

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, June 10, 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 10, 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. Natafalusy, Mr. Mania, Mr. Nelsen, Mr. Ottavina, Mr. Ouimet, Mr. Weiss
Excused: Ms. Mott, Mr. Batsch

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.

Committee Reports

Mr. Weiss: Let's move into committee reports. I don't really have anything, Catherine, I know you mentioned you had an Environmental Commission Meeting.

Ms. Natafalusy: Yes, they discussed proposals for...you know...a recreational area for the beach and floating islands in the lake and...you know...whole kind of lake issues. Nothing substantial though at this point.

Mr. Weiss: Okay, well, thanks for that. I know John is not here. There's been nothing with the Committee Report. Street Naming Committee, I'm not sure if I'm on that anymore, but I actually did run into Thea Dunkle from the Historical Society and I did note... I did note to Thea that we need a couple more streets. I did tell her that we will sync up with her to make sure that we have the list is updated and perhaps the Street Naming Committee can make a couple of presentations, a couple of suggestions...if we need some more roads over the next year or so. I think we're pretty good. We might need one or two more. So we'll address that as we go. I'm just

fascinated by the...anyway. Anybody else, any other committee...I know Kim's not here for the Open Space. Anything? Brian, Board of Ed?

Mr. Schaechter: Board of Ed is good. They should be coming up to their yearend. So they're going to have to go through whatever capital expenditures that they need. So they'll probably be coming to us for some sort of...inaudible...the next couple of weeks.

Mr. Weiss: Okay, thank you. Anybody else, Ed, or anything legal?

Mr. Buzak: Everything's legal, but I don't have reports.

Mr. Weiss: Thank you for that, Ed, and your recovery is coming along well. Your shoulders feel good.

Mr. Buzak: Yes, it's getting there.

Mr. Weiss: That's good to hear you. You and I will have a conversation tomorrow about changing our schedule. I'll speak to you about that offline.

Mr. Buzak: Thank you.

Meeting Minutes

Mr. Weiss: Let's move on. We have one set of meeting minutes we need to approve. It's the meeting minutes from the December 30th, 2020 the emergency public meeting. Will someone please move these minutes?

Mr. Schaechter: I'll move those minutes.

Mr. Weiss: Thank you, Brian. Will someone second?

Mr. Ouimet: Second.

Mr. Weiss: I'm sorry, was that Ken?

Mr. Schaechter: Joe.

Mr. Weiss: Joe. Sorry about that. Okay, we have a motion and second. Any comments, suggestions? I'm seeing none. Roll call, Mary, please.

Roll Call:	Brian Schaechter	Yes
	Catherine Natafalusy	Yes
	John Mania	Muted
	Dan Nelsen	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes

Development Application

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

Mr. Weiss: Let's move into our developmental application. We only have one this evening and the application is PB 21-07 David and Nadine Mooney here for a bulk variance for their property located at 14 Brewster Place in Flanders which is Block 6404, Lot 20. I see...Chuck, you're bring up Mrs. Mooney.

Mr. McGroarty: I'm bringing up...yes...Mr. and Mrs. and also Joe Gates, their architect. And I'll find out if they have others.

Mr. Weiss: Perfect. Let's do that. Now, I also see as one of the attendees, there's a Mr. Acosta with his hand wave. I'm not sure why. Mr. Acosta, if you're...if you're...okay, that went away. So thank you for that.

Mr. McGroarty: Joe, Mr. Chairman, if you don't mind, let me just check with Joe Gates. Joe, you have other than Mr. and Mrs. Mooney is there anyone else that we should promote?

Mr. Gates: I believe the contractor, Fred Hickey, may be with them.

Mr. McGroarty: Not sure I see his name.

Ms. Mooney: Yes, he's here.

Mr. Gates: Okay, he's with them on the same screen, I believe.

Mr. McGroarty: All right.

Mr. Weiss: Okay, and Mr. Gates, you're the architect, correct?

Mr. Gates: That's correct.

Mr. Weiss: Okay, thank you. I remember you helped us last week, too, so thank you again for that.

Mr. Gates: You're welcome.

Mr. Weiss: Okay, so I've introduced the application. I think everybody is here. I see that there's two openings we have...the screen is still shifting on me. We have Dave Mooney and I thought I saw Nadine Mooney, but it looks like Mrs. Mooney is there with Mr. Moody. So it looks like we're good. So, Mr. and Mrs. Mooney, we have a copy of Mr. McGroarty's report which outlined the nature of this application. So we're creating a record. And what I'd like you to do is explain to the Planning Board what you'd like to do, why you're here, and what you're asking the Planning Board, and why. And we'll go through the report and hopefully you can do the same with us. So, I take it that you're ready to just explain to the Planning Board what's happening...inaudible...to your application.

Mrs. Mooney: Yes. This is...it's a first addition, it's a multi-generational home, my mother is 94 years old...

Mr. Buzak: Mrs. Mooney?

Mr. Weiss: Mrs. Mooney? I'm going to stop. Mr. Buzak, I what going to request. What we need to do is have you raise your hand, he'll swear you...Mr. Buzak will swear you in. And then you're going state your name and address for the record, because we need to create a very clear record of this. So with that being said, anybody that's going to testify, they'll just need to be sworn in and Mr. Buzak can take it from here.

Nadine Mooney was sworn in for the record

Mrs. Mooney: It's Nadine (N A D I N E) Mooney (M O O N E Y), 14 Brewster Place, Flanders, New Jersey 07836.

Mr. Buzak: Thank you, Mrs. Mooney. Please proceed. I apologize for interrupting.

Mrs. Mooney: It's okay. It's a first floor, multi-generational addition. My mother is 94 years old. We have had to move her out of her permanent residence to come and live with me. She's unable to do steps at this time and going downhill quickly. We're asking for your approval for this addition so that my mother can live the rest of her days comfortably with me. She will not be using...she does not have a kitchen in her area. She will not have anything. Everything will be done through my home, my kitchen. The only thing that she will have separate in her quarters would be a washer and dryer. So it's easier for me to continue to take care of her. But she is no longer able to go up steps which she is doing right now at my house. But she needs two people to get her up the steps. So that's basically it. We're just looking...

Mr. Weiss: Perhaps what you can do...I don't mean to interrupt but you can explain to the Planning Board what is it that you like to do. I know that you just explained why you want to do it. But why don't you tell us briefly and then I'm sure Mr. Gates can give us a little more technical background. But why don't you just explain, Mrs. Mooney, what is it that you're proposing to the Planning Board?

Mrs. Mooney: What I'm proposing is a space for my mother, a sitting room, first floor suite. It will have a sitting room, a bedroom and a bathroom period. Just so she can have her own space. I watch my grandchildren during the day, a two year old and a five year old, and she needs to have her own space. At 94 I don't think she needs screaming kids around all the time. Basically, that's it. Bottom line, just trying to make my mother have a comfortable place to spend the rest of her days.

Mr. Weiss: Okay, so I just want to be very clear, the process...we certainly hear you and have lots of sympathy and kind of appreciate the effort that you're making. There's not a person on the Planning Board that doesn't...wouldn't do whatever they had to for an elderly parent and certainly from the Chairman's position, lots of admiration for what you're trying to do. But we need to put it in perspective from land use. We're here...an application where you're seeking variances. And when you do such a thing, we need to create a record. We need to speak in the language...a land use approach. And I know when I look at Mr. McGroarty's report that he sent to you, which is dated...let me just go back and make sure I have the right...dated May 12th. Certainly on start of

Page 2, Mr. McGroarty talks about the variances that are requested to make this application a reality. And I just need to ask a question as we look at Section 5 of Mr. McGroarty's report on Page 2. It's kind of technical. And although you don't have to bring in a Planner...my question for you before we start is, are you going to be able to answer these questions and make the proofs as required by law as outlined by Mr. McGroarty?

Mrs. Mooney: I believe with Bill Gates help we can do that...Bill Gates.

Mr. Weiss: You know, with Bill Gates help, we could all be better off I suppose.

Inaudible

Mr. Weiss: Because again...and I don't want to downplay the importance of your heart, but the Planning Board has to look at the application from the technical aspects, as clearly outlined in Section 4 and 5 on Mr. McGroarty's report. And I mention that because some of the questions are going to be technical. And I just want to make sure that you're ready to answer them. And if you feel that you are...and I don't know if Mr. Gates...my personal opinion, is the person to be able to answer the questions because he's not a Planner. And I think Mr. Gates would probably give his opinion in kind that as an architect, he probably shouldn't and would not give planning testimony. That being said, I just want to caution you before we get too deep into this, that there's going to be some...some technical responses that we're looking for. And no one is doubting why you want to do it except there's a higher standard that needs to be proved here this evening. So I suppose with that being said, and if your answer is still consistent, we'll certainly give you the opportunity to address the variances when we come to it. So you've told us why you want to do what you have to do. You've given us a general outline of what you want to do, perhaps...perhaps and tell me...inaudible...Mr. Buzak, I should look to Mr. Gates to tell us from his technical standpoint what's going to go on here with this application.

Mr. Buzak: Well, Mr. Chairman, I have to ask if any of the Board Members have any questions of Mrs. Mooney before...we hear from Mr. Gates.

Mr. Weiss: Well, of course. And of course, anybody from the public, too, would have a question. But I just wanted to kind of help outline...outlay the plan for the Mooney's. Normally, an attorney would drive the ship and they're under no obligation for that and nor do they maybe need one. But I kind of want to help guide them. So if that's the plan that everyone agrees with. Let me open it to the Planning Board. If anybody has any questions for Mrs. Mooney as to what she's going to be doing and the motives for why. I don't see...I don't see anybody from the Planning Board.
Mr. Buzak?

Mr. Buzak: I just have one. Mrs. Mooney, what will happen with the space eventually when it's not needed for your mother?

Mrs. Mooney: My husband and I will move into it. Because my husband has problems getting up and down the steps, so it would be...it would be an easy transition for us to just use that space.

Mr. Buzak: Thank you. I have nothing further, Mr. Chairman.

Mr. Weiss: Ken, you have a question?

Mr. Forlenza: Yes, is there going to be a separate entrance to get into that space? It's not clear on the drawing.

Mrs. Mooney: Okay, the only reason that we were originally requesting a separate entrance was in case my mother needed home health. I didn't want home health coming through my home. If that is an issue, that door can be deleted. We can talk about it. But I just wanted something where someone could come in to her space to take care of her.

Mr. Scapicchio: Is that leading from the potential future ramp?

Mrs. Mooney: Yes, that is negotiable.

Mr. Schaechter: I have a quick question, Mr. Chairman.

Mr. Weiss: Go ahead.

Mr. Schaechter: So you've testified that after your mother does no longer needs the new space that you're going to move there. Any plans in turning this house into a two family house or will it be...

Mrs. Mooney: Absolutely not. Absolutely not.

Mr. Schaechter: Stays a single family, okay.

Mr. Weiss: It sounded like Mrs. Mooney said there will be one kitchen and that kind of will confirm that answer. Does anybody else on the Planning Board have any questions?

Ms. Natafalusy: Well, I have questions about the setback but I'll wait for the testimony for the variance.

Mr. Weiss: Thank you. Anybody else? So let me check from the public. If anybody from the public has any questions for Mrs. Mooney. I'm looking to see, of course, from the public, let me address this real quick. If anybody from the public has any questions all you need to do is raise your hand. You have a button on the bottom. Where you can do you raise the hand and I see none. So, let me close it to the public. And I suppose...

Mr. Ottavinia: Mr. Chairman?

Mr. Weiss: Yes, yes.

Mr. Ottavinia: I've got a quick question. If I...just clarify on Chuck's report, it said that the current impervious coverage is 35 percent when it's a 30 percent zone. Is that correct?

Mr. Weiss: Hold on. Let's go to Chuck's report. And lot coverage exceeds the 30 percent. Right, it's 30 percent now, it's 35.2 percent and this project will bring it up to 38 percent.

Mr. Ottavinia: I was just curious if the Mooney's know how that occurred.

Mr. Weiss: That's a good question, Paul. Well, let me see if I can help. Mrs. Mooney...Mr. and Mrs. Mooney...Mr. Ottavinia said...his question is in the area that you live, the permitted amount of land coverage is 30 percent. And currently you have 35.2 percent coverage. So, Mr. Ottavinia, wants to know what happened to get you to that level. Have there been other additions? Have there been other...other things have gone on at your property that bring you to 35.2 percent now?

Mrs. Mooney: Not since we've moved in. That's the only thing that went up differently is the deck. We did add a deck.

Mr. Ottavinia: So you added a deck?

Mrs. Mooney: Yes.

Mr. Ottavinia: Okay, did...

Mrs. Mooney: Everything else has been here.

Mr. Ottavinia: Did you do that with a permit or no.

Mrs. Mooney: Yes.

Mr. Ottavinia: Okay.

Inaudible

Mr. McGroarty: You don't have a record of zoning permit, but it's...I don't know if they got a building permit. Mrs. Mooney is apparently saying they did get a permit.

Ms. Natafalusy: Mr. Chairman? How about the extension of the driveway on the side of the house? Could that lead to the impervious coverage issue as well?

Mr. Weiss: Well...you know...Catherine, that's a good question, I think the answers could be obvious between an extension of a driveway, I see two sheds, a deck. Those are all items that obviously increase impervious coverage. And Mrs. Mooney had said most of that, I suppose, was there when she bought the house, with the exception of the deck. Were there...Mrs. Mooney, were there two sheds on your property when you when you bought the house.

Mrs. Mooney: Both sheds were here, yes.

Mr. Weiss: Both the sheds were there when you moved in.

Mrs. Mooney: Yes.

Mr. Weiss: Okay. And Chuck, I know you were muted a little bit. You said there were no zoning permits on file for the deck.

Mr. McGroarty: That's correct.

Mr. Weiss: Okay. Mrs. Mooney, you don't happen to have a copy of a zoning permit that you had for that deck, do you?

Mrs. Mooney: No, whatever would be on file. That was such a long time ago...

Mr. McGroarty: I mean, it's...

Mrs. Mooney: Actually...actually my builder is sitting here with me and he said...I mean the deck is coming down as part of the project anyhow. So the deck is kind of a moot point at this at this time, isn't it?

Mr. McGroarty: Well, you will be rebuilding and you're totally impervious will increase up to 38.

Mr. Weiss: So two different questions. Yes, Mrs. Mooney, the deck will come down. That will reduce impervious coverage, but your additions will be going up, which will then increase impervious coverage. So, Mr. Ottavina, I guess...does that kind of answer your question?

Mr. Ottavina: Yes, it does. Thank you.

Mr. Weiss: Okay, thank you. Any other questions from the Planning Board? All right. So maybe I don't want to dictate the procedure. Did you want, Mrs. Mooney, have your construction person, your builder take over now or you want to turn it over to Mr. Gates? It's your application.

Mrs. Mooney: He's saying Gates.

Mr. Weiss: Okay, so let's do this then. Let's bring up Mr. Gates. You're muted. There you go. Joe, thanks so much. And let's start this way. You're here tonight as the architect for this application. Let's have Mr. Buzak swear you in and will qualify you.

Joseph A. Gates was sworn in for the record.

Mr. Gates: Joseph A. Gates (G A T E S), Gates Architectural Design, Inc., 132 Landing Road, Landing, New Jersey 07850.

Mr. Buzak: Thank you, sir. Can you give the Board your qualifications as an architect?

Mr. Gates: Yes, I received my Bachelor of Architecture Degree in 1987. I received my Architect License in 1992 and have been practicing as Gates Architectural Design since 1993 and I have appeared before numerous Boards in the Morris and all around North Jersey, Central Jersey areas including this Board years ago.

Mr. Weiss: Thank you Mr. Gates. Have you been in front of Mount Olive Planning Board before?

Mr. Gates: I was at his Board quite a bit back with the Flanders Firehouse addition.

Mr. Weiss: Okay, beautiful job you did there. Does anybody have any questions for Mr. Gates? Nor do I. So let's welcome Mr. Gates as the expert and architect for this application. And Mr. Gates, what I want to do is turn it over to you so you can explain to us what's going to happen here at the property.

Mr. Gates: Certainly, the existing house is a two story house with the ground level being 1,200 square feet. The proposed addition at the rear of the house is 680 square feet. And as was correctly pointed out, that is essentially to create a bedroom suite. Some of the comments in the report did reflect that the original zoning permit did show a dinette and kitchenette which have been removed and that room had been reduced in size as well. And that is why the reference to the dinette showed up from the original application. Right now, that is indicated as the sitting area. And you may also notice that the opening between the existing family room and the sitting area in front of the bedroom itself...is a 5 foot wide by 6 foot 8 trimmed opening. So that's been widened to make that more of a connection into the house so that this suite is part of the main first floor of the house as Mrs. Mooney pointed out. So it's all one part of a family living situation here. The...with respect to the layout itself, how it ties into the house, the original reason of offsetting the addition toward the left was to create the front door in case there was future need for whether it be a nursing assistant, medical assistance to get in through that door on the left side. And that, you'll notice, is also called that as a future ramp there. Since last week's or last month's initial meeting, I understand we did not start the application, but we have had time to go over the application with the owners and kind of put our heads together to see if we could do some things to help minimize some of the impacts on the site that obviously we can't make the site wider, the sites slightly less than it's supposed to be by ordinance. Instead of 10,000 square feet that property is 9,674. So that's not a vast or tremendous under sizing. But the reason...the second reason the addition is offset as opposed to shifting it directly behind the house is if we took the entire addition, shifted all the way to the right and made it wider and skinnier, so to speak, that would end up blocking all of the windows into the existing family room and the bay at the kitchen, which is where they access the backyard through the deck. So again, that was the reason that the whole addition was situated off center of the main house. Now, certainly in our conversations, we could certainly shift out a little bit to the right to help increase that...that left side set back that is getting further decreased to help minimize the impact on that. And the...again the ramp was indicated as future, but that whole addition could slide over a couple of feet. And effectively, there's a closet. If you look at what was the door on the left side, there's a closet to the left of that. And that whole space of about 3 feet could certainly be shifted to the right to increase that left side setback, if that would certainly help this become a more favorable application. There is the deck itself. They do want to reconstruct the smaller deck in this location so that it would have access from the original house and from the new suite, certainly as anybody may favor. And now that we finally have nice weather and everyone's been cooped up for the last year and a half, the idea was that they could maintain their access to the backyard through the existing family room, taken out the slider and putting a single and out to the deck, but then also putting a door into her mother's side as well. So that was the objective of positioning the deck in the corner there the way that that is. The main house itself would not change. And as was correctly addressed, the...there is no kitchen in the suite that Mrs. Mooney's mother would be eating and dining with the Mooney family. And that would be right inside the kitchen...the existing kitchen itself. There is no hint of ever having another kitchen, creating an apartment. The dimensions of that sitting area, we had reduced kind of as much as possible to make it that if it's any narrower than it was would, it almost be unusable there, so that smaller sitting area

does not lend itself to become any larger space or multiuse space. And the starting point of the addition in the back, I should have said that in the beginning, is that Mrs. Mooney's mother is not in a position to be able to go upstairs. So constructing another bedroom suite on the second floor really would not work for the purpose of this application. And that was the whole idea of trying to keep this on the ground level.

Mr. Weiss: I'm just looking at the elevations too. And everything right side is the same right side as it is above. So when you say right side, that's the deck I'm looking at. I'm just confirming. But kind of talking to myself.

Mr. Gates: That's correct. Look, we always do a left side, right side, as if you're standing at the street with your back to the street, looking on to the property.

Mr. Weiss: Yes, that makes sense. In this side, the right elevation as it shows in the bottom left of your plan.

Mr. Gates: That's correct.

Mr. Weiss: Yes. And it's the same as the deck picture in the in your first floor plan.

Mr. Gates: That is correct. So, that's these views are what we would call an unfolded view, as if you're standing in the back yard looking at the back of the house, and then you can kind of see what we call the unfolded view, looking at both corners of the proposed addition.

Mr. Schaechter: I have a question.

Mr. Weiss: Go ahead, Brian.

Mr. Schaechter: So there's a bilco...looks like a bilco door...it goes under the new addition so that...are you putting a crawl in or a...

Mr. Gates: That would be to access the basement underneath the addition.

Mr. Schaechter: So they're going to put a basement in underneath the addition. That's not shown anywhere.

Mr. Gates: That's correct.

Mr. Schaechter: And what's going in the basement, anything? Any rooms? Any...

Mr. Gates: The owners can certainly testify to that. Typically, that would be storage...you know...unfinished basement area.

Mr. Schaechter: Is it going to be tied into their regular...to their basement of their house now if their house has a basement?

Mr. Gates: Typically, we would just cut a...if there's an existing basement window, we would just cut a doorway opening into that. So they have access to get from the existing basement to the basement.

Mr. Schaechter: So you're going to be expanding the basement, the basement as well into this house.

Mr. Gates: The basement is expanded. But again, that's not being...that's not living space. That's not part of the application to create new rooms down there. And again, the owners can certainly testify to that so that I don't speak incorrectly on their behalf. Mrs. Mooney?

Mrs. Mooney: Yes.

Mr. Gates: The basement...

Mrs. Mooney: The only thing that will be down there is storage. It will have an HVAC system and a water heater. Water heater, right? A hot water heater...so anything, anything that we need...

Inaudible

Mrs. Mooney: And we have to have access to services it, so...

Mr. Schaechter: So are you putting HVAC in just for that space or you're tying into your existing space?

Mrs. Mooney: No, it would be separate. It would have to be a separate system. Our system is not large enough.

Mr. Schaechter: So on the plans, where's the new HVAC going? Where is the compressor going? The air conditioning...

Mrs. Mooney: In the basement? Everything is going in the basement.

Mr. Schaechter: No. You're putting central air into the space?

Mrs. Mooney: Yes.

Mr. Schaechter: Okay, where is the compressor going? It's not shown on the plan, so it...

Inaudible

Mr. Gates: For the condenser itself, that would have to go directly behind the additional. Right?

Mr. Mooney: Right.

Mr. Gates: Adjacent to the bilco door on a 3 foot by 3 foot concert pad.

Mr. Weiss: To the left or towards the right under the deck?

Mrs. Mooney: Yes, either...either...inaudible...it really doesn't matter to me.

Mr. Schaechter: Well, I mean, it matters only because...

Inaudible

Mr. Weiss: Brian, go ahead. You're making a good point.

Mr. Schaechter: It matters to the Planning Board because you're already close to your neighbor's property line. So if you're going to put a compressor out there, there's going to be...it could be a noise issue. So that's why I'm asking these questions.

Mrs. Mooney: Okay, so where would you suggest it going?

Mr. Schaechter: It's not up to me to suggest it. It's up to...you have a builder and you have plans. You have an architect...

Mr. Gates: At the back right side behind the bedroom as opposed to at the back left. I believe the concern would be not putting it to the back left behind the walk in closet. So it's too close to the left side neighbor.

Mr. Mooney: Yes.

Mr. Gates: We could hold them toward the middle of the addition and keep that away from the side yard, from the left side.

Mr. Schaechter: I mean, for me looking at this, I would shift whole addition over to the right and cut a doorway into where...into where that bay window is for the kitchen.

Ms. Natafalusy: That's what I was going to ask. Because if they shift that over to the right, they can probably meet the side yard setback on that left side.

Mr. Schaechter: Yes.

Mr. Weiss: But...you know...I think in fairness Mr. Gates explained why it's offset. And I don't think it's the role of the Planning Board to tell them otherwise. I think the applicant is going to come in...Catherine, I'm not disagreeing...

Ms. Natafalusy: No, I'm just saying...

Mr. Weiss: ...that Mr. Gates gave us from his perspective why and that...we need to take that into account when making a decision. That being said, you're both 100 percent correct. Anything that we can try to do to mediate and mitigate the encroachment onto the side yard setback is going to be a bonus. But all we can do is listen to the testimony and the direction of the applicant. So although I might agree with you...Chuck, go ahead. You have a comment.

Mr. McGroarty: Just a couple of questions, Mr. Chairman, for Mr. Gates, Joe.

Mr. Gates: Yes.

Mr. McGroarty: As you saw in the report, my estimate is that the encroachment would be 8 or 9 feet as opposed to the 12 feet that is required. I had to estimate because neither your plan nor the survey that was done by Stewart surveying actually gave us that dimension. Your plan was a bit clearer than the survey. So, I read it to be with your addition. I read it to be 8 feet to the side yard. So I have a two part question. First, if that's accurate, please confirm or if it's not, please correct me. And secondly. You were describing before about shifting it to some extent, this is prior to the comments that you just heard, and how much did you consider shifting it and what would the setback be at that point?

Mr. Gates: The first part of your question, Chuck, is that the left side setback on our first floor plan, we added a property line and I think that may have not been in the first drawings that went for a zoning permit. And when we did realize that there was a little confusion with that, we added that dimension. So we proposed the addition as 9 feet with the left side setback as being 8 feet because that current side yard 17 feet.

Mr. McGroarty: I have your plan. I have the revised plan. And I read it to be 18. Is that...

Mr. Gates: That's correct.

Mr. McGroarty: Eight feet, okay.

Mr. Gates: So right now it's proposed...the drawings that everyone sees is showing an 8 foot step back. And certainly without question and by all means, we are available and interested to hear the Board's concerns, whether it be the left side setback and any other issues. But certainly we could shift the whole addition 2 feet over and increase that to 10 feet and keep the AC unit again toward the middle of the addition instead of toward the left. So certainly, if there are certain things that...if there are other issues that the Board has questions about, we would be interested in hearing other questions and comments so that we could consider those altogether, because with this zoom meeting, we're not sitting right next to the applicant. So I can't whisper or ask them questions in their ear. And certainly if we have different thoughts together, we could always speak via cell phone for a moment, put our heads together and see what we can do to address some of the concerns which we're willing and they're willing to do.

Mr. McGroarty: Mr. Chairman, I have one other question. Joe, on your plan, give us the elevations from both sides and the back, but I didn't see your front elevation, so what the view would be from the street, looking at the property from the street. What would we see? Would we see the ramp...assuming the ramp would go in...that would be attached to the side of the house and the whole addition, we would see that from the street. How would that look?

Mr. Gates: If you look at the rear elevation and look at the second floor of the existing house, we show a dotted line where the existing house goes down to the ground behind this addition. And that is what's depicting the 8 feet of addition. So from this 3, you would see that 8 foot bump out with that single sloping roof. And the entire rest of the addition would be, if you want to call it, hidden behind the existing house. So where that window is, if that were again

reversed, looking from the street, there would be a single door there with a ramp. Or it would be stairs in the current application and the ramp would be worst case scenario.

Mr. McGroarty: Yes, you don't have a rendering, though, do you, from the street?

Mr. Gates: You know what, I do not have one of the front elevation.

Mr. McGroarty: All right. Thank you.

Mr. Nelsen: Mr. Chairman?

Mr. Weiss: Go ahead, Dan.

Mr. Nelsen: To go along with Chuck's questions there for Mr. Gates, you had mentioned earlier as Chuck mentioned of sliding the entire house over to the right, basically putting that ramp area into where the closet now lies. If you were to move that over...I'm just kind of guesstimating it...in my opinion, would be maybe perhaps 4 feet. If you did that you'd be sliding the whole suite over to the right. And I just wanted to know, how will that affect the deck? Will the deck, the right side of the deck stay where it is decreasing the size of the deck?

Mr. Gates: Ideally, it would be better for the applicant to shift the deck with the addition and slide that over, so if the entire addition slid over 3 feet, it would not interfere with the proposed door. Because we don't want to have a 3 foot door and a 3 foot landing because you don't have enough room to fit your railings tying into either side of the door, and especially if she would need some assistance getting in, we really would look at a 4 foot ramp as a future worst case scenario. The addition is bumping out 9 feet in the current design, if that's shifted over 3 feet. That would be a total of 6 feet facing the street, which would be 3 foot for the door. A little bit to the right of the door and then a little bit to the left of the door just to allow the railings to tie in and allow for the construction itself to not get too squeezed in there.

Mr. Nelsen: I think that might be a...

Mr. Gates: And if that went 6 feet...if that went 3 feet over that would increase that left side setback from 8 feet to 11 feet.

Mr. Nelsen: And then it would also decrease the overall size of size of impervious coverage by making the deck three feet smaller.

Mr. Gates: Again, again, the owners, I would want to just have a moment to consult with them via cell phone so I don't take too much away from their application. Again, since we're not sitting next to each other. That would be okay?

Mr. Weiss: You know, I have a question. What I don't see is how this property fits into the entire building envelope, specifically to the back. And so we're looking at the survey. I see where the deck ends. Do you know, Mr. Gates, how far the deck that I'm looking at the survey, how far that deck is from the rear building envelope?

Mr. Gates: The...if you're looking at Fred Stewart's survey, the proposed addition is coming out to the end of the current patio and in fact, there is and there is a concrete patio that's currently under the deck. And we could also remove some coverage there, which would help. But right now, the addition is going back toward the end of the patio. But the deck does not go out as far as the patio. The deck goes back 6 feet to fit the bilco door into the basement.

Mr. Weiss: So do you know how far that is from the rear building envelope?

Mr. Gates: I can tell you that in a moment.

Mr. McGroarty: Mr. Chairman, while Joe is looking for that. Are you asking about the existing deck or the proposed addition to the deck?

Mr. Weiss: I'm looking, Chuck. I'm looking at the existing survey.

Mr. McGroarty: Right, I got that.

Mr. Weiss: So I'm trying to put it in perspective as to how much room is to the back.

Mr. McGroarty: The proposed addition according...on the survey, the way they don't give us dimensions, but when I scale it, it's 35 feet from the addition to the rear lot line, which is the required setback. It's...yes...Catherine, right?

Mr. Gates: That's correct, 35 feet for a rear yard setback.

Inaudible

Mr. Schaechter: I have a question.

Mr. Weiss: Go ahead.

Mr. Schaechter: Because the survey is extremely confusing.

Mr. Weiss: Yes.

Mr. Schaechter: So I mean, you've got a survey that's kind of...you know...you've sketched on the survey. So...you know...you have a concrete pad that's existing. You have a deck that's existing. You have a new deck that's hashed out and then you have the new addition. You know...there's no...there's no numbers on any...there's no measurements on any of this stuff. I mean, I would say get rid of the concrete pad. You know...you obviously don't need the two sheds anymore. I mean, we're just trying to make this thing conform. You know...if you're putting in storage underneath the new addition, you need both sheds. I mean, let's see if we can work on bringing this into more conformity.

Mr. Weiss: And the shed, both the sheds. Chuck, tell me if I'm wrong or both seems to be on the property line. They're not within the building envelope.

Mr. McGroarty: Well, they don't have to be within the building envelope, but they don't appear to meet the minimum 5 foot setback.

Mr. Weiss: Okay.

Mr. McGroarty: ...but I can't tell. It's not to scale. I mean I just can't tell....

Mr. Schaechter: Right, because there's a chain link fence that's also there.

Mr. McGroarty: Yes, right.

Mr. Schaechter: So they're all within the chain link fence but...

Mr. Weiss: My thought was to see about if there's any opportunity for the applicant to use some of the rear yard. I think we're all on the same page. We have a big concern over that side yard setback encroachment, but it doesn't look like there's any room to move it towards the back. And that was where I was going with this, so that doesn't seem to be an option.

Mr. McGroarty: Not without a variance. But it's a question of a variance...is it a variance to the side or is it a variance to the rear...if it's going to be...whatever...doesn't mean you get one or the other, but which of those...that might play into the planning testimony, quite frankly, as to the adverse impacts or potential adverse impacts.

Mr. Weiss: Yes, I guess I'm jumping ahead a little bit, but an encroachment into a 35 foot rear setback seems to be a little less than encroachment in the 12 foot setback, just maybe from aesthetic to the neighbors, just kind of speaking out loud. But again, we'll leave it up to Mr. and Mrs. Mooney to address that. Mr. Gates, do you have anything else? Mr. Gates? Hold on. Mr. Scapicchio has a question.

Mr. Scapicchio: Thanks, Chairman. Mr. Gates, on these plans, you list that ramp as future. That's not part of this proposed application? And in Chuck's report, these improvements will bring that property to 38 percent lot coverage, is that ramp included in that 38 percent?

Mr. Gates: I believe, Chuck, that that was included because when I went back and looked at the numbers, they looked consistent with yours.

Mr. McGroarty: You know, I don't remember. Let me let me see, I had my own. I don't think I included the ramp, actually,

Mr. Gates: There are a couple of...a couple of thoughts that we have, again, trying to communicate with the owners and pick their brains a little bit. With respect to the sheds, they would be willing to remove the small shed and then if necessary, the larger shed could be shifted to become 5 feet away from the property line. And that would alleviate...inaudible...of the concern. And then also with regard to removing the coverage, the smaller shed appears to be 104 square feet and then taken out the concrete patio. And Chuck, this would be a question for you. I'm looking through the ordinance. The lot coverage definition states the area not covered by impervious surface such as roof or pavement, but it does not specify deck. So I'm not sure what your typical interpretation of the deck is. But again, the patio can be removed and the patio is larger than the

deck. So that alone would be an additional 7 foot by 18 feet...inaudible...from the deck that could be removed from the application. In addition...inaudible.

Mr. McGroarty: Let me...let me make sure we're clear about things. The deck will cover the... deck does count towards coverage. Was it...it accounts either as a building coverage or some would argue it's not, strictly speaking, a building. It's a structure, but it's not a roof. But it does count towards the total coverage. I also I have my calculations in front of me. I did not count the ramp. We don't get very many ramps, but when we do, I don't count them because we recognize them under the ADA standards for handicapped access. So we don't penalize a homeowner if they need ramps. So my calculations for impervious, did not include the ramp.

Mr. Scapicchio: Mr. Gates, what is the ramp, the potential future ramp made of?

Mr. Gates: The typical ramps that we see go in are either a deck type of wood framed deck, whether it be prefabricated or not, or if they're metal decks, if they're prefabricated metal decks, they're open below. So in either scenario, there would be pervious surface underneath this deck. This would not be a masonry structured deck.

Mr. Scapicchio: And how wide would that ramp be? I can't tell on these drawing.

Mr. Gates: Four feet wide.

Mr. Scapicchio: Four feet wide. One last question. Is there a full basement under that existing house now?

Mr. Gates: Yes, there is.

Mr. Scapicchio: There is. Okay, thank you.

Mr. Weiss: Mr. Buzak, I believe you had a question.

Mr. Buzak: Yes. Two questions. Is the basement access for the existing house accessible from inside?

Mr. Gates: From the existing house? I'm sorry, can you repeat that so I make sure I understand correctly.

Mr. Weiss: I think Mr. Buzak might be frozen. We'll come back to Mr. Buzak's question. And Ed if you can hear me, it looks like you're frozen. Susan, did you want to maybe repeat Ed's question, if you can, were you able to follow it?

Ms. Crawford: I think Mr. Buzak's question was is the current basement under the main house accessible from inside the house?

Mr. Gates: Yes, there are interior stairs to the basement.

Mr. Weiss: Okay, Mr. Buzak is going to is going to reconnect. So does anybody else have any questions for Mr. Gates?

Mr. Ottavinia: I do, Mr. Chairman.

Mr. Weiss: Go ahead, Mr. Ottavinia.

Mr. Ottavinia: I thought Mrs. Mooney said the deck was getting removed. I thought meant completely.

Mr. Gates: The existing deck is going to be removed. I believe her response may have been about did she get a permit for the deck or did the previous owner get a permit from the deck 20 years ago? And when she said the deck is going to be removed. Does that remove it from the question of the permit and then the new deck would have a permit?

Inaudible

Mr. Ottavinia: Okay, you're going to tear down the old deck and you're putting up a new deck?

Mr. Gates: That's correct. A new smaller deck. That's correct.

Mr. Ottavinia: Understood. Thank you.

Mr. Gates: Of course. So a couple of points that we have been communicating on, which may be certainly favorable toward the concerns of coverage and side yard setbacks. The first one was we could shift the entire deck and the deck with the current footprint 3 feet to the right, that would increase the left side step back from 8 feet to 11 feet. Additionally, if the smaller shed is removed, that's 126 square feet. The existing patio, granted most of it is underneath the new deck, but that coverage is 414 square feet of concrete underneath the deck. Under the new deck would be dirt. So those two numbers are 540 square feet of impervious coverage, and if we divide that by the 9,674, that's 5.5 percent. To Chuck's point, it doesn't make an accurate count because the deck counts as coverage. But from a drainage standpoint, if water gets through the deck into the ground, then from a mathematical standpoint, that gets us 5.5 percent better than we were before we started the application. And lastly, the other shed could also be moved to make that comply or 5 feet from the property line, if that would suit the Board's satisfaction.

Ms. Crawford: Mr. Gates, I'm sorry, could you repeat this? You gave a figure of one 126 square feet is the...inaudible...

Mr. Gates: Well, you know what I think I said 126 I'm looking at my notes because of the two sheds, the smaller shed, 104 square feet. I apologize about that.

Mr. McGroarty: I actually thought it was 96 square feet. But we're in the...

Mr. Gates: Upscaling of the survey with that, Chuck.

Mr. McGroarty: We're in the ballpark though I think. Okay same similar numbers. Yes.

Ms. Crawford: I'm sorry. Could you repeat that? The second figure you gave I think was...

Mr. Gates: The second figure of the existing patio 414 square feet.

Mr. Crawford: Okay, thank you, sir.

Mr. Weiss: So, Mr. Gates, are you then does it reduce it to 516 square feet of reduction?

Mr. McGroarty: I mean, it's hard to do all this on the fly here.

Mr. Weiss: No, I understand.

Mr. Gates: Five hundred eighteen square feet.

Mr. Weiss: I'll take it, it's fine...if we take the...

Mr. Gates: And again we can certainly...if this were to become favorable to the Board, we would certainly document provide calculations for the Board's and or Mr. McGroarty's review to make sure that the numbers would match and testimony that was given here. We know that the numbers are always very critical in these applications and we want to make sure we wants to make sure that everything is put on the table for conversation and make sure that we can support that documentation.

Mr. McGroarty: Yes, I mean, just to Mr. Schaechter's comment earlier, it was difficult to figure out what was going on the survey because we had both existing and proposed improvements and wanted to be careful not to do any double counting. But...you know...so it's just a little confusing.

Mr. Gates: If there was something that we were certifying in numbers and they were off by 30 square feet, we would have to take 20 square feet off the deck and 10 square feet off the addition or vice versa. We would have to make sure we can stand behind the numbers. As an architect, I have to do that to be able to stand behind the drawings. As you said, I don't we did not prepare the plot plan, so I can't certify someone else's numbers, but I can certainly certify numbers that we can produce to the Board's satisfaction and or the Board's professionals.

Mr. McGroarty: I think 30 square feet is not...that can be around...not an issue.

Mr. Weiss: Okay, does anybody else have any questions? Let me do this.

Mr. Buzak: Mr. Chairman, I'm sorry about that. I'm back, my computer froze. I guess everybody else was there. I thought everybody froze including myself. I asked about access to the basement, and that's when I froze. So I don't know if that was a reaction to my question or that.

Mr. Weiss: Well, here's what happened. Mr. Gates did testify that there is access from within the house. I do believe that Susan jumped right into action and took notes based on some of the testimony that we went over. We were talking about some figures and reductions. And I know Susan seemed to be writing along and ask some good questions. So unless there's anything, I'm confident that Susan can certainly bring us back.

Mr. Buzak: Thank you, Mr. Chairman.

Mr. Weiss: And thank you, Susan, for jumping right on that for us. So that being said, if anybody else has any questions from the Planning Board for Mr. Gates, I want to look to the public, see if anybody from the public has any questions for Mr. Gates. And if so, you would just raise your hand. Chuck, I don't see anything from the public,

Mr. McGroarty: I'm not seeing any, Mr. Chairman.

Mr. Weiss: So at this time, let me close it to the public and I guess we can turn to Mrs. Mooney. And I know I think you wanted your contractor to give us some testimony as well.

Mrs. Mooney: Yes.

Mr. Weiss: Okay, so let's bring in your...

Inaudible

Mr. Weiss: So, we're not going to bring up the contractor. Okay, that's fine. So, I think what we might want to do is let's spend a little bit of time on it...as I mentioned earlier in the meeting, there's variances. They've changed slightly. But if you look at Mr. McGroarty's report, he clearly lays out the variances in Section 4.0 in his report. And you're going to need to testify to those. As we look into Section 5 of Mr. McGroarty's report, you're going to need to make the proofs as to why the variances are needed. So, I'm going to turn it back over to you and have you address...let's address the first variance, which is the building coverage. I don't know, Chuck, if any of those numbers have changed based on our conversations,

Mr. McGroarty: I don't know, Mr. Chairman, I don't know.

Mr. Weiss: I haven't heard any change to the building itself. I've heard of movement which would take us into the side yard back. So bottom line right now, Mrs. Mooney is that in the R-4 Zone, you're allowed a building coverage of 20 percent. And the planner is suggesting that your property 23 will be...23 percent. So you need to make the proof from the positive and negative perspective as to why that is there. Why is that request coming?

Mrs. Mooney: Okay, the only thing I can say is we bought this lot not knowing that we were going to need an addition. This is the size of the lot. The reason that we need this is for my mother's comfort. Now, I think that we have given a lot. We are trying to comply with the Board. I don't know what else I can say to you. I mean we're basically...yes, we are stuck with this lot. I wish my lot was bigger. I wish I lived in a different part of Mount Olive. But I love this neighborhood. I am going no place. So, I would like to try to comply to all the Board's requests. But this is where I live. This has been my home for 39 years. I'm not going anyplace. I mean, basically, my opinion is I have to make this work, we have to make this work for my mom.

Mr. Weiss: I don't think anybody's disagreeing with you. Unfortunately, the Planning Board has to live to a higher standard, which is my line of questions earlier. I hear your emotion. I sympathize with it. But there needs to be proof for the record as to why you're requesting the variances. And they have to be a little bit more detailed than the emotional end that you're bringing to us. No one's arguing with you that there's a need and everything that you've said. There's not a

person here that disagrees. Unfortunately, there's a standard that has to be met and that's the obligation of the Planning Board. And that's why I mentioned to you it's your obligation to make these proofs. This application...one of the reasons we didn't bring up our township engineer is because this is not an engineering type of application. This is really all about the zoning and the planning end of it. And it's complicated in the fact that you need to make the proofs. And unfortunately, your emotional answers don't necessarily make the proofs. And Chuck, I don't know or Mr. Buzak...I don't know if there's any better advice I can give. We have an obligation and to the process and I'm not sure what else we can do.

Mr. McGroarty: Mr. Chairman, the one thing I'll note is if the 2 sheds are removed collectively, they're not very much in terms of percentage here, but they will...they will reduce the building coverage. Sheds count towards building coverage. Right now, I'm going on what I can scale each of those two sheds to be. It doesn't amount to a lot, but it's some. I don't know how that's going to help in terms of the overall project. And if I understood Mr. Gates earlier, as you said, Mr. Chairman, you're going to shift the...you could shift the addition, but not reduce the footprint, if I understood that correctly.

Mr. Weiss: So let me see if I can assist a little bit. Thank you for that, Chuck. And I think every one of these concessions is very meaningful. It's very helpful as we look to...as we look to move forward with this application. If we look at the bullet points, Mrs. Mooney. I don't know if you have Chuck's report in front of you...on Page 2, on the bullet points, can you answer any of those questions? Is your property narrow, shallow or such a shape as to make the compliance with the 20 percent coverage difficult or impossible?

Mrs. Mooney: Yes.

Mr. Weiss: Okay, explain that how.

Mrs. Mooney: Yes. That's why you should be...I mean, it's true...okay.

Mr. Buzak: Mrs. Mooney, let me try to explain this. And these are difficult concepts as Chairman has said. Obviously if you had a lot twice the size you'd be able to do this without any variances. But that's really not the standard that's utilized because obviously anyone who seeks a variance for side yard or an undersized lot...if they have a bigger lot, they wouldn't need the variance. So the reason can't be why I want to variance because I can't do what I want to do, because my lot is too small. So the point is there's got to be something unusual about your lot that causes the need to exceed these coverages. And again, Chuck has pointed that out in the report. Is there is there some exceptional narrowness? Is there some exceptional shallowness? Sure. Is it topographically challenged so that you can only do this in this way? These are hard proofs and I understand this and I...it's hard as a layperson and it would be hard for professionals as well. But as the Chairman said, the Board is held to the same degree because this is what the law says we have to do and this is what we have to base it on. So is there anything about your lot that makes it unusual as compared to other lots in your development in your neighborhood?

Mrs. Mooney: Well, our lot is smaller than some of them in the development. And the only thing that keeps coming to my mind is when the house was purchased, we did not know we were going to need to make it multigenerational. So, I mean, that's the problem with the lot. It was

purchased not knowing where we would be at this time. And, of course, how families have changed throughout the years.

Mr. McGroarty: You know what, Mr. Chairman, this...

Mr. Weiss: Chuck?

Mr. McGroarty: I'm doing some number crunching here, I think if they...both sheds...or eliminated both sheds, I think that would reduce the coverage, building coverage by 2.3 percent. I invite Joe to check my numbers. If that's the case. It's a rounding matter there at 20 a little bit... 20.7 percent. But there we tend to round down in situations.

Mr. Schaechter: Chuck, I was going to say the same thing. I'm looking at the addition of $30 \times 22 \frac{1}{2}$ which is 675 square feet, plus a deck at 18 by 18 which is 324 which means you need to reduce by twenty nine, almost 30 square feet. And that's what...you know...that's what 3 percent is on this thing

Mr. McGroarty: If they get rid of both sheds, which I take to total the in the neighborhood of 224 square feet combined. If they, if both sheds are removed I think they're right there at the twenty four. Well there are a little bit there right at the 20 percent.

Mr. Weiss: And I think that's probably less detrimental to this plan than asking the Mooney's to shave off a deck or a side of the room or...I don't know, Mrs. Mooney, is that an acceptable thing you can do, remove the sheds? Granted, you're building yourself a brand new basement for storage, as you said. The question is, can you remove both your sheds?

Mrs. Mooney: If we have to, yes.

Mr. Weiss: Mrs. Mooney, you don't have to do anything. I'm asking you are you...

Mrs. Mooney: We will do. It if that...if that is what will make this plan go forward, yes.

Mr. Weiss: Okay, and as you can tell, Mr. McGroarty is working extremely hard to help remove some of these variances to open up the way to get your approval. So, yes, I think the Planning Board will certainly accept Mr. McGroarty's scratch math. In all due respect, Chuck, I understand what you're doing, that we can essentially remove the variance of building coverage.

Mrs. Mooney: Yes, I appreciate what you're doing and what he is doing for us.

Mr. Weiss: So that being said,

Mr. Gates: A piece that we can try to do. Again, as you said, I know Mr. McGroarty is checking his numbers. Also, one of the issues that I had suggested is the question about the driveway on the right side, if you see on the survey shows an electric meter...kind of in the middle of...

Mr. Weiss: Yes.

Mr. Gates: Looking from the street, the right wall. If it was a question of trying to get this closer to a...closer to a net zero increase in coverage to make this more palatable, that back edge of pavement, we could always remove 5 feet of pavement by the width of that driveway extension and replace that with grass, you know, where it shows an AC unit there. Know the elbow over the curb again. You know, the applicants willing to make some concessions to make this favorable and not create a difficult application for the Board, for themselves, for any neighbors.

Mr. Weiss: And this is the kind of back and forth we're looking for to mitigate some of these variances. I think with the removal of the sheds, removing of this 5 feet of pavement. I'm wondering if we're getting closer to the reduction of your total lot coverage variance requests, too. And I guess we can wait, but I'm satisfied that we're getting very close to working out a compromise, because I think ultimately, Mrs. Mooney, agree or not, the answers to those questions are, no. You're not...your lot is not exceptionally narrow or small. An R-4 Zone will give you an average of minimum property of 10,000 square feet. You're at 9,700...9,674. Smaller, yes. Exceptionally smaller, no.

Mr. McGroarty: Actually it's pretty typical for Clover Hill when it was built under the former S Zone. They range from 6,000 to 9,000. So that's a pretty generous lot in the development when it was built.

Mr. Weiss: You know, we could even start throwing out some of those pre-existing nonconforming if it helps, but I think you get the point. I think if we can get some kind of agreement that the removal of the 5 feet of pavement and I would imagine it would even clean up your project would certainly help towards the goal of removing or mitigating your variances. And that's what the Planning Board is trying to do, is help you build a project that conforms as best as possible. And that's kind of the caveat as best as possible. I know there's compromise at all levels here, but again, we have to make the proofs and I see you clearly trying to do what you can to make this...so is...I know Mr. Gates suggested the removal of 5 feet of blacktop, perhaps your contractor is there. Is that something he's able to do, willing to do? Mrs. Mooney, are you willing to...

Mrs. Mooney: He said yes.

Mr. Weiss: Yes, I think I think it would...the more grass you have over there, the more appealing it could be. But that's not my call. I'm just giving an opinion. So that being said, I know we're working very hard to reduce or eliminate that total lot coverage variance. I'm going to jump off of that real quickly. I think the side yard setback variance, I'm not sure there's going to be anything you can do short of what Mr. Gates suggested. And you're basically going from a 12 foot setback to an 11 foot setback, is that correct, Mr. Gates?

Mr. Gates: That's correct.

Mr. Weiss: And I think in the whole world, I don't know if the Planning Board would be too averse to reducing that by 1 foot. I don't...I think moving the whole property to the right. You're development...I'm sorry...your new proposal to the right. I know you're making a concession to do that. I heard Mr. Gates talk about the windows and by making these concessions, it might not be exactly how you drew it up, but it certainly makes things a lot a lot more tolerable for not only the Planning Board, but perhaps some of your neighbors who you would be encroaching

upon. I think a 1 foot encroachment is reasonable...my opinion, Chuck, I don't know if you've been working any numbers or scratching or anything you want to add.

Mr. McGroarty: Yes. Mr. Chairman. Again, this is a difficult thing to be doing during the hearing process itself, because I know we're throwing numbers around about the patio before and putting that back. I think of shaving back some of the driveway is going to help, but I'm not sure if 5 feet is going to do it. I think you're going to have to take a little bit more if you're going to be anything closer. The way I'm seeing it, unless and I invite anyone to correct my numbers because I can be wrong, but I'm getting a total of 3,682 square feet when you're done. That's higher than the surveyor shows. But, well, he's only showing the existing, as far as I can tell. So you've got a ways to go to get down to the 30 percent, 9, 6, 7, 4. To fully conform, you'd be at 2,900 square feet coverage total. And again, if I'm reading it correctly. You're about almost 800 square feet over the limit with everything it is today. Now we take off. You know, if we take off the sheds. Down to 576 scale back, some driveways go back, some patio. I mean, you're getting...I don't know how much patio you can remove. But you're getting closer, but you can reduce some of that if you take some more of the driveway. I'm really not sure how much driveway you're talking about, Joe. You said 5 feet, but it's not that much. I mean, 5 by 5, it's that's what it looks like by the AC unit.

Mr. Gates: One of the other numbers, as you correctly said, it's a little confusing to see. But if you look at the survey that has the proposed deck overlaid on top of it goes right across the word concrete patio. Yeah, there's an entire "L" shaped of existing concrete patio that would be removed, separate from those other numbers we spoke about. That's almost a 100 square feet of impervious coverage.

Mr. McGroarty: Would that be a 100 you think, or more?

Mr. Gates: Well, what I'm looking at, Chuck, is that to the left of the deck on the drawing, it's 5 feet, but by 23 feet.

Mr. McGroarty: Okay.

Mr. Gates: And then in the back, that is...

Mr. McGroarty: So that's about a 100 right?

Mr. Gates: Thirteen feet by...between 6 and 7...call it 6 feet...6 times 13 feet. So that's complete patio being removed, not including patio under the deck...under the new deck.

Mr. McGroarty: So you're getting ahead.

Mr. Gates: It's not so much of...you know...is it realistic to get down to the 30 percent, but we can certainly wipe away the...what we were coming in with, with the increased overage...you know...the extra 3 and 4 and 5 percent and get that down less than the net zero increase, it's certainly much more feasible to do without cutting driveways in half. I don't know how much driveway the Mooney's would be willing to give up. They have this multi-generation, multi cars. It's harder to say...lets take away 15 feet because then we take away an entire parking space. That's why we looked at it. Can we take away 5 feet or 10 feet...you know...a little smaller number in the driveway. Putting it the patio alone...that's over....

Mr. McGroarty: Yes.

Mr. Weiss: Well, let me chime in. I'm kind of very interested in this kind of conversation. And of course, I don't want to put Chuck or you, Mr. Gates, in a position where you're guessing. I think we have time or we can let's put real numbers together. I'm not...I'm not suggesting ending what we're doing right now, but certainly we have lots of open space as early as next week. If you want to come in and just resubmit and re-testify to exactly what's going to be reduced. That might be the best way to do it. I see Mr. Buzak is probably going to get annoyed with me on that.

Mr. Buzak: Well, I'm not, Mr. Chairman, I was raising my hand to say just what you said. So I was able to accomplish what I wanted to accomplish by sending that signal over the screen.

Mr. Weiss: Okay. Paul, you have a question?

Mr. Ottavinia: Yes, I just...and I apologize if I potentially run us down another wormhole. But if this is my house, I would possibly consider using some of the existing house to create this...you know...this suite. I know that there's a playroom towards the back of the house that would butt up against the addition. I also know, though, that Mrs. Mooney said she takes care of, I think grandchildren...you know...just have a little bit of experience of doing some building and stuff. And that's what I would look into. I mean taking away that playroom, I understand if that's a deal breaker...you know...then it's a no go. But I also think you said you have a full basement that's unfinished. Maybe part of that could be created to make up for the loss of the playroom.

Mrs. Mooney: The basement...the basement has 2 crawl spaces. It's a very small full basement, very small.

Mr. Ottavinia: Okay.

Mrs. Mooney: And the basement gets water in it. I will not, I mean, when my children were little that was their playroom. It cannot be used any more. My grandchildren are up here with me.

Mr. Ottavinia: Taking away the playroom is a deal breaker is what you're saying.

Mrs. Mooney: Yes, it is.

Mr. Weiss: I think we have...Paul, and that's always good input. I think we have a lot of alternative options that are in front of us. It seems like Mrs. Mooney is not averse to working on something. You're chipping away like we're talking about. I think all of the professionals would be much more comfortable spending a little bit more time to come up with an exact number, I think, and the Planning Board could certainly jump that the Planning Board is very interested in this kind of compromise and with what you're doing works in your favor. And I think what we should do as we allow our professionals to use their erasers and get their numbers right, let's continue to talk about the negative criteria now. It looks like we can most likely remove the building coverage. I'm okay, assuming that's going to be gone and I'm even going to go as far as to say I'm taking the liberty right now that we can remove your lot coverage variance. But as I mentioned earlier, you're not going to be able to get away from the side yard setback. Even though we've reduced it to 1...about

1 foot. And so let me ask you a question. As we look at 5.2, there's negative criteria, and I'm going to help you with this one a little bit. And I'll take the wrath of Mr. Buzak a little bit later, because when you have to prove a negative, it's very confusing. Part of the land use law requires you to prove that there will be no negative impact, no detriment on the neighborhood, on the Master Plan, on the zone plan. And so my question to you, Mrs. Mooney, is in your opinion, do you believe that this application and I'm sorry...your addition...your addition would be a detriment to the neighborhood? Would it be...negatively affect the neighborhood? For example, this is a residential neighborhood and you're offering to construct an addition to a residence, in your opinion, do you believe it's a detriment to the neighborhood?

Mrs. Mooney: I do not. I do not. Many neighbors have added onto their homes. I do not feel it's a detriment.

Mr. Weiss: And then...

Mrs. Mooney: I have and I know you probably don't care, but I would never have gone along...you know...and put this proposal together had I not spoken to all my neighbors. And they are also in favor of what I'm doing.

Mr. Weiss: Mrs. Mooney, I can assure you that I do care because we take a tremendous amount of time out of our personal lives to try to make these things work. So I do care every member of the Planning Board cares. And I know you didn't mean that in a negative tone, but...

Mrs. Mooney: I did not.

Mr. Weiss: We're listening. And my final question about the negative criteria is that by building this residential addition.

Mrs. Mooney: Yes.

Mr. Weiss: Do you believe it would have any negative impact on the direction of our Township Masterplan in this R-4 residential zone?

Mrs. Mooney: No, I don't think it would have been detrimental.

Mr. Weiss: And is that because building a residential unit in a residential zone is consistent? That would be...

Mrs. Mooney: I believe, yes.

Mr. Weiss: Good, good answer. All right. I don't think we need and Chuck, I know you're looking at me...any questions and follow up?

Mr. McGroarty: Here's my thoughts, Mr. Chairman. I appreciate a layperson is not going to say the same...use the same jargon. You know, air, open space, light air, open space. Those are purposes of zoning. Those are the ones set forth right up front in the Land Use Law. And there's a reason why we have setbacks. However, if the additions were shifted over 2 to 3 feet, 3 feet, I think would be even better. It would at least be consistent with the setbacks that were in place when

Clover Hill was developed. So now I haven't heard anyone, nor would I expect anyone, the Mooney's, to know what that zoning was from 1960 or thereabouts, but at least it would be consistent with the developed pattern in Clover Hill and especially on the street. So I think to Mr. Gates's earlier comment, if you can shift the addition over, if you can get it over to the 10 feet, it still requires a side yard setback. But they can then advance the argument if they wish to, that it's at least consistent with the zoning that was in place when Clover Hill was built. Then I think you have a credible argument that, well, you're not conforming to the Master Plan with respect to the current R-4 zoning. You are making an effort to keep the improvements consistent with the development pattern that's already on the street.

Mr. Weiss: Well, I suppose Mr. Gates might have an answer to that.

Mr. Gates: Can I make a comment here?

Mr. Weiss: Yes, go ahead.

Mr. Gates: Again if you just saw me jump away from the screen, I apologize about that. I know we're all kind of getting used to Zooms and trying to communicate without disrupting meetings. But if the Board would find this favorable, the owners would be willing to shift the addition 1 more foot to the right, complying with the full 12 foot side yard setback. And that would eliminate that variance. And that would, I think, help this go a long way with respect to the proofs of negative and positive criteria to avoid that part of the application.

Mr. McGroarty: That would be 4 feet though, Joe. Right?

Mr. Gates: They would be willing to shift it 4 feet over to the left and comply with the required 12 foot side yard setback.

Mr. McGroarty: So, the variance goes, away.

Mr. Gates: I'm sorry?

Mr. McGroarty: The variance goes away.

Mr. Gates: The variance goes away. That's correct. And again, we've been trying to do this without disrupting the meeting via text. Again, I apologize about that. But in hearing the Board's concerns and by all means, as you have already indicated, the owners are trying to do as much as they can do to make this favorable...you know...getting back to the required 30 percent. They didn't create these conditions. But if we can minimize the increase that they're asking for, avoid the variance for the side yard setback, keep that closer to...you know...almost a minimal increase in coverage, I think that seems a lot more palatable based on all the conversation that has come up tonight. And again, the basements...basements are always tricky, as she did indicate, which reminded me because we started this back in the winter when it was super cold. But the basement is tight. There's not much space to use the basement that they have, which is why if you're building a crawl space for an addition, it doesn't cost much more to go a couple of feet more dirt and get a basement to get your mechanicals in, to get your heating systems, to get some storage, the roofs lower. There's not a steep attic on this house. So that is not a lot of attic storage. And most people aren't favorable for attic storage anyway. So, again, these handful of issues, I think that the owners

are certainly showing good faith and doing as much as they can do without giving up the application that they certainly are anxious to be able to move forward with.

Mr. McGroarty: Mr. Chairman, I don't know and if I may. Joe, you heard...inaudible... advanced maybe picking this up next week pending the application. If you want to take a look at some numbers and then you and I can talk during the week because it's a little hard to do all the lot coverage calculations right now. And you could then show us your plan, how you shift everything, and the Board can then see the sort of the finished product.

Mr. Gates: If the owners are willing to do this. Is this a...do you have a meeting set up for next or is this then...

Mr. Weiss: Yes. I can get you on the next meeting on the 17th. And if we need to go longer, I'll get you on the 24th. I think, Mary, that's pretty light on both of those agendas.

Mr. Schaechter: If I won't be around on the 17th, do we have enough of a quorum to make it?

Mr. Weiss: I think so.

Inaudible

Mr. McGroarty: Next week, we have one matter on. A number of other matters were removed. We have one matter on and it's actually a Board of Adjustment hearing.

Mr. Weiss: Right, and we have one matter on the 24th. So we can make this happen very quickly, I would feel a lot more comfortable as probably you would, too, Mr. Gates, to take the time and do it right, because it sounds to me that if it all works out, then perhaps all of the variances would disappear. I'm being an optimist, but I think we're not far from that being a reality. Would you agree, Chuck, based on what...

Mr. McGroarty: I would I mean, I think the building...I think at least one, perhaps two, to hear the third one, which I think is the coverage one, I think we can make a lot of progress on that based on what we were talking about.

Mr. Weiss: So, I agree, and if it works well, Mr. Gates, if you can do it within the week, I'll certainly bring you back up early next Thursday and we could wrap this up in no time at all. I'm satisfied that if needed, Mrs. Mooney's testimony to the negative was satisfactory. And I'm sure Mr. Buzak would agree that the proof was made on the negative criteria, which is usually the more difficult of the proofs to make in a case like this, and perhaps we won't even need the testimony.

Mr. Gates: Mrs. Mooney? Would that would that work for you? If we do some revisions and crunch the numbers with Mr. McGroarty's?

Inaudible

Mrs. Mooney: Of course. Yes.

Mr. Gates: I believe we're much closer that we were an hour ago.

Mrs. Mooney: Yes, of course.

Inaudible

Mr. Gates: We wouldn't want to speculate on getting the exact number but certainly with all the concessions that the Mooney's have made, it's certainly much, much closer to where...

Mr. Weiss: I would also chime in here and say...you know...we listen to Mrs. Mooney an hour ago, discuss from her heart what was important to her with this application. And I think as we jump ahead to maybe even 90 minutes later, I don't think the intent of that of that addition has been altered one bit. I think the living space for your mom is still intact. We didn't ask you to reduce the living room. And sometimes those are kind of things that you have to do. In this case. You've made some concessions with the help of your architect and Mr. McGroarty and the input of the Planning Board. It looks like this can have a very happy ending, removing any kind of impact on your neighbors at the same time providing everything that you needed for your mom, where you literally sat down with Mr. Gates to design this space. So I think this is good. This is a pretty good success story. Let's let those experts get their numbers right. We'll have a conversation. And fortunately, we can hear you as early as next week.

Mrs. Mooney: Okay, well, thank you very much. I appreciate it.

Mr. Weiss: So, before we do anything.

Mr. Gates: Before we...before you...we move on, Chuck, for your timing. Certainly we're not in a condition of submitting revised drawings 10 days prior to meeting. Right now, it's more of the math. The design isn't going to change an awful lot. But is it something you and I can do? Do we need to do this Monday or by Tuesday morning so that you have time to adequately review? You know...you and I to coordinate and then you can reply back to the Board as you need to. What works for you?

Mr. McGroarty: I can, but I want to make sure you, as you just said, I want to make sure, Mr. Buzak, that we're doing what we're supposed to do because of that 10 day process. That would be a question for our attorney.

Mr. Buzak: I think that since this application has started and we've had these plans originally, the amendments caused by the meeting, I think certainly in this instance do not have to meet the 10 day requirement, but I would suggest it be done as quickly as possible so that we can get something up on the on the website with regard to the revised plans as opposed to just having them presented at the meeting next week.

Mr. McGroarty: But, Joe, you and I can talk. We can talk tomorrow. We can talk Monday. I mean, this won't take long.

Mr. Gates: Okay, you know what? Let's plan on Monday. I know I already have a handful of meetings tomorrow, as I'm sure you do and everyone else does.

Mr. McGroarty: No, I do nothing during the day.

Laughter

Mr. Gates: So, we'll speak on Monday. I'll crunched some numbers you and I will coordinate between us. And that way we can fill in the owners of what direction we're going so that I can make sure I let them know what decisions we're making.

Mr. McGroarty: And I know the Chairman is probably going to open it to the public.

Mr. Weiss: That's exactly what I'm going to do before we end the evening. If anybody from the public has any comments and we've spoken about a lot of things, any questions, I see none. I see none from the public. I'll keep on looking. Going back and forth, I see nothing from the public, I'm going to close it to the public and we're going to do...is we're going to carry this application until next Thursday, June 17th, 7:00 pm. Using the same method. This Zoom method of meeting. We'll try to get you on first, although either way, it's going to be a short night, hopefully. I hate to say that in advance, but hopefully we can have it all wrapped up and get you on your way, Mrs. Mooney, and get this moving. And I think for the Planning Board and I never, ever stop saying it enough. I know we are often times as a unit heavily criticized due to the public. And I don't want to use the word ignorance in a bad way. But what we do is very much understood. And I know we all take quite a bit of abuse. I know we've spoken to a few of you about some of these social media postings about the Planning Board being such a negative body. And I think if nothing else, we go to bed tonight knowing that we did a really good thing that Mrs. Mooney can kind of fulfill her dream to take care of her mother and the neighborhood into herself stays intact. And I applaud the Planning Board. Chuck, Joe, Mrs. Mooney, everyone who is involved in the process, this is a true success story. So hopefully we can wrap it up next week and move right on.

Mr. McGroarty: Thank you, Mr. Chairman and before...don't adjourn yet, after this application is over, please.

Mr. Weiss: Ok, so with that being said, there will be no further testimony on this application. We'll pick it up next Thursday. As I mentioned, Thursday, 7:00 pm via Zoom. No further notice will be issued. We will see everybody next Thursday.

Mr. McGroarty: We did have another...and I'm going to ask Mary to help me on this, because I do see a member of the public, I think another applicant, which was originally on tonight, did we not have the Reci application on...the Smittown Sand Shore was that tonight or next week?

Ms. Strain: Tonight, it was it was it was on for tonight. And I did notify him that he was on for the 17th.

Mr. McGroarty: But let me do this. That application has to be noticed because the notice was defective. So I forgot all about it. And I was going to just think I should ask the Chair to announce that that application, which was scheduled for tonight, is not going to be heard in case anyone from the public is here because the notice was defective. So, Mary, could you could you.

Mr. Weiss: I have it here. I have it now.

Mr. McGroarty: Howie has it.

Mr. Weiss: So what we're going to do for PB 21-05 Endri Reci, for a variance on a deck at 41 Smithtown Road, Block 2200, Lot 9 that will not be heard this evening. And my deepest apologies if anybody was hanging in for that. We normally would make such...we normally make such an announcement earlier in the evening, but as you heard it was just an oversight. That application will not be heard this evening. There will be a re-notice as to the date and the time of that application. Again, that was PB 21-05.

Mr. McGroarty: That's my fault. I'm sorry, Mr. Chairman.

Mr. Weiss: No that's OK. We got caught up in it doesn't happen very often. And apologies to the public if you've been sitting in, but hopefully you enjoyed some breathtaking activities by the Planning Board. Anything else Chuck.

Mr. McGroarty: And that's it. Mr. Chairman. Thank you.

Mr. Weiss: Ok, is there anything else from the Planning Board? I see none and maybe just one more shot if anybody from the public wants to speak in front of the Planning Board tonight. Let me close it and someone make a motion for adjournment.

Mr. Schaechter: Motion to adjourn, Mr. Chairman,

Mr. Weiss: Thank you, Brian.

Mr. Ottavina: Second.

Mr. Weiss: Second by Paul. All in favor?

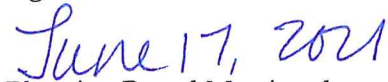
All In Favor: Aye.

Mr. Weiss: Good night everybody. Thanks so much.

Meeting Adjourned at 8:38 pm

Transcribed by: Mary Strain


Signature



Planning Board Meeting date approved