're done. Why don't we start that way?

Mr. Hodzic: Okay, well, I just want to thank you guys for listening to us tonight. First and foremost, what exists as of now, I'm sure you guys have our survey and existing plans of our house. I know we submitted those. It's basically a three bedroom home on a lot that is less than half an acre on Clearwater Road. What we're proposing to do is just square off the back of the house and just add a second level to half of the half of the house. So, it'll...we would add...we're adding a couple more rooms. And the reason being is we have two little girls right now, we're expecting a third one on the way, so we're going to need the space. We're also going to be adding another bathroom because it's a one bathroom house. So, at the moment we just don't really have a space that works for us or it's not going to work in about six months or so. Yes, so basically, the preexisting home, which has been built in...

Ms. Hodzic: 1958.

Mr. Hodzic: 58, has been in the family pretty much since 1982, belonged to her parents and we bought it back in 2015 from them. So, she has been here her whole life and I've lived in this town for 20 years now and the home is just outdated and it's just not working for us. So, we have to do something. As it stands right now, it's a non-conforming structure with the new zoning laws...you know...inaudible...it's a nonconforming structure being that it's less than a 35 foot from the front and from the back of the property. Obviously, what we're trying to do is we're...we just need permission, obviously, and get this variance granted in order to our plans as we have submitted our... you know...

Ms. Hodzic: We're not proposing increasing the non-conforming structure, we're just sort of building out to match the matching square off the current building as it is.

Mr. Hodzic: That's right.

Mr. Weiss: So, let me see if I can help just put the language in a planning...in a land use effect. And you've done a fine job. I'm going to clean it up for you. Tell me if I'm wrong. Your home is currently a pre-existing non-conforming, built in 1958. Chuck, remind me again. The current zoning standards were put in at what year...1950?

Mr. McGroarty: Well, the zoning that applies to this property, the R-4 district came in in the somewhere in the 1970s. I don't have that information.

Mr. Weiss: So thank...and thank you because that was helping me to help clean up the record. So, the home built in 1958, the standards that are in place today came in somewhere in the 70s. The home is preexisting, nonconforming. It's of irregular shape. I was out there today to look at it. The picture that Chuck took is very accurate. The survey shows the irregularity part of the home. A little part that bumps out is the offending situation where it is 26...22 feet from the rear and its 25 foot or something, 35 foot. So, you're going into the rear yard setback due to the preexisting nonconforming by your plan in order to square off the house would also need a rear yard setback variance just to square it. So you're not...necessarily creating a variance, although you technically are. The situation already exists and squaring it up to provide all the things that you mentioned to us is why you're here tonight.

Mr. Hodzic: Yes, sir.

Mr. Weiss: I think that's pretty accurate. Chuck, you can probably clean up my language as well, but the applicant is here tonight for a rear yard setback, even though the front of the house is also a...it's a preexisting noncondition of this application and any improvement has nothing to do with the front yard. So, there'll be no improvement in the front yard. The project that you're proposing will occur all in the rear yard in this little nook that that exists right now.

Mr. Hodzic: That's correct.

Mr. Weiss: Okay. Chuck, is that is that acceptable? How I kind of summarized it?

Mr. McGroarty: Yes.

Mr. Weiss: Okay. So, what we need from you tonight, Mr. Hodzic, is if you look at Chuck's report Page 3, I'm sure you have it. It talks about the basis for the variance and you have an obligation to explain some of those items. All the items in 3.1, including to discuss the positive and negative criteria. Oftentimes, that's a little intimidating, but if you go through the bullet points, maybe talk about your property. I know we heard that it's undersized and those are those are extremely good reasons to put an addition. But from a planning perspective, we just want you to talk more about the land condition rather than the lack of bathrooms and so on, which we're not downplaying just talking about the land. So, if you're looking at bullet point Number 1, the property being all those things, can you maybe put your situation...tell us how that would apply to your situation?

Ms. Hodzic: So, I'm sure you can see if you have the survey in front of you, the properties such as size and shape that no matter which we could up, we would likely require a variance anyway. But just going back just...you know...because we already have the preexisting nonconforming we just plan to go off that way. You know...kind of dipping in into...question 2...you know...there's nothing topographical. I mean, the land itself is fine. So, there's no reason...you know...there's nothing that we have to work around or move around in order to make any additions work.

Mr. McGroarty: I think...I think it's the third criteria that probably applies most particularly to this property.

Mr. Weiss: Right, and I give them credit, Chuck, only because I did ask address each bullet point, but I agree with you 100 percent when we look into the third bullet point. Maybe use those kind of questions and tell us a little bit about how that applies to your situation. So, for example, if you were to tell us about the preexisting nonconforming use of your home built in 1958, when the zoning was revisited and reapplied in 1974, that might be a good direction to talk to us about.

Mr. Hodzic: Yes, sir.

Mr. McGroarty: Just for the record to...Mr. Chairman, just let me interrupt.

Mr. Weiss: Sure.

Mr. McGroarty: I just want to make it clear it's not a preexisting nonconforming use. It's just a nonconforming structure structure.

Mr. Weiss: I'm sorry. I tend to use the word use all the time.

Mr. McGroarty: No problem.

Mr. Weiss: Nonconforming as it does as it applies to the bulk standard. So again, I kind of gave you a nice direction. Why don't you tell us...

Mr. Hodzic: Yes, well like you said, the exceptional situation there is the fact that it's a preexisting nonconforming structure. And in order to do anything...we'd have to...you know...make changes to that part of the house anyway. Even if we were to alter our plans and try to stay within that 35 back backyard setback just the way that that preexisting structure is set there...you know...we have to change the roof line, we have to change other things. I mean, I can...you know...I'm sure you guys are familiar with building and how everything operates.

Mr. Weiss: We'd like to think so, right?

Mr. Hodzic: Yes. So...you know...in order for us to stay within that 35 foot. Setback from the back and then obviously, we got the limitation from the front as well...you know...then we are basically limited to a 30 foot section in the middle of the house, which would allow us to then...you know...work within. Which again...you know...it's not much there, especially the way that the existing structure sits with the way the foundation are already laid out and the low bearing walls and everything. So, in order to stay within that 30 foot section that we wouldn't need a variance, there would be just way too much to do there to even stay within that 30 foot.

Mr. Weiss: So what you're basically...you're basically telling us that putting this addition anywhere else makes little to no sense.

Mr. Hodzic: That's right.

Mr. Weiss: It's a preexisting nonconforming condition that the house is already there putting an addition anywhere. But where that addition belongs doesn't make a lot of sense. For example, it wouldn't make sense to take that addition and put it off of the front wood deck. That

would cause other problems, actually. But you're basically telling us that it's the preexisting nonconforming situation that has brought you to this...this situation, and I don't have a problem with that very fine answer. There's...I don't know if anybody has any questions for Mr. and Mrs. Hodzic about their testimony about the positive criteria, and I don't see any.

Mr. Buzak: The only thing I'd like to add, Mr. Chairman.

Mr. Weiss: Sure, go ahead.

Mr. Buzak: Just to sort of follow along what you were saying. Sir, is the configuration of the structure, the way it is with that wing coming out that actually creates nonconformity, an important reason as to why you are going to put the addition or you're proposing to put the addition where it is?

Mr. Hodzic: That's right.

Mr. Buzak: As opposed to some other place on that lot.

Mr. Hodzic: That's right. So the way that is set up right now is just it would make the most sense. Just building wise, to do it right, right where we have proposed that...

Mr. Buzak: Fill the gap.

Mr. Hodzic: That's right. If we go anywhere else, like we said, we're not getting any closer to our neighbor and properties. To go anywhere else would actually take away, not just from our yard. You know...we're adding stuff to our yard, so it wouldn't matter to us...you know...taking away from us. But it would take away from our actual neighbors because...you guys have been out, Mr. Weiss, you said you've been out here and you saw the way the properties are set up. We don't really have fences here. It's kind of like a...inaudible...but they're kind of not spoken for here.

Mr. Weiss: I understand. I'm going to I'm just going to stop you because I think you've made the testimony. I have...I have a just another point as we go to 3.2 on Mr. McGroarty's report. There's another obligation and that's to provide testimony to the negative criteria. And that means that you're going to demonstrate that granting for us to grant this rear yard variance and expand your home, there'll be no negative, significant detriment to the neighboring property. Now I know you started to get into that. Tell us about why you feel that way. That this this project if given...if given an approval will have no negative effect on your neighbors. Tell us, tell us why. I know you started to talk about it.

Mr. Hodzic: I just kind of repeat myself again. Since that structure is already there...you know...we obviously have good relations with all the neighbors here. We're not going to be putting anything up that's not already looking at there. So, it's not going to be encroaching into anybody's space.

Mr. Weiss: Let me interrupt again. Would you agree with me if I said that by having a home that's rather squared off now, is that something that you would tend to see in a residential neighborhood homes that are square?

Mr. Hodzic: I would say so. Or rectangle?

Mr. Weiss: Ok, I guess squares, maybe you're right, it's a rectangle technically. And by putting this addition onto your home that it won't have any effect on the on the established zone, which is residential, which means that primarily the structures in this neighborhood are designed for residential use. Your addition won't impact that...won't take away from the desired use of the land, as it says in our Master Plan. Is that correct?

Mr. Hodzic: That is correct. The home would still be a residence for us and same use that it is right now, so.

Mr. Weiss: And so putting the addition on the house wouldn't take anything away from the intended use.

Mr. Hodzic: I don't believe so. I don't believe it would.

Mr. Weiss: I would tend to agree with you. It sounds like the positive and negative criteria is certainly met. If anybody has any question or concern, I only have a couple of questions for you. When I was at your home, I see that this will call this this little nook, this little area that's currently where the proposed addition will be. You're storing it for stuff for lack of a better word. It's this stuff in there. One of those things that I noticed in there was a shed, and I don't know what your plans are with the shed, but we probably should discuss that. If you're going to put the shed on the property to make sure that it conforms or if that shed is just going to be eliminated,

Mr. Hodzic: I don't want to interrupt you, sir, but that it's just a plastic...basically. What is it like a six by six plastic shed that I put on there just to protect my car washer and leaf blower. But that's going in the that's going to be taken down and thrown away.

Mr. Weiss: Okay, Chuck, I know that it's not proposed, but I just I don't want to make Mr. Hodzic believe that he has to throw it away.

Mr. Hodzic: I understand that, but we're just getting rid of it anyway. I mean, like I said, it's just there to protect the power washer and the leaf blower that I had.

Mr. Weiss: Okay, because if you wanted to put in a shed, there are certain conditions that would be met and you would probably speak with the Planning Office to get that done. Right, Chuck. Are you concerned about that at all? That looks like there's enough property for a six foot,

Mr. McGroarty: You know, five feet, five feet from side and rear is the permitted distance. He has plenty of room to put it if he wants to relocate it.

Mr. Weiss: I thought so, too. And so that's really why I brought it up, that if you choose to keep it understand, just remember, it's five feet from the property line. If you have any questions as to where to put it, you can certainly check with planning and anything else that might be stored there. You know, the whole idea is to not clutter the property as we also have property maintenance, and I understand that little nook is a great place to put stuff. But ideally with the addition going in there, I personally would prefer not to see this stuff moved to the back fence.

Mr. Hodzic: No, sir, that stuff is an eyesore and it is going to be getting rid...

Mr. Weiss: Notice my use of the word stuff. So, it's...that's fine. I don't know if anybody else from the Planning Board has any questions for Mr. and Mrs. Hodzic. I think that if I don't see anything, let me see if there's anybody from the public. There's virtually nobody from the public there. If anybody has a question for Mr. Hodzic and his testimony, you just press the wave button on your screen. I don't see anybody from the public, so I can close it to the public and see if anybody in the Planning Board has any questions or comments or suggestions for Mr. and Mrs. Hodzic. I'm not seeing any, and I can tell you that upon my visit there earlier, I thought that your plan is absolutely fantastic because of just the odd shape of your home. And now you supplemented my...what I saw with your story that you have another child coming. You're putting in a second story. We've seen the architectural...looks like it's going to be a beautiful home. I noticed that your neighbor across the street is building a beautiful home. You know that that section of Budd Lake, you're on the northern side of that or the western side of Country Club. Some of the older original homes. And I like the transition that's going on up there, and I think your home would be a just a perfect addition to what's going on in that neighborhood. So, I thought it was a great plan...you know...and I do thank you for looking to improve your property. And of course, it's got some nice benefits based, as you told us. And so rather than talking all night, if anybody from the Planning Board has anything else. Chuck, is there anything open that you might think we want to address?

Mr. McGroarty: Nothing for me, Mr. Chairman

Mr. Weiss: And Mr. Buzak, do you...do you agree with me that the applicant has made the positive and negative proofs as required?

Mr. Buzak: Yes, Mr. Chairman.

Mr. Weiss: All right, I have no other questions, and if nobody else does, then I'll entertain a motion to approve the application.

Mr. Scapicchio: I'll make the chairman motion to approve the application PB 21-19.

Mr. Mania: I'll second it.

Mr. Weiss: Hold on a second, John.

Mr. Scapicchio: Mr. Chairman?

Mr. Weiss: Yes, go ahead, Dave.

Mr. Scapicchio: With the caveat that the shed be put at the appropriate five foot side and rear yard setback.

Mr. Weiss: Well...you know...I just want to stop you there only because Mr. Hodzic hasn't proposed that he does that. If he does, perhaps a permit would come. I don't think that's tied into this application.

Mr. Scapicchio: Okay.

Mr. Weiss: Right? I mean, obviously, if Mr. Hodzic wants to put up the shed, the process is extremely simple. You'll get a zoning permit. We'll make sure that it's put in the right spot. It's you obviously...you don't need to come in front of the Board. So, Dave, I appreciate that. But I think the...inaudible

Mr. Scapicchio: I'm fine with that, Chairman.

Inaudible

Mr. Schaechter: Mr. Vice-Chairman, while the Chairman is tied up, do you want to call for the vote?

Mr. Scapicchio: Mary, roll call please.

Mr. Buzak: Did we get a second on that motion?

Mr. Mania: I seconded it.

Mr. Scapicchio: John Mania seconded that motion.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes ²

Mr. Scapicchio: This was the worst virtual meeting I think I've ever had. Howie, are you there?

Mr. Schaechter: Howie...

Mr. Scapicchio: Mary, the votes were affirmative to approve this application?

Ms. Strain: Yes.

Mr. Scapicchio: Okay, folks, you got approval.

² Mr. McGroarty: Well Howie is not present at the moment.

Mr. Schaechter: I have him on the phone. Howie, you're on speaker now. Do you want to place your vote.

Mr. Weiss: Yes, I will vote, yes.

Mr. Schaechter: Mr. Weiss votes yes.

Ms. Strain: Thank you.

Mr. Hodzic: Thank you so much. We appreciate you guys helping us do this. We stumbled a little bit...Thank you so much.

Mr. Scapicchio: Thank you. Have a great night.

Mr. Buzak: We should...Mr. Chairman and the Hodzic, we should just tell you the process now. Our office will prepare a Resolution. It will likely be adopted at the first meeting in January. But the Board has taken the action tonight. So, you have gotten your variance. There will be another vote, but that vote cannot reverse what the Board did tonight. So you have gotten the variance. You'll get a formal Resolution sometime in January.

Mr. Hodzic: Yes. We appreciate it. Thank you, Mary. Mary already kind of informed us.

Mr. Scapicchio: Thank you. Have a great Holiday Season.

Ms. Hodzic: You, too.

Mr. Scapicchio: All right. Since Howie's not here. Is there anything else?

Ms. Mott: He's coming back. He's back.

Mr. Scapicchio: Good. Howie, you back?

Mr. Schaechter: Hold on, he's dialing in.

Mr. Weiss: Can you hear me? I'm terribly sorry. That's why I'm as excited as anyone, we have only one more of these damn meetings, so I just I don't know why or how, but I just lost all my internet. Big message came up, but it looks like we have addressed all the business here this evening. And I will make a motion to adjourn. Would somebody please make a motion to adjourn?

Mr. Mania: So moved.

Mr. Scapicchio: Second.

Mr. Weiss: Thank you, Mr. Mania. Thank you, David.

All In Favor: Aye.

Meeting Adjourned at 8:06 pm
Transcribed by: Mary Strain


Signature


Planning Board Meeting date approved