

**TOWNSHIP OF MOUNT OLIVE  
PLANNING BOARD**

Public Meeting

Thursday, August 12, 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 August 12, 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. Nelsen, Mr. Ottavinia (arrived at 7:30 pm), Mr. Batsch, Mr. Ouimet, Mr. Weiss (arrived at 7:12 pm)

**Board Professionals** in attendance were:

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

Audio and video technology and platform.

Mr. Scapicchio: Give me give me one second, I want to close the door. There's some external noise coming in. All right, all right, we have. One two, three, four...four Resolutions on the agenda this evening. The first one is PB 21-08....

Mr. McGroarty: Dave, excuse me. I'm sorry, did you want to do the minutes first? So we don't forget.

Mr. Scapicchio: I missed over that, Chuck. I'm sorry.

Mr. McGroarty: No problem.

**Meeting Minutes**

July 15, 2021 Public Meeting

Mr. Scapicchio: We have minutes of July 15, 2021, public meeting. Anybody have any comments or input. If not, can I get a motion?

Mr. Schaechter: I'll make that motion.

Mr. Scapicchio: Second?

Ms. Mott: I'll second it.

Mr. Scapicchio: Thank you. Let me turn my volume up here. All right, here we go. Okay, we have four Resolutions on the agenda. The first one is PB 21-08 Jonsahow, LLC, 50 Main Road, Block 5400, Lot 7. Has everybody received the latest updated Resolution?

Ms. Mott: Are we supposed to vote on that...on the minutes?

Mr. McGroarty: What's that, Kim?

Ms. Mott: Just vote on...weren't we supposed to vote...

Inaudible

Mr. Scapicchio: Kim, you should take over the meeting tonight. All in favor of the July 15, 2021 minutes...

Mr. Schaechter: Hold on. Hey Mary, why don't you do a roll call?

Ms. Natafalusy: You have to do a roll call.

Ms. Strain: Thank you very much.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Dan Nelsen	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes

## Resolutions

### PB 21-08 Jonsahow, LLC, 50 Main Road, Block 5400, Lot 7

Mr. Scapicchio: Now that brings us to Resolutions. The first one is PB 21-08 Jonsahow, LLC which is 50 Main Road, Block 5400, Lot 7. Has everybody received the revised Resolution today? Can I get a motion?

Mr. Schaechter: I'll make that motion PB 21-08 Jonsahow, LLC.

Mr. Scapicchio: Can we get a second?

Ms. Natafalusy: Second.

Mr. Scapicchio: Catherine?

Ms. Natafalusy: Yes.

Mr. Scapicchio: Roll call please, Mary.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Dan Nelsen	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes

PB 19-25 Hunkele Equities, LLC, 160 Gold Mine Road, Block 4400, Lot 85

PB 19-29 Hunkele Equities, LLC, 160 Gold Mine Road, Block 4400, Lot 85

PB 21-04 Hunkele Equities, LLC, 160 Gold Mine Road, Block 4400, Lot 85

Mr. Scapicchio: Okay, the next three are PB 19-25, Hunkele Equities, PB 19-29 Hunkele Equities, and PB 21-04, and this is a dismissal without prejudice.

Mr. Buzak: Mr. Chairman, this is just one Resolution dealing with those three applications.

Mr. Scapicchio: Thank you, Ed. Can I get a motion?

Mr. Batsch: I'll make a motion.

Mr. Scapicchio: Who made that motion?

Mr. Batsch: John Batsch.

Mr. Scapicchio: Thanks, John. A second?

Mr. Nelsen: Second.

Mr. Scapicchio: Roll call please, Mary.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Dan Nelsen	Yes
	John Batsch	Yes

## Extension Request

PB 15-20(4) Windt, Michael & Cholish, Leonard, 28-1 Bartley Road, Block 6900, Lot 29

Mr. Scapicchio: Okay, we have an extension request. PB 15-20(4)...

Mr. McGroarty: They failed to notice.

Mr. Scapicchio: ....extension for a variance for 28-1 Bartley Road, Block 6900, Lot 29.

Mr. McGroarty: Mr. Chairman, they failed...they failed to notice so that we won't need to hear that tonight.

Mr. Scapicchio: Do we have to take any action, Chuck?

Mr. McGroarty: No, they were asking for an extension and they failed to notice.

Mr. Scapicchio: All right, thank you.

**Development Applications**

PB 19-14(1) New Jersey Foreign Trade Zone Venture, LLC

Mr. Scapicchio: All right, now we have, I guess, three development applications. First one is PB 19-14(1) New Jersey Foreign Trade Zone Venture, LLC, are their professionals here with us, Chuck?

Mr. McGroarty: I see Mr. Selvaggi. Let me promote him. Hopefully without the problems that I had last time.

Mr. Scapicchio: Chuck, while you're trying to do that, my paperwork says notices...okay, the notices were received, but...

Mr. McGroarty: Right, right. Let me promote Mr. Selvaggi to the panelists.

Mr. Schaechter: You just had him.

Mr. McGroarty: Yes, but I had him on mute, so...

Mr. Schaechter: He just turned his camera on.

Mr. McGroarty: Let's see if this works a little better.

Mr. Schaechter: There you go.

Mr. McGroarty: Okay.

Mr. Scapicchio: Hello, Mr. Selvaggi.

Mr. Selvaggi: Hi. How are you?

Mr. Scapicchio: Good, thanks. We're hearing your application now to amend certain conditions, you want to review that for the Board?

Mr. Selvaggi: Yes, I mean, back in December, you guys had adopted the Resolution granting GDP approval. And in the course of doing that, the Resolution included certain time frames. After the Resolution was adopted, the future developers of the property began to look at what lied ahead in order to develop it. And that coupled with as many of you know, in March, the DEP again amended its stormwater management rules. It became readily apparent that the time frames that the Board had imposed, even though the developer has every incentive to move as quickly as they can, probably we're not going to be realistic, particularly since many of the things that we need to do will be dependent upon state approvals. And as you guys know, over the last year and certainly with the pandemic...you know...the DOT, the DEP have been a little slower to be responsive. And unfortunately, I don't know if that's going to change any time soon. So I had prepared a letter dated June 30th and went through that and offered what the developer and their engineering team and everyone felt would be more realistic in terms of moving forward. And...you know...candidly, the debate was to...you know...kind of wait...you know...that old adage, is it better to beg for forgiveness or seek permission? We felt that because...you know...Mount Olive has been so cooperative, has been so patient on this thing, that we would rather be more upfront with you at the outset so that...you know...we're not coming in looking like...you know...we're trying to...inaudible...later on. So in my letter, which kind of speaks for itself, we came forward and offered what we think are realistic dates because I know the Board did not want this thing to linger. I still think in most developments, particularly one of this magnitude, the dates that were being offered up, the developer thinks realistic. And I also can tell you from other projects that they're still...they're still quick. I mean, it's not...you know...and hopefully...you know...we can meet all of those. But so because of that, what we needed to do and what we'd asked to be done is the Resolution that was acted upon in December just be modified to put these dates or deadlines, whatever you want to call them. And again, Mr. Chairman, in my letter, I kind of went through each one of the conditions in the Resolution that we were looking for...you know...changes too. So...

Mr. Scapicchio: I read it, Michael.

Mr. Selvaggi: So, I don't know how...I mean, do I have a representative from the company here.

Inaudible

Mr. Scapicchio: No, I don't think you need that. I read it. And I'm sure some of...most of the other Board Members did too. Chuck, do you have any issues with that?

Mr. Buzak: Mr. Chairman, I see that Mr. Weiss is here. I don't see him on the screen.

Mr. Scapicchio: Okay.

Mr. Buzak: I see his name on the...I see his name on the screen, but I don't see a picture.

Mr. Scapicchio: Okay.

Mr. Weiss: Can you hear me?

Mr. Buzak: Yes.

Mr. Scapicchio: Yes.

Mr. Weiss: All right. I'm going to switch computers. I'm having all kind of problems. I'm sorry about that. I'm following along. I'm trying to fix it. So keep on moving. I'm hearing.

Mr. Scapicchio: Ok, Chuck, I'll go to you first, do you have any issues with the request?

Mr. McGroarty: Well, are we asking now for an extension or to push the deadline out to eight years? Is that what you're asking, Mr. Selvaggi?

Mr. Selvaggi: Yes, well, I guess if you added up all of these dates and looked at it cumulatively, the worst case scenario would end up being...you know...eight years. The statute...I mean...it contemplates as long as 20. So we're still not even halfway to what statutorily you could impose.

Mr. McGroarty: But the one question would be eight...and eight years now counting from when the date of the Resolution or from today?

Mr. Selvaggi: Well, I...

Mr. Buzak: I think the date of the Resolution, Chuck...

Mr. Selvaggi: I think it would have to be the date of the Resolution.

Mr. McGroarty: Okay, so...and the Resolution was adopted on...

Mr. Selvaggi: December 30<sup>th</sup>, I think.

Mr. McGroarty: December 30<sup>th</sup>, 2020. The question...one question that the Board may want to think about it. I mean, it's a very large project so longer periods of time do make sense in some respects. But this is an inclusionary development that includes...that makes it inclusionary, that includes units that are required or being counted towards the township's third round number and, we are aware that obviously the fourth round will start in the year 2025 so that'll be here before we know it. So, we just...some concern about when the affordable units are going to start to come online. Further that this gets pushed out...you know...the further those units get pushed out, I don't know what kind of complications, if any that might cause for the affordable housing plan.

Mr. Scapicchio: So, Chuck, is the point that you're trying to make, the fact that the affordable housing may get pushed off towards the tail end of the project?

Mr. McGroarty: No, no, I'm not. It's not that because this...

Inaudible

Mr. McGroarty: The affordable units are linked into the development of the market rate units, so that won't change...that won't change. It's just and I'm not saying it's a real strong concern, just we want to be aware of that, if we're for looking at tagging on another couple of years before the projects actually start. I just I'm not sure to what extent, if any that will have any impact on our affordable housing third round number, and also for dealing with the fourth round. We'll be able to demonstrate, I know that we'll be able to demonstrate to whatever...whether it's fair share housing or whatever entity is around and also to the court that the town has has done everything in its power to make this...the affordable units available. I just don't know if extending the time frame on this will have an impact on that.

Mr. Scapicchio: Ed, do you have any thoughts on that?

Mr. Buzak: Well, I wanted to clarify something, and I was looking at the Resolution. The six year time period that we gave...does not run from the date that the Resolution was adopted, which is what I thought as well. Paragraph 3 of the conditions sets forth that pursuant to the land use ordinance, the term of the effect of GDP approval shall be for a period of six years from the date upon which the developer receives final site plan approval and subdivision approval for the first section, i.e. phase of the project. Now, as far as I know, there has not been any such approval, am I right? We just gave a GDP approval...

Mr. Selvaggi: That's correct.

Mr. Buzak: So, the six years hasn't even begun to run. And...inaudible...to a large extent that six year period is in the hands of the developer. So I'm not sure. And again, I haven't looked in candor, I haven't looked through all of this again. I just remember spending the day before New Year's Eve putting all of this stuff together. So that it would be able to be adopted. But if I'm reading that section right...you know...the time period hasn't even begun to run. So there may be some prematurity here in terms of anticipating how long other things are going to take. But I don't know, Mr. Chairman or Mr. Vice-Chairman, let me pass it back to you.

Mr. Scapicchio: I mean, if that's the case, they don't really need that extension right now.

Mr. Buzak: Well, seeing that there's...no nothing has happened. Nothing has changed between the time we approved this almost a year ago or nine months ago to now, because there's been no application to the Board for any site plan or subdivision approval.

Mr. Selvaggi: What it really comes down to, and I don't disagree with anything Mr Buzak said is in terms of the contract purchaser they...look, while I believe you guys would not not grant extensions. You know...the companies involved in this are such a certainly a much bigger fish than what I'm involved in. So these guys look at it and say, well, if we make this investment and we're stuck with six years and we come back and they say, no...you know...so that's really what's going on here. Now, I think there's many reasons why. I think, quite frankly, you guys would probably be acting improperly to deny it...most notably this is an affordable inclusionary development as part of your plan. So I think to deny an extension that would inhibit the continuation of the development would probably have broader ramifications for you guys. But for the contract purchaser going forward...you

know...they want to know that they're working within a timeframe that they're comfortable with and once, again, that they think is realistic.

Mr. Scapicchio: Ed, any additional thoughts?

Mr. Buzak: No...you know...again, I get back to the fact that...you know...they control...the developer will control when that clock starts to run. And we were involved with Morris Chase, or I think was Morris Chase, one of those Toll things that...you know...ran for just an incredibly long period of time and it just created a myriad of problems. And we spent years sorting out the issues, because when you have that length of time, things change and people forget, people aren't on the Board, and things fall through the cracks. And I think...and I'm not suggesting that's what would happen here...but I certainly...inaudible...I wouldn't want to see any successor of mine or any successor to the Members on this Board go through what we went through in Morris Chase because that was a nightmare, literally a nightmare.

Mr. Scapicchio: I remember that. And since the six years hasn't even started yet...

Mr. McGroarty: Mr. Chairman, though, let me...

Mr. Scapicchio: Go ahead, Chuck.

Mr. McGroarty: Ed, what about Condition 7 though in the event that the developer of a particular section does not apply for a preliminary site plan approval etc. and that if I'm reading it does say within five years of the date, the General Development Plan had been approved by the Planning Board.

Mr. Buzak: I agree. Again, I think that...you know...that's within the control of the developer. I mean, if this project isn't started five years from now. I'm not sure where we are at that point, Chuck. But I do agree with you that that's what it says. But...you know...you would wonder why all of this effort was put forth. And I remember and Mr. Selvaggi apologize to the Board profusely for the fact that we were...we're trying to put this together in an emergency meeting, wasn't even a special meeting, as I recall. It was an emergency meeting...you know...at the end of the year because his clients were adamant that this had to pass. They weren't willing to grant any extensions of time. And the Board did what it had to do. And I'm not trying to be vindictive now, nor suggest that the board be vindictive. But...you know...it was hurry up, hurry up, hurry up, get it, get it, get it. And you got it. And now they're saying and even if we look at that provision that Chuck just cited five years from the date...you know...they have another four years and four months before they even have to make an application here. And...you know...it would seem to me that if there's issues, they need to be more substantial. You can't come in and you shouldn't be coming in and saying, well, gee, you know, I think that this and I think and again, I'm not criticizing Mr. Selvaggi. You know, he has indicated he's got people coming in or people available if we need testimony. But...you know...I think it's...eight months have passed and it's, gee...you know...maybe we're going to get more time here and...I just I think there's some...inaudible...here, I think eight months have passed not eight years or...you know...three years and six months or anything like that. And I don't think the Board should encourage the prolonging of these developments. I think...you know...people come in, they want to get in there, do what they have to do...you know...the township benefits from that. They get ratable...you know...the things that are supposed to happen, happen, as opposed to just extending it out...inaudible...obviously an exaggeration. But I think that was one of the reasons why the Board

put the time periods in here to keep a handle on this thing and not just let it get away. But again, those are policy decisions that the Boards make. I'm just trying to give some...

Mr. Scapicchio: Understood, Ed. Thank you.

Mr. Buzak: Thank you.

Mr. Scapicchio: Catherine, you have a question?

Ms. Natafalusy: No. I was just listening.

Mr. Scapicchio: Anybody else on the Board have any questions or thoughts? We need a motion to either approve or deny. Can I get a motion?

Mr. Selvaggi: Can I...before you vote, I mean, I just again, I just want to emphasize here that...you know...it's not our intention to delay it. I mean, I think it's really just to impose...you know...a more realistic set of timeframes. And again, when you look at the state statute, allow 20 years. I mean, we're looking at eight, which isn't even 50 percent of what we could otherwise be entitled to. I just think it...it's much better if the developers coming forward and saying, hey, look, this is what we think...it's realistic because, again, every developer has every incentive. And you go back to Morris Chase, and that was the Toll Brothers, the project that dragged on forever. And then you go to the Marvel Farms one and that thing got blown out. And I remember the meetings talking about, well, when we go to the apartments, and this and that. And that thing got blown out in record time because of market conditions. So...you know...while we sit here at the precipice of voting on this, it's you know...we're thinking of today's conditions and that could certainly change. But the residential developer, who has been working on this, realistically just doesn't think that six years is going to be practical. So...you know...and again, not to...you know...look like we're coming to...you know...five years and six months later saying, hey, we're going to need more time and then we get scolded for that. We just felt that it would be more prudent to just at least try to create a similar scenario. Now that we know you gave us the approval, they've begun a lot of the harder engineering because understood what the GDP and we talked about this quite a bit during those hearings. It's not engineered in any real way. I mean, now that you've we've got the parameters in the GDP, that's when you really start to put...you know...the hard work into it. And in doing that, that's when we just come to this realization between DOT approvals and DEP approvals and all the other outside agencies, it's not going to be as easy as we...you know...I think we thought initially. And the biggest thing is that I know Mike Vreeland can tell you, I mean, the stormwater management changes are significant, particularly in a project of this size. And it's been a real game changer for these guys because a lot of the tentative engineering work they did was based on the old regulations. So, I mean, I...you know...candidly, I don't know if you stick to the six years, is it going to really...you know...so the developer is going to say, oh, well, we're going to have to live with six. I still don't know if you're going to get it in six years. And it's not going to be because the developers are not going to try. I mean, unless the economy goes totally down into the hopper...you know...the developers every incentive to try to meet that is just saying now that we don't believe that's entirely realistic given these other outside agency approvals. So, again, I...inaudible...and you guys were great in December, for contractual reasons. Rockefeller Group needed that. You guys were great. We appreciate it. You know...would have been nice perhaps if the contract purchaser, perhaps maybe even then...I don't know if they were in a position to look at it more closely and say, hey...you know...the six years is too much. I mean, too soon. And we could have avoided all of this. But again, I just...you know...I'd

rather do this than every couple of years, even though I can make more money doing that, perhaps showing up and asking for more time, I...you know....kind of hope to avoid that. And again, it's two more years. It's not like we're asking... you know...you gave us six and we're coming and asking for 14.

Ms. Natafalusy: But wait, I have a question.

Mr. Scapicchio: Go ahead, Catherine.

Ms. Natafalusy: Is it six years from the date of final site plan approval, and you're asking for 10 on that, but then you're asking for eight years from the time of the Resolution. I mean, can we address each one of these? Because it's very confusing. You keep saying 10 years, eight years. What are we voting on? Are we voting on giving you 10 years from the final site plan approval and two years for the other one and then eight years on the other one? I mean, I agree with Ed. I think the six years is sufficient from the date final site plan approval. I wouldn't...I would go with that. I'd like to hear more testimony on why you can't get preliminary site planning and subdivision in the next five years at least apply for it. Is it that horrendous?

Mr. Buzak: I mean, that's I guess that's 11 years when you think about it. If you wait...

Inaudible

Mr. Buzak: ...another six years, that's when the clock starts. That's 11 years. I think the other thing is and again, I'm not...I just think the Board should be reminded of this. It's the Board's decision. The phasing schedule here, which is set forth in this Resolution and the Board Members will recall was the phasing schedule and the development schedule, but the developer proposed and he had a...you know...a color coded chart with...you know...a lot of thought got it...went into it with what types of units, the bedrooms, the mix, and how the affordables were going to be built and so forth. And all that was incorporated in here, I think virtually verbatim based upon what the developer said and again, based upon what Ms. Natafalusy just mentioned and when you add these two numbers together...you know...it's not six years. It's 11 years or 10 years, depending upon when you start things. Anyway, this is a Board decision. I apologize again. I don't mean to be imposing on your discretion on policy, but those are policy issues that you have.

Mr. Scapicchio: Thanks, Ed. Let the record show that Chairman Howie Weiss has joined us as well as Paul Ottavina. You guys can hear us?

Mr. Weiss: I got you good.

Mr. Ottavina: Yes, I can.

Mr. Scapicchio: You want to take this over, Howie? Or should I take finish it?

Mr. Weiss: No. Continue with this only because I was kind of in and out of the conversation early on.

Mr. Scapicchio: Okay. Michael, Catherine asked you to go through each one individually...

Inaudible

Ms. Natafalusy: I'm just saying it's getting very confusing where we were talking about six years on one, two years on another, five or eight years on another.

Mr. Scapicchio: And as Ed said, the developer actually set the timeline for us.

Mr. Schaechter: Dave, sorry. I have to agree with Catherine. This thing's all over the place, six years, 10 years, eight years, come up with the number and let's stick with it. But right now...you know...this is like a Monopoly board.

Mr. Scapicchio: Michael, do you have anything to add before I ask...

Mr. Selvaggi: Look, I mean, I tried to because I knew this was confusing in my letter be as concise as it was...I mean...you know...the section. I mean to Catherine's point about...you know...we're asking more realistic would be ten, Conditions 6...we talked about going that from eight months to two years. Condition 7, we'd go from five years to eight. Those are really the three conditions that we're going to be changed.

Mr. Scapicchio: Okay.

Mr. Selvaggi: Now, perhaps if you had you had the Resolution and saw with that...you know...I mean, granted the way the scheduling came out...you know...you've got a lot of moving parts here because you've got three sections and you've got some overlap because of the affordables. Look, I think...you know...assuming the contract purchaser hangs in there and everything else...you know...the trump card is going to be if we show up and...you know...we're not done and you don't have your portables and you're going to be angry that we didn't get it done within this time frames. I mean, candidly, you're not going to say no. Honestly, because you can't afford to. So but...you know...that's the way you'd want to play it. Well, then and that's fine.

Mr. Scapicchio: Thank you, Michael. Can I get a motion to either approve or deny the request?

Mr. Buzak: Well, I'll ask Mr. Chairman, if you go in and make any motion to deny the request, but that it just be clear that it's denied without prejudice to allow the applicant circumstances change or whatever to have had them come back. I don't think...I don't think the Board should look at this and foreclose any further action on extensions of time or anything like that. So I think that would make it clear if the Board is going in that direction. If they're not, then obviously you'll have different time periods. Thank you.

Mr. Scapicchio: Thank you. Can I get a motion? I'm going to ask for a motion to deny and deny without prejudice.

Ms. Natafalusy: I'll make the motion to deny without prejudice. I think that six years from the final site plan approval is sufficient for right now. And if the applicant has issues, they can come back within the next six years. But I think, as Ed said, this is premature. And even with the preliminary site plan approval subdivision, they have five years to file with the Board from now. I think that's more than enough time.

Mr. Mania: I'll second that.

Mr. Scapicchio: John Mania seconded that. Roll call please, Mary.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	Paul Ottavinia	Yes
	Howie Weiss	Abstain

Mr. Selvaggi: All right. Thank you.

Mr. Scapicchio: Good night, Michael. Thank you. Mr. Chairman, you wanted to...

Mr. Weiss: Yes, David. Thanks. A couple of things, did we, David, did you go over the other applications tonight? The status of those?

Mr. Scapicchio: I did not.

Mr. Weiss: Okay, so let me for the record. We had some other application on the agenda.

PB 15-20(4) Windt, Michael & Cholish, Michael, 28-1 Bartley Road, Block 6900, Lot 29

Mr. Weiss: The first one is PB 15-20, Mary, was there something you need me to do or no?

Ms. Strain: No. That is just not going to be heard, they didn't notice.

Mr. Weiss: Right, I have...so on that application it's not going to be heard. They did not notice. Therefore, they will re-notice that application.

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

Mr. Weiss: We also had in front of us originally was PB 21-11 Chmiel, Kazimiera for bulk variance at 24 Camp Pulaski Road. That is going to be carried until September 9, 2021. They will be submitting revised plans. There'll be no further notice. It will be carried to September 9th 7:00 pm.

PB 21-05 Recci, Endri, 41 Smithtown Road, Block 2200, Lot 9

Mr. Weiss: The last one be PB 21-05 Recci, Endri for a variance for a deck request at 41 Smithtown Road, Block 2200, Lot 9 will also not be heard this evening. They did not notice the Daily

Record in time. Therefore they will re-notice. And that was the status of the remaining applications for this evening.

Mr. Weiss: I had had another conversation I want to just have with the Planning Board. I know we didn't plan anything for Committee Reports, but I wanted to make a brief statement. For anyone that that in the future is going to give a Committee Report. I want you to kind of keep in mind that it's important to hear from your committee on certain applications, but it's also imperative that any suggestion, recommendation, or report be put in writing and submitted to the applicant at least ten days in advance as a courtesy, because when the Planning Board issues a report during the hearing for the first time, it's just rude. It's not right. And we need to do better. We run a really tight ship here. Our Planning Board is nothing but professional, and I think we can continue to do better if we not give any kind of report with the recommendation at the time of the application. So all your committees have the plans well in advanced, and therefore there's no reason why in the future if your committee has any comment or input on an application, it should be done in writing in advance. That was that. Now, obviously, as you can tell, I'm not the biggest fan of Zoom meetings, and I had conversation briefly today with Ed and even less briefly with Chuck. It's my intention to go back to live meetings. We're going to try to do with a hybrid meaning. Mr. Buzak and Susan would be joining us virtually. I spoke to Ed about that a while ago and Ed did speak to me that he feels that certainly legal and appropriate. The only thing I asked Chuck to do very late notice so I'm not going to put Chuck on the spot, is to find out if we could do it logistically. If our IT guys can make that happen. So we would go live and our attorneys would be virtual. There's a bunch of reasons why we don't need to get into it, but there's no reason why we can have our attorneys be virtual while we're live in the Municipal Building. So until we're told otherwise, the last conversation I had with our business administrator is that whenever we're ready, we can go into the building. I know the world is changing and it might change, but as of right now, the green light and as soon as I speak to Chuck, Chuck gets back to me, the part as far as logistical ability for us to do this, I've asked Mary to start requesting that the notices go out from future applicants, that hearings will be in person at the Municipal Building. If anybody has any comments or thoughts? Again, I'm not going to put Chuck on the spot because it's going to look into it. I think, like myself in favor of such a thing. But I know there's a couple of things we need to check off the list before we go ahead and make that official. But when it happens, we'll handle it administratively where the instructions to be applicants will be to notice that we're meeting live. I don't know if that makes people happy or upset, but as you can tell by my difficulties, it makes me very happy.

Mr. Scapicchio: Makes me happy.

Mr. Schaechter: Mr. Chairman, now if our attorneys are going to be virtual. Are the applicant's attorneys also going to be allowed to be virtual? Are the applicants are going to be allowed to be virtual. I think we're opening up a can of worms here. Either we either do this or don't. But to go hybrid is going to be a mess. We can't figure these meetings out. We are never going to be able to figure out how to proceed.

Mr. Weiss: Well, I think we can figure them out. I think we're having problems. And I don't know, Ed, if that's a question you are ready to answer about if our attorney is going virtual then can't the applicant go virtual?

Mr. Buzak: Well, again, I think it's up to the Board. Look, the Board...and I appreciate the Chairman not raising the issue. But...you know...I think the Board, most of you are probably

aware of it. But if you're not, I had an injury last year. It's been a little over a year now. I'm still in rehab and my rehabilitation is down in Toms River. It's a specialized rehabilitation. I have equipment that I use every day because while I don't go to physical therapy every day, I have to do physical therapy every day. It's probably going to continue to the end of the year. And I just can't be driving from down here up to Mount Olive for a meeting. And again, I'm being very candid with you, and that's why I asked to be accommodated through being able to attend these meetings virtually. I would think that if you're going to do this and you're going to have in-person meetings, then you want to have in-person meetings and just allow me and Susan to appear virtually there's nothing wrong with that, then the Board can do that. I think if you're going to have applications before you know when you're going to have it...you're going to be sitting in person, and I think the applicant should be there and the witnesses should be there and so forth. And I'm only asking for this is an accommodation for the situation that I'm in. I would not recommend that you that you allow...you know...a true hybrid where anybody can show up in anywhere they want. I agree with Mr. Schaechter that if you're going to hold in-person meetings, you hold in-person meetings and again, I'm only asking for the accommodation because the medical situation. And that is very important to me. That's a quality of life issue for me. Thank you, Mr. Chairman.

Mr. Weiss: Yes. No problem and I'm fully...to answer your point. I'm fully ready to defend our position because you can say, don't do what I say, do what I do or vice versa. I have no problem explaining our situation if anybody is to object to what we're doing. It's an accommodation. We accommodate a lot of people for a lot of reasons. This case is a sensible accommodation and there just will not be any conversation. If we're going to go live, we're going live. We made an exception for our attorneys, and that's the end of the story.

Mr. Nelsen: Mr. Chairman?

Mr. Weiss: Yes, Dan. Go ahead.

Mr. Nelsen: I have a question. If that indeed is what we do virtual with Ed and Susan, how will that work? Will they be on a big screen there for both the applicants and for us to all see at the same time or individual?

Mr. Weiss: Well, you know Dan, that's a good question. And when I spoke to Chuck, actually, I shouldn't even say I spoke, I was only able to leave a message. I think Chuck's going to check with Dane and with Scott. And we know we have that big TV in the room. I think Chuck and I are the blind leading the blind when it comes to technology. But we have people that can help us with that answer if it works out that it's doable and then it all works, then the answer will be Ed and Susan will be on the big TV in the room as if they're there. And that's the goal. And I can't even expect Chuck to give any input because I laid it on him about 6:30 tonight.

Mr. Nelsen: I know Susan is ready for a close up, but I'm not sure about Ed.

Inaudible

Mr. Schaechter: My only reservation is, is we don't have someone full time technical support there to marshal these meetings. You know...Dane joins in in Zoom...and you know...and Ed, this is a health issue. Your health comes first. I get it. That's not the...this is a technology piece. And...you know...until the town will...puts a producer there or a director of technical support, it's a waste of

time for us to hustle up to the town to get engaged in these meetings and then sit there for 40 minutes while we wait for the talking heads to get through. Whatever we do, we need to make sure we got this process down. It's rehearsed, it's gone through, and it's seamless because it's going to be a waste of 16 people's time plus whatever applicants we have.

Mr. Weiss:                    You know, Brian, keep in mind. And I know Catherine is shaking her head as Mary lives with it. When we're in person and I've been to enough of these meetings. Sometimes our recorder breaks during that meeting. I don't know how many meetings we've had to cancel over the last x amount of years. So there's no system that's perfect. But I can assure you that the way we're doing this with Zoom where I think we're on borrowed time last week was a great example. Here it is. You can see I'm still red from frustration because I have a computer that went to an upgrade right when I was supposed to go on to the Zoom. So, if we could minimize that stuff, I'm all for it

Mr. Schaechter:            And again, had...you know...had the town made some investments and said, you know what, guys we're all going to be on the same platform. You know...here's a laptop or here's an iPad without here's something to get you through these meetings so that our technology people can dial into these computers and help you out when we need it, we can do it. I mean, that's how we do it and that's how we do it in the real world. Everybody's on the same platform. Everybody's matched. And we can go in there and...you know...magic fingers. I can go in there, control Mr. Weiss' computer so that we can make sure Mr. Weiss' speakers are working. But this is not the real... you know...we're in a hodgepodge here. You know...we're all on our own personal devices. We bring our own devices. Technical support is weak. And it doesn't help that...you know...don't get support from the town and have someone standing by at these meetings. These are important meetings. \

Mr. Weiss:                    Sorry Brian, I don't mean to interrupt. But perhaps some time...inaudible... have this conversation with Scott or Dane to find out how accessible they can be in the event of a problem like we had last week.

Mr. Schaechter:            You know, I'll tell you at the Board of Ed meetings, their technical support people are right in the room. And they do a hybrid meeting so members can zoom in and do whatever they're using, Zoom or YouTube or whatever they're doing it. And it does work.

Mr. Weiss:                    Okay.

Mr. Schaechter:            I would suggest someone get to the Board of Ed because they've been doing it for probably six months now.

Mr. Weiss:                    And that's why we have you, Mr. Schaechter, you're our liaison to the Board of Ed...would take your comments as gospel.

Mr. Schaechter:            At least someone does.

Mr. Weiss:                    So I guess, Chuck, we will speak about it after speak to those...to Dane or and or Scott, we'll have a conversation and we'll report back to the Planning Board. I suppose, if we get a green light, because I don't seem to be hearing any objection about going live short of Brian's concerns. I'd like to just get this back live. I know we're going into the winter where it's much easier to do this from home, but we got to go forward. We've got to move on.

Mr. Schaechter: Mr. Mania is going to be in Florida for two months down at the beach.

Mr. Mania: I'm not so sure I'll be in Florida if this Covid stays around.

Mr. Weiss: Chuck, is that something you could work on in the next couple of days?

Mr. McGroarty: Yes.

Mr. Weiss: Perfect. That's enough of putting you on the spot, that's all. That's all I have. I just want to remind everybody that there is no meeting next week. Mary gave us a summer vacation. Nothing's been scheduled. Thank you Chuck and Mary. We will be meeting again in September. Mary, do you have the dates in front of you? I think it's the 9<sup>th</sup>?

Ms. Strain: September 9<sup>th</sup>.

Mr. Weiss: And the 16<sup>th</sup>? Those are our next meetings in September. Does anybody else have any comments? Anything you want to add? David? No?

Mr. Scapicchio: No comment.

Mr. Weiss: I think with that being said, we've hit our agenda, we've cleaned it up, will someone please make a motion to adjourn?

Mr. Mania: So moved.

Mr. Scapicchio: Second

Mr. Weiss: Thank you, John Mania. Thank you, David. All in favor.

All In Favor: Aye.

Meeting Adjourned at 7:50 pm

Transcribed by: Mary Strain

  
Signature

  
Planning Board Meeting date approved