

**TOWNSHIP OF MOUNT OLIVE  
PLANNING BOARD**

Public Meeting  
Thursday, June 17, 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 June 17, 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. Forlenza, Mr. Mania, Mr. Nelsen, Mr. Ottavina, Mr. Batsch, Mr. Ouimet, Mr. Weiss

Excused: Mr. Schaechter, Ms. Mott, Ms. Natafalusy

**Board Professionals** in attendance were:

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

Excused: Michael Vreeland, PE, Board Engineer

Audio and video technology and platform.

**Meeting Minutes**

June 10, 2021 Public Meeting

Mr. Weiss: We have the minutes of the June 10, 2021 public meeting. We've received a copy of that. So if someone please move those minutes.

Mr. Scapicchio: I'll make a motion to move the minutes of June 10<sup>th</sup>, 2021.

Mr. Weiss: Thank you.

Mr. Mania: I'll second it.

Mr. Weiss: Thank you, John. Any conversation? I see none, roll call.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	John Mania	Yes

Dan Nelsen	Yes
Paul Ottavina	Yes
Joseph Ouimet	Yes
Howie Weiss	Yes

## Resolution

PB 21-12 Mount Olive Solar Farm, LLC 149 Gold Mine Road, Block 4100, Lot 10

Mr. Weiss: And we have one Resolution on the agenda this evening which is PB 21-12 which was the Mount Olive Solar Farm property located at 149 Gold Mine Road, Block 4100, Lot 10. Again, we've had that Resolution sent out in advance. If anybody would like to make a motion to approve this Resolution.

Mr. Mania: I'll make that motion. Mr. Chairman.

Mr. Weiss: Thank you, John. Can someone please second?

Mr. Ouimet: I'll second.

Mr. Weiss: Thank you, Paul. Was that...I can't see...Joe. Thank you, Joe. Motion has been made and seconded. Any conversation? I see none, roll call, please Mary.

Roll Call:	John Mania	Yes
	Dan Nelsen	Yes
	Paul Ottavina	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes

Mr. McGroarty: Howie, can I...that noise is going to be a problem when we transcribe. I don't know where...

Mr. Weiss: Do we think...who do you think it's coming from? Was it...John's background?

Mr. McGroarty: John, do you have a TV on?

Mr. Mania: No, I don't have no TV.

Mr. McGroarty: All right. We'll just have to figure it out.

Mr. Mania: I'm in a separate room.

Mr. Weiss: All right. It sounds like I mean, I'm alone. Dave's alone.

Inaudible

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

Mr. Weiss: So, for tonight's application, Chuck, tell me...PB 21-11 we're still good?

Mr. McGroarty: 21-11 is...the Mooney application?

Mr. Weiss: No, there's only one application tonight, correct?

Mr. McGroarty: Only one tonight.

Mr. Weiss: Yes. Let me just make the announcement that PB 21-11 Kazimiera Chmiel for bulk variance on 24 Camp Pulaski Road will not be heard tonight. And PB 21-13 PMZ Landscaping which was an appeal of a notice of violation will not be heard tonight either. Chuck, just help me make sure I get this right...21-11 1 will there be a re-notice?

Mr. McGroarty: No, Camp Pulaski, Mr. Chairman, if you can carry that to, Mary, when? July 8<sup>th</sup>?

Ms. Strain: July 8<sup>th</sup>.

Mr. Weiss: Okay, so that application PB 21-11 will be carried to July 8<sup>th</sup>, there'll be no further notice, 7:00 pm via Zoom meeting otherwise posted, but I don't expect any change to July 8<sup>th</sup>. 21-11 will be carried. No further notice.

PB 21-13 PMZ Landscaping, 172 Smithtown Road, Block 900, Lot 49

Mr. Weiss: PB 21-13 PMZ Landscaping, have we scheduled that one?

Mr. McGroarty: Mr. Chairman, we've scheduled that one for July 8<sup>th</sup> and they've been told that they do have to provide notice. I know there's some attendees here. I don't know if there are any residents, but they will have to provide notice like any other applicant. But we've scheduled for July 8<sup>th</sup>.

Mr. Weiss: Okay, so then for the record, PB 21-13 PMZ Landscaping will not be heard tonight, but it will be noticed and it will be rescheduled for July 8<sup>th</sup>, 7:00 pm during the same format of Zoom hearing.

PB 21-07 Mooney, David & Nadine, 14 Brewster Place, Block 6404, Lot 20

Mr. Weiss: And that being said, we move on to the one application on the agenda tonight, which is PB 21-07 David and Nadine Mooney here for a continuation of last week's application for the bulk variance for the property located at 14 Brewster Place Lot...I'm sorry...Block 6404, Lot 20. I see that Mrs Mooney is here and Joe Gates, the architect is also here. And as soon as we get Joe up. I'll just...Joe, you're muted.

Mr. Gates:                    Sorry about that.

Mr. Weiss:                    That's okay. As you recall when we left the meeting just a week ago, it should be fresh on everyone's mind. We were trying hard to reduce some of the variance requests. It looks like, based on Chuck's note, that we did make some...some progress and there's still some open issues to be discussed. But maybe for the record and of course, correct me if I'm wrong, based on your communications this week between Mr. McGroarty and Mr. Gates, the side yard setback variance is now eliminated. The total of the total building coverage, including the additions and factoring in the removal of 96 square feet of the shed or...it's a reduction 21...18 square feet of 21 percent, 20 percent is the max. I don't mean reduction of...reduced it down to 21 percent coverage, 20 percent is the coverage in the maximum coverage in R-4 zone, 21 percent is reduced amount from the initial 23 percent. So there still is an open variance request. And then the final item on the total lot coverage, which includes building coverage and other impervious coverage, which include the proposed deck and factoring the removal of the concrete patio equaled about 3,016 or 37 percent, where 30 percent is the maximum permitted in the R-4 zone. And of course the initial proposed coverage equals 38 percent. So we still have to discuss the lot coverage variance. And then, Chuck, you made a comment in your report that as a point of reference, the original "S" zone of Clover Hill was that was developed, didn't have a separate building coverage standard. The total lot coverage limits that 35 percent. So, I think that kind of summarizes what you told us after the week, we all got a couple of new plans to look at perhaps Mr. Gates or Mr. McGroarty, do you want to bring us up to speed on how those conversations went.

Mr. Batsch:                    Mr. Chair?

Mr. Weiss:                    Yes, go ahead, John.

Mr. Batsch:                    Yes, since I did not attend the meeting last week, I cannot vote so I'm going to step down.

Mr. Weiss:                    Perfect. John, thank you. And I guess with no further business after this, I will say we'll see you next week.

Mr. Batsch:                    Thank you. Good night.

Mr. Buzak:                    I think he means next month, isn't it?

Mr. McGroarty:                Next week. Next week.

Mr. Buzak:                    That's right. We have a Special Meeting.

Mr. Weiss:                    Special Meeting next week.

Mr. Buzak:                    Sorry.

Mr. Weiss:                    How quickly you forgot, Mr. Buzak.

Inaudible

Mr. Weiss: Okay, so as I left off, I don't know if Mr. Gates, you want to talk to us about some of the changes that you made. Love to hear them...

Mr. Gates: Certainly. The...I believe you have...

Mr. Buzak: You remain sworn just for the record. You were sworn last week. You remain sworn. Thank you, sir.

Mr. Gates: Okay, yes I do. Thank you. I believe you have the plot plan that we produced this week. Sheet SK-1 dated 6/16/21. And hopefully everybody has them. As you will see and in brief summary, yes, we did have some conversations with Chuck trying to clarify some of the square footages and issues. As you recall, the plot plan that was submitted with the original application, we did not prepare so we did not have all those exact numbers in front of us at the time. So with the new plot plan we had forwarded, square footages of all the various areas for Mr. McGroarty's review. The most significant change, which we did agree to last week, but now you can see on the plot plan is that the entire addition and the deck is shifting 4 feet to the right, which makes it complying with a 12 foot side yard setback. And in conversation and listening to the Board's testimony, we are in agreement that we were able to make this work to still keep this viable application, shifting it over and not make any drastic changes to the design of the application. The only difference would be we may have to rearrange a closet in that area. But for the most part, the main addition can still remain intact, shifting that to the right. The other thing, too, we didn't want to go too far to the right, which I mentioned last week are due to the windows and the door going from the current family room out to the deck and then the windows that are on the bay. We didn't want to push the entire addition over the remaining 5 feet because that would darken the interior of the space. So we thought this compromise of working with a 12 foot, certainly avoiding a variance, we felt that that is a good...a good start to reopen in the conversation and eliminating one of the three variances. The shed you'll notice that the back left shed we did depict as being removed, and we did go back to the site a couple of days ago to make sure that everything did match the survey. So the survey you have is accurate. But we did also notice that there was a little 3 by 3 area pavers next to that back shed. So just to make sure all the numbers are substantiated, we did delineate that extra 9 square feet as being removed with the shed. The other item that is removed from this is the entire...that was going to be the future ramp and the walk leading up to it. We felt with respect to the applicant, if they do keep the door and the landing going out, that could still suffice should they need that for access, whether it be for nursing care or emergency access. Whereas the walk itself we didn't feel that the walk itself was make or break. We thought it was much more important to eliminate that. It was almost 200 square feet. The walk... not including the landing and stairs, was 180 square feet. So he and Chuck correctly indicated that was not in his calculations last week, but by the fact that that was in the drawings, the extra 200 square feet, that was 2 percent of impervious coverage. So we felt that was worthwhile to remove that from the application. Most of the other numbers, there's not a lot to change, it's a one car garage, which is why they have parking out to the side, so was really not much wiggle room for that. And so those are the changes on the plot plan itself. The plot plan does clearly delineate now that the entire old deck is being removed as well as the old concrete patio. If you see the proposed deck as a dotted line that goes to the right of that and then it goes behind it to the bilco stairs...behind the bilco stairs. Originally, we were thinking of keeping that patio to have a little paved area at the ground below the deck. But then we felt that that, too, was more trouble than it was worth. And we felt it was much more advantageous to remove the entire concrete patio surrounding the deck. So that's shown as being removed. It's delineated and being removed. So I don't know if anyone else has questions about the plot plan itself.

Mr. Weiss: I do. Mr. Gates, I have a couple of questions. Just going over our notes from our conversation. One of the other items we told were...a couple of the other ideas we talked about removing, as we discussed getting rid of about 5 feet of the pavement as it was depicted in one of the photographs as well. It was along the driveway, as we're looking at the...at the survey it's to the right, right next to the garage. We did talk about moving...removing about 5 feet of that.

Mr. Gates: That's correct. I had suggested that. And then when I went back and looked at the property, there is an electric meter at the location on the right side of the house. And we were a little concerned about a...whether it's JCP & L or whomever electric company coming out reading meters as to whether they have a left foot on the asphalt and a right foot on grass where that might be uneven surfaces. And yet again, if that was something important, we wouldn't say that that's necessarily...you know...it's not that it's not an option, but we kind of looked and revisited that. And I'm not sure if that was is critical to do or not.

Mr. Weiss: I don't know if I follow the logic...

Mr. Gates: And that was the 59 square foot area for that...

Mr. Weiss: I don't know if I follow the logic about the safety of the JCP & L meter reader. If he has to have one foot on the grass, I don't know if that's a problem. If it is, I'll stand corrected, but I don't know if that's a concern. And then other...other things we talked about was removal of the sheds, plural. And according to what we're seeing, the one shed is still going to remain. And so tell us what happened with that thought process of removing the second shed as well.

Mr. Gates: All right. With respect to the shed, I had suggested removing a shed during conversation. I believe perhaps it was brought up by one of the Board Members about trying to remove both. One of the things we did look at the other day is with respect to yard tools, yard equipment, lawn mower, a shovel, stuff like that, because they have a one car garage. Again, we revisited that with the owner and would like to try to keep a shed...you know...bearing in mind that few other items are being removed. But to be able to have a shed for the outdoor items, because those would not easily be able to be brought up and down the bilco stairs to the basement.

Mr. Weiss: Question, I guess, maybe for Mrs. Mooney, who and you can unmuted, if you would, Mrs. Mooney and I'll just do the work for Mr. Buzak, you are still under oath from last week. Currently in the present condition. Mrs. Mooney, do you actually have a car in the garage now?

Mrs. Mooney: Yes, there is a classic car in the garage.

Mr. Weiss: Okay, I was looking at the pictures and it does show that there's obviously cars on the driveway. Is that a two car driveway?

Mrs. Mooney: It is two car width, yes.

Mr. Weiss: Two car length.

Mr. Mooney: Two car length.

Mr. Weiss: Two car width...okay, and then there's the third car. So, it's really a three car driveway?

Mr. Mooney: Yes.

Mr. Weiss: Okay.

Mrs. Mooney: We have four cars.

Mr. Weiss: Yes, I'm looking at one of the photographs that shows the shed, the fence and the white truck with that extra piece of...

Mrs. Mooney: Yes.

Mr. Weiss: Driveway. I know we're just working real hard to try to reduce this lot coverage and...you know...I understand that there's a lot of things that you want. I just have to wait to see how the Planning Board feels about all these. So I think, again according to Mr. McGroarty's report, there's still a lot coverage variance requests and an impervious coverage variance. Is that correct, Chuck?

Mr. McGroarty: They are the same, the building coverage is over by 1 percent. The lot coverage which is...that combines the building and all other impervious coverage. That's at 7 percent. I had a couple of comments, too.

Mr. Weiss: Please, I think Chuck it's...you know...and then we'll have anybody from the Planning Board chime in.

Mr. McGroarty: I think, Mr. Chairman, I was actually out at the property the other day, and I have sent some photos around to the Board yesterday, I think it was. If you had a chance to see them, as Mr. Gates said, they've moved the addition. So there's no side yard setback. Just a couple of observations, the driveway...it could be...some of that is actually a vehicle parked...I wish I could do the screen share but I didn't think of it...you might see it in the photos that I sent around. So it's wide enough that there's at least one vehicle all the way into the driveway by the meter. You know, while it may be convenient...inaudible...I think it's probably even better to have some driveway there. Now, I sort of changed my opinion from last week. And the reason is my thinking is, there is a vehicle in the garage and it does a lot of other things in the garage, not unlike my garage, although they're able to at least get a car in. And I cannot. But I think the fact that if the driveway is or some of it is cut back, I don't think it's going to appreciably reduce the amount of impervious. But what I think will happen, the cars will be parked on the grass. Or the street, and of course, in the winter, you can't park in the street, in the snow. So I think what's going to happen in that situation, inevitably, and I may not have the right to say this, but inevitably people want to park their vehicles by their house. It's going to wind up on the grass, which I think will be far less appealing than what you have there now, which is a driveway with block surrounding it, which gives it a proper edge. And the other thing that I would observe two other points, as Joe Gates just mentioned, that large shed, which again is a photo that I emailed around yesterday, it does keep the lawn mower and the other yard equipment in a contained place. The alternative, I guess, would be to put it either under a deck. Or, as you said, up and down the bilco steps. I'm not sure that that's a real great solution, but the other shed in the back of the property will be removed. And my last thought was while they're over on impervious coverage,

part of that is triggered by the deck, by the proposed deck, which is 340 square feet. And that's an appreciable amount of the impervious coverage that's being added to the property, but as we all know, decks are not totally impervious, so we count them that way. We count them as impervious in the ordinance. But in this case, the concrete patio underneath, they have agreed that that would be removed, in which case the deck will allow rainwater to penetrate, at least through the openings in the floorboards. And it will go...that it's my understanding there'll be lawn area or mulch or something underneath. In other words, it'll be a pervious surface which will allow the storm water to be absorbed. And I think that that's...that weighs against, in my mind, anyway, the amount of impervious, and so those are my thoughts on this, Mr. Chairman.

Mr. Weiss:                   Okay, well, that's good input, Chuck. I'm glad you put it in perspective. Anybody else on the Planning Board have any questions to respond back to Mr. Gates. Go ahead, Ken, thank you.

Mr. Forlenza:             I was confused there. Sorry, Mr. Gates. So the one shed is staying and the other shade is being removed?

Mr. McGroarty:          Joe, you're muted.

Mr. Gates:                I'm sorry about that. I was trying to avoid background noise. That is correct. The proposed plan indicates the shed in the rear to be removed and the shed that's closer to the house on the right side of the plot plan as remaining. And we felt that originally we were thinking the other way. Last week, we proposed the back shed stay in and the closer one being removed. But then when we started looking closer at the lawn equipment, the lawn tools and thinking that that made more sense to keep that closer to the garage, closer to the driveway, because that's where they go in and out of the house, as opposed to having everything all the way...you know...way back in the back garage there. So that was the reason we had shifted our thought of which shed was better to keep versus to remove. And was there a second question or second part of that?

Mr. Forlenza:            No, I just wanted to clarify. Thank you, Mr. Gates.

Mr. Gates:                Okay, you're welcome.

Mr. Weiss:                Right, so, Mr. Gates, you don't have any other testimony based on this week's input that you had with Mr. McGroarty, correct?

Mr. Gates:                With respect to the plot plan, no, those cover the main points. We did have a couple of thoughts about the inside of why we don't believe it was viable to rework the floor plan. But I don't know if you want to put that as a separate part of the conversation after the plot plan aspect.

Mr. Weiss:                I don't think we need to discuss about the interior, unless you do. Chuck?

Mr. McGroarty:          Mr. Chairman, I was just going to say I forgot to mention and the reason why I put it as a point of reference to the old zoning in place when it was built is. As the Board notes, we have a provision in the ordinance that if someone comes in, we can apply the old zoning for certain improvements, such as decks and sheds and pools. So it's just...I just raise it for your consideration, although it's still over on impervious, but if all other things being equal if this applicant came in and

said, I would like to put up a shed...a new shed and the deck, I would be able to apply the old "S" zone, 35 coverage per the Section 102 in our ordinance, which allows that.

Mr. Weiss: So even if we did that, Chuck, the old...inaudible...the old was 35 percent and now this application is 37 percent?

Mr. McGroarty: Yes, I think it's just a matter of the degree in terms of which it would deviate. You know, it's a lot when it's a difference between 30 and 37 percent. I can go through the math, but I don't know if you want me to bore you with all that.

Mr. Weiss: No, I think these reductions and the work that was done and the concessions by the Mooney's are quite appreciated. And we're at that point where, listen, we have standards and it's our job to uphold them, but it's also our job to use some common sense. And...you know...you're looking at a lot of coverage that's 1 percent in a impervious coverage of maybe 2 percent and of that impervious, Chuck, you've made it very clear that...you know...decks although they're counted as impervious, really are pervious. They do allow for...for water and drainage. And that's always the concern, Mrs. Mooney, when we look at excessive impervious coverages, where's the rainwater going to go, especially in the Clover Hill community where the homes are on a 10,000, in your case, less than 10,000 square feet. The neighbors are close. We don't want to see water running off of your property, which will be...which would be overdeveloped. And I don't mean that in a bad way. In this case, that small percentage, we can look it up. We can chalk it up as a deck, which is technically pervious. We understand what would happen with the rainwater. So I think we've made tremendous progress. Mr. Buzak, if we look...think of what we did last week with talking about testimony towards the variances and the proofs, do you feel that we need any more testimony from the Mooney's regarding the proof of the variance? I know they spoke from the heart and we kind of...you know... hit it up last week. Do we need any more?

Mr. Buzak: I'm not sure that we can get any more than we got from the applicants and from their professionals, I'm not sure what else they can say. So I agree with you.

Mr. Weiss: Okay, thanks, I don't disagree, and I know it's a very difficult thing...you know...any time, any time a layman comes up and tries to testify to the negative. But I think Mrs. Mooney did a fine job and certainly the reactions during the week and her willingness to make concessions as it goes a long way. I also look at a couple of things that I know we're not really summarizing yet, but I look at the list of participants here this evening. And when I look at the attendees, I don't see any of your neighbors. And as we know, all of your neighbors were notified. They all had a chance to at least speak up or show up at the Planning Office. And I'm getting a sense that there's no objection because if there was the neighbors would be speaking to some way, one way or another. So I don't know if we really need to prolong this process any longer. We've heard from our planner. We certainly heard from Mr. Gates. Mrs. Mooney, I'll certainly give you an opportunity if you have anything else you wanted to add to the application.

Mrs. Mooney: No.

Mr. Weiss: Well, that's a fine response. I think what I should do is see if there's anybody from the Planning Board that has any other questions, whether it be to Mr. Gates, Mr. McGroarty, the Mooney's...anybody else would have a question. I see nothing from the Planning Board. Let me

at least open it to the public. If anybody, Mr. Amianda, does have a question. So, Chuck, if you could bring up Daniel.

Mr. McGroarty: Certainly.

Mr. Weiss: Well, Mr. Amianda, we need video and you're muted...inaudible...welcome, Daniel. Why don't you just help us out here, you know the process, state your name and address for the record, because I've opened it to the public for any kind of comment, so. Mr. Buzak, should we swear Mr. Amianda in?

Mr. Buzak: Well, I don't know. Is this just the comment section, or is he going to have questions as well. It's been sort of...inaudible...I'm not sure, Mr. Chairman.

Mr. Weiss: Yes, Mr. Amianda. Do you have a question or a comment?

Mr. Amianda: Both.

Mr. Buzak: Both?

Mr. Amianda: Yes.

Mr. Buzak: Okay, Mr. Amianda, I'm going to have swear you in for the comment section. So, if you could raise your right hand.

Daniel Amianda was sworn in for the record.

Mr. Amianda: My name is Daniel Amianda. Last name is spelled as A M I A N D A. My address is 10 Camp Pulaski Road, Budd Lake, New Jersey 07828. My comment is...I have two comments. The first one is that construction of a three car garage on premises 24 Camp Pulaski Road, Budd Lake, New Jersey 07828 will be in violation of land ordinance premises known as 24 Camp Pulaski Road.

Mr. McGroarty: That's the other application.

Mr. Amianda: Budd Lake, New Jersey, Block 400, Lot 5. On the tax map of the Township of Mount Olive...

Mr. Weiss: Daniel, I'm going to interrupt you real quick.

Mr. Amianda: Yes.

Mr. Weiss: We're dealing with Mrs. Mooney's application on 14 Brewster Place in Flanders. Is your comment about that application?

Mr. Amianda: In Flanders, no...inaudible...the next one is related to the one I just said.

Mr. Weiss: Mr. Amianda, the only application that's being heard right now is PB 21-07 which is Mrs. Mooney's property at 14 Brewster Place in Flanders. The other applications are not being heard tonight.

Mr. Amianda: No, I'm not speaking about that. I'm only speaking on application number dated 5/17/20...inaudible.

Mr. Weiss: Mr. Amianda, we're talking about PB 21-07. The comments that you're making, does it apply to PB 21-07?

Mr. Amianda: No.

Mr. Weiss: Okay, that's what we're here for. That's what we're listening to. There's no other business on this agenda tonight. So you're certainly if you have a comment about Mrs. Mooney's application on 14 Brewster Place, you have the floor, you've been signed in. But we're not talking about any other application right now.

Mr. McGroarty: Mr. Chairman, I believe perhaps...perhaps the Councilman thought because it was on the agenda, he may not have not heard your introductory remarks...carried to next month.

Mr. Weiss: I think you're being very kind, Mr. McGroarty. But yes, Mr. Amianda, there's...there's...it's not being heard tonight. So, if you have a comment, you have the floor, otherwise we'll take you down.

Mr. Amianda: Okay, I have a comment. Now, according to the letter I received from you, Mr. President...inaudible...it was that you are going to hold a hearing today in regard to public board number 21-11.

Mr. Weiss: Mr. Amianda, now I'm going to stop you. I made it very clear that the only business we're talking about is 21-07. If you want to bring up 21-11, we talked about it being moved to July 8th. So July 8th is the time to talk about 21-11. No further conversation. There's no conversation to be had about 21-11.

Mr. Amianda: Okay, thank...

Mr. Weiss: No comment. No, no nothing. So I'm going ask you again, do you have a comment on 21-07.

Mr. Amianda: No.

Mr. Weiss: Okay, thank you for...thank you for getting....we'll see you on July 8th. Chuck, you could remove the Councilman. Anybody else from the public have anything else? There's really nobody else. Anybody else have anything to say? Any wrap up comments, because I hear nothing, I think we've had some very good conversation.

Mr. Scapicchio: Mr. Chair?

Mr. Weiss: David, go right ahead, sure.

Mr. Scapicchio: Should there be some language... I mean, I'm in support of this application as presented. But should there be some language in this Resolution that prohibits this being used as a rental unit? And it either a call the mother daughter, father daughter, father son, I'm not sure, but we may need some input from Mr. Buzak.

Mr. Buzak: Chairman, you want me to respond?

Mr. Weiss: Yes, I think maybe you should, and I would imagine that David makes a good point. The testimony during this application, David, was that it will not be used and it cannot be used as a two family. There'll be one entrance, one kitchen, but go ahead, Mr. Buzak. What's your thought?

Mr. Buzak: Well, no, I think... I think it's fair to summarize. It will be... if the Board is inclined to approve the application, we would include such a condition. Not that it's necessary in the sense of without the condition, they would be able to do that. But I think just as we do sometimes emphasize the point that the issue was raised, particularly in a situation where the original application had included kitchen facilities that was then modified to exclude those facilities. I think it would be wise for the Board to put that in to emphasize that point... inaudible.

Mr. Gates: They have no objection to that. Again, we have seen similar applications in the past with other Boards, and there's no intent to do that by all means. We're not looking for a use variance ever for that proposed use. So that would certainly be fair as a condition of approval.

Mr. Weiss: And I guess and thank you for that, Joe. And Mrs. Mooney, you understand that condition. It shouldn't be a problem because you've already said that it won't be.

Mrs. Mooney: Right. Correct.

Mr. Weiss: Perfect. David, thank you. Good point. Anybody else from the Planning Board? Chuck, did you have anything or that was a...

Mr. McGroarty: Nothing, Mr. Chairman.

Mr. Weiss: Okay, So, if somebody would please make a motion for application PB 21-07.

Mr. Nelsen: I will make a motion to approve 21-7.

Mr. Scapicchio: And I'll second that.

Mr. Weiss: Thank you Dan. And thank you, David. Are there any comments?

Mr. McGroarty: Are you going to ask Mr. Mania to unmute?

Mr. Weiss: John... John... okay, he's unmuted. Ken, go ahead.

Mr. Forlenza: Yes, I just want to make a comment to the Mooney family, and I just want to... you know... let you know that we appreciate you taking the time to accommodate us. We're just

trying to meet the code and everything else. It's not anything to do with you personally. It's just our job. So just want to make sure that's clear.

Mr. Mooney: Thank you very much, all of you, for your time.

Mr. Nelsen: Mr. Chairman?

Mr. Weiss: Yes, Dan. Please.

Mr. Nelsen: I'd like also to make a comment.

Mr. Weiss: Go ahead.

Mr. Nelsen: I think it's nicely designed. I think it's a necessary addition. Given Chuck's comments and input. I think it's nicely maintained, its manicured, according to Chuck's pictures that he submitted a couple of days ago. And it's slightly over...I think it's we thought out considering the limited space they have to work with. So I think it's a reasonable application and a good variance.

Mr. Weiss: Dan, are you suggesting that Mr. McGroarty cut the grass and trimmed everything up before taking his photographs?

Mrs. Mooney: He has to come back and do it next week.

Mr. Weiss: If he did, he did a great job.

Mr. McGroarty: I had my property maintenance hat on.

Mr. Forlenza: I want to know why Chuck took the pictures of his Corvette in the driveway.

Mr. Weiss: Well, we're having Andrew look at that. Just going back to business real quick. There was most of the conditions are removed because of the work that Mr. Gates did with Mr. McGroarty during the week. I have one and just let me know if it needs to be there. It was the remaining shed. It was a condition at the time that the shed would be moved to conform to the standard...to the 5 foot from the property line standard. Has that shed...the remaining shed going to be moved to conform? Mr. Gates, you're muted.

Mr. Gates: You know, that was one item that I did not discuss with the Mooney's this week, so, Nadine, I don't know if you have any thoughts of that or any objection to shift in the shed a couple of feet over. The only thing I may suggest that if it were shifted to the left a way for the property line, that it may have to shift back a little bit so as not to put up too close to the deck.

Mrs. Mooney: Yes.

Mr. McGroarty: Mr. Chairman?

Mr. Weiss: Chuck, go ahead.

Mr. McGroarty: Having seen the shed now up close, it's reminds me of another application that we had earlier this year where the shed has been in place for a bit of time. And if I remember correctly, if it can be moved, that's good. But I think the Board in that other application. Resolved that if the shed were ever replaced, it would have to conform. I mean, this shed is quite old. I'm not sure it would survive.

Mr. Weiss: And it's not your typical...you know...8 by 10 or 8 by 9. It's a good size. So let's do this then. And I don't...I don't disagree. Let's remove that conversation of making that a condition. And, Mrs. Mooney, you've been very up front and very honest with us. I think that if the day ever comes that you need to replace that shed, it would have to conform. And I do agree with Mr. McGroarty. If you start to move, it almost looks like in the photograph your little tractor is trying to pull it. But I know it's not. I can only imagine what would happen if you did try to move that and so let's pull that in any condition. It's been there for a long time. The fact that you still get to use it for this many years is a nice thing. If it ever has to come down, it would have to go back up according to the zoning. You would need a permit for that.

Mrs. Mooney: Yes.

Mr. Weiss: So, okay. And then with that, I don't have any other open conditions because like I said, everything was done. Based on the conversation from Mr. Gates. So if anybody else has any other comments, I see none from the Planning Board. So, Mary, let's roll call.

Roll Call:	David Scapicchio	Yes
	Ken Forlenza	Yes
	John Mania	Yes
	Dan Nelsen	Yes
	Paul Ottavinia	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes

Mr. Weiss: And I congratulate everyone for their work. And so the process now, Mrs. Mooney, give us about a month, Mr Buzak...we'll have a Resolution which will memorialize everything that we spoke about. It'll be in writing. The Planning Board will approve that that Resolution. Then you can pick up that that Resolution and start with your building permits and get started on your project as soon as you're ready in about a month's time. I know you want to have a comment real quick, but I closed last week's meeting talking about how proud I was of everyone here on the Planning Board, and it certainly led by Joe's and Nadine's leadership here about helping us make these concessions. And, you know, it was funny, Chuck and I were talking earlier today about some kind of abuse that are Planner was taking. It just doesn't seem to ever stop. But just know that we all very proud of the work that we did. This is another great example. I said that last week of how when you work together and everyone understands everyone else's jobs...that we can make something really good come out of this. Again, I applaud you for last week. And I don't know, Mrs Mooney, again thank you for your cooperation. Joe, great job on your effort. And Chuck, I appreciate you rushing this in one week's time to make it happen. So, I don't have anything else.

Mrs. Mooney: Is there any way that we can wave the memorialization period so that we can start construction right away? I mean, we've had this on ongoing for a number of months now. Is

there any way that that can...I'm afraid the construction is going to go into the bad weather? Is there any way that we can make a concession?

Mr. Weiss: Unfortunately, that's not a call I make. It's an administrative decision, Mr. Buzak...Mr. McGroarty, I don't know. I don't want to overstep my boundaries.

Mr. Buzak: I think your comment is correct. I don't I don't know the protocol in the township. The fact is that the application was approved tonight and any approval will be dated as of today as opposed to when we adopted the resolution. I don't know from the construction official's perspective whether they have been told that and given that information that they will issue a permit. And again, that's not something that we, the Planning...where the jurisdictional on everything about what the purpose is. Chuck I don't know if you know anything what the protocol is.

Mr. McGroarty: I will talk to a construction official tomorrow.

Mrs. Mooney: Thank you, Chuck.

Mr. Weiss: Okay, that was going to be my suggestion is that perhaps there are certain things that the construction official can let you start doing that...you know...you can get done. And by the time the next couple of weeks comes up, you'll have the paperwork and be ready to roll because there is some sometimes some paperwork and preliminary things that perhaps Frank can let you...Frank is our construction code official. That he might be able to guide you into things that he'd accept. So I would allow Mr. McGroarty to speak to him first, maybe follow up on Monday. That might be the smartest thing. Chuck, is that fair?

Mr. McGroarty: Yes, that works perfectly.

Mr. Weiss: Okay, so let's...follow up with Frank...how do you say his last name? I just know Frank as Frank with a B?

Mr. McGroarty: Baguiao.

Inaudible

Mr. Weiss: He's the Code Official and you can find him in the Building Office.

Mrs. Mooney: Okay.

Mr. Weiss: So, Mr. McGroarty will speak to him tomorrow and I would say wait till Monday. And Frank is a very, very reasonable man. I would imagine he'll have some suggestions for you.

Mrs. Mooney: Great. I appreciate that.

Mr. Weiss: All right. Well, thank you again. I have no other business on the agenda tonight. Does anybody on the Planning Board...anything else? Otherwise, I will seek a motion to adjourn.

Mr. Mania: So moved.

Mr. Weiss: Thank you, Mr. Mania.

Mr. Forlenza: Second.

All In Favor: Aye.

Mr. Weiss: Don't forget, next week is a special meeting for the 11th Hour.

Mr. Buzak: I wrote it down, Mr. Chairman.

Mr. Weiss: Hopefully we could be efficient next week as we were tonight. Good night, everybody.

Meeting Adjourned at 7:47 pm  
Transcribed by: Mary Strain

  
Signature

  
Planning Board Meeting date approved