

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, September 17, 2020 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 September 17, 2020 commenced at 7 pm.

The Pledge of Allegiance was recited.

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

Roll Call

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

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
Joseph Vuich, PE, Board Conflict Engineer

PB 20-08 Mount Olive Solar Farm, LLC, 149 Gold Mine Road, Block 4100, Lot 10

Mr. Scapicchio: Okay, we had one development application this evening which was PB 20-08 Mount Olive Solar Farm. That has been carried to October 15th, and there will be no further notice. So anybody that is an attendee, that application is not going to be heard tonight. It will be heard on October 15th, and there will be no further notices. Everybody good with that?

Meeting Minutes

September 12, 2019 Public Meeting

Mr. Scapicchio: Okay. All right, let's start off with our meeting. Approval of minutes. We have one set of minutes for September 12th, 2019 which was a public meeting. Can I have motion to approve those minutes?

Mr. Mania: So moved.

Mr. Scapicchio: Can I have a second?

Mr. Batsch: Second.

Mr. Scapicchio: Roll call, Mary.

Roll Call:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes

Master Plan Open Space Recreation Plan

Mr. Scapicchio: Okay, very good and we have a public hearing on the Master Plan Open Space Recreation Plan. Chuck, should I begin with you or should I begin with Barbara?

Mr. McGroarty: Mr. Chairman, I'll just mention that we had done the published notice required. Mary confirm that for me, please just for the record, we sent it to the county and to the surrounding municipalities to all the other entities that are required, is that correct?

Ms. Strain: Yes, that's correct. We've also published it in two newspapers.

Mr. McGroarty: Thank you. So Mr. Chairman, Barbara Davis is here from The Land Conservancy, she and her organization prepared the plan with the Open Space Committee, and I know that Kathy Murphey and Robert are in the...among the attendees...so it's up to you, Mr. Chairman, but probably Barbara can take it from here.

Mr. Scapicchio: Okay, Barbara inaudible... is taking over.

Ms. Huskins-Davis: All right, thank you. So hello, I'm Barbara Huskins-Davis from The Land Conservancy of New Jersey. I'm a licensed planner and The Land Conservancy was hired by the township to update the Open Space and Recreation Plan. With the permission of the Chair, I'd like to share my screen, so that you can see the presentation.

Mr. Scapicchio: Absolutely.

Ms. Huskins-Davis: Thank you. You should all see the presentation in front of you.

Mr. Scapicchio: I do.

Ms. Huskins-Davis: Okay, great. So The Land Conservancy of New Jersey was hired to update Mount Olive Township 2009, Open Space and Recreation Plan. You are doing this in order to qualify for funding from the New Jersey Department of Environmental Protection Green Acres Program. Green Acres requires that Open Space Plans be updated once every ten years consistent with the Master Plan as part of Municipal Land Use Law. Mount Olive Township has a rich history,

and its Open Space Program. Your residence approved the establishment of a local Open Space Trust Fund in 1995. It was one of the first Open Space Trust Funds approved in this...inaudible. In 1999, you completed your original Open Space and Recreation Plan. You updated it in 2000, with just a minor amendment update. The Land Conservancy was hired to complete a plan which we did submit to Green Acres because it did have an Open Space Map in it and it did discuss open space needs and system. So, it qualified for Green Acres Funding. The Municipality, in 2018 created a Bicycle and Pedestrian Plan and the difference between the Trails Plan and the Bike-Ped Plan was the Trails Plan really gave an overall vision for where you would put trails in your municipality. And the Bike-Pedestrian Plan, made it on the ground, realistic. How would you actually do it? And, it was a really good document. And, here we are in 2020 to update your Open Space and Recreation Plan. The Open Space Committee worked with The Land Conservancy to identify the goals for the Open Space Program and I have to say, I've done 160 Land Conservation Plans of which have an easily been Open Space Plans throughout the State of New Jersey, Mount Olive's Goals and your original 1999 plan are the goals that you have of today. There are very forward thinking, very well stated, and they speak well to the municipality. In your original plan the over-arching vision was to preserve the lands and waters in Mount Olive Township, for the purposes of conservation of environmental resources, outdoor recreation, and the preservation of Mount Olive scenic inaudible countryside. And you can see that these ten goals that are on the screen in front of you, are the ones that meet that over-arching vision really...inaudible...create walkable connected green spaces within your municipality, and ensure that the integrity of your natural spaces is protected, whether that natural space be a forest, or whether it be your water resources. Mount Olive is uniquely situated and kind of nestled within the State Park System, and you've done an excellent job in terms of protecting your landscape. The funding for your open space program, as I mentioned, began in 1995, where your residents overwhelmingly approved a ballot referendum to establish a local Open Space Trust Fund. The council approved it in 1996 and in 1998 the voters approved increasing the levy from 1 cent to 3 cents. And it gradually went up to that rate. Between 1997 and 2019, the open space trust fund collected almost 14 million dollars and you've expended just about \$13.35 million of it. And, the current balance as of December, 2019 was 466 thousand dollars. You used your Open Space Trust fund to purchase and preserve 19 properties covering nearly 2,000 acres. Which is quite a remarkable set of achievements. This is my favorite slide and I think it gives you an over-arching view of which Mount Olive Township has used its local Open Space Trust Fund, and leveraged it with outside dollars. The reason that I do these plans, is to identify funding for the municipality and to make sure the town qualifies for outside dollar for land acquisition. And your Open Space Committee and your professionals in the municipality and your governing body have done an excellent job using other people's monies to protect land and structures within the municipality. So as I mentioned, you used your trust fund on 19 projects, to preserve 1,918 acres. Green Acres has purchase participated in 9 of those projects, and awarded 5.4 million dollars to the municipality. The Land Conservancy of New Jersey, owns land within the municipality. We have 404 acres and we partnered with Mount Olive Township, not just on the South Branch Preserve property, but on a total of 8 projects and we've contributed 854 million dollars for land acquisition within Mount Olive Township. If used, the Morris County Preservation Trust Funds, I'm not sure there is really many more towns that have been as active as Mount Olive Township with the County Trust Fund, the county has participated in 10 projects covering 2,000 acres, expending 9 million dollars just on land acquisitions. Inaudible...Preservation Trust funds they worked with you on 22 projects awarding 1.5 million dollars and the Farmland Program through both the state and the county, has participated in 8 projects with the State contributing 6.6 million dollars to preserve farms within the municipality. When you add them up its 74 projects, for a total of 37 million dollars. Which is a remarkable achievement. Mount Olive Township really prides itself on their Recreation

Program. At the outset of this plan we met with your Recreation Director and the...inaudible... and diversity of recreation offerings is really impressive in your Municipality. Soccer is your overwhelming sport and there's tables in the plan that go over the current land...the current programs and facilities within the municipality. It's very important to recognize that Green Acres calls this an Open Space and Recreation Plan, but it deals only with outdoor recreation and it's not a Recreation Master Plan. We don't really go into a lot of detail about facility improvement. We'll give general recommendations that were based upon our interviews in the municipality. Your municipal recreation facilities are throughout the town the highlight of which is your Turkey Brook Park and you can see a photograph here of Mount Play More. Your recreation facilities are heavily used and I'm sure during the pandemic they've been very popular. I have to say your Open Space Committee does a great job in identifying opportunities to expand and connect those recreational facilities. The Open Space Plan has a series of maps in it. Green Acres requires what they call an Open Space Systems Map. So, the map that I have here is your Preserved and Public Land Map within the Township of Mount Olive. Anything that's green is permanently protected and in Mount Olive Township you have State Land, County Parks and Municipal Parks. You have...and I'm going to go into this a little bit more, what's called a Recreation Open Space Inventory, that details the parks and natural areas that are held by the municipality, which your planner has been reviewing and has been in correspondence with Green Acres and it's signed by the Chair of The Planning Board. The Planning Board does have a role in that document. We do have easements that are held by the Municipality. Mount Olive Township and I think Mendham Township are the only municipalities I've seen in Morris County that actually post the land that they own and that they own in easement. I live in Randolph Township and I've asked my municipality for a long time to post their property and it's just not done. And it's great that Mount Olive Township posts their land. Hanover Township is now following the model of Mount Olive Township. Map also includes preserved farms and if we've identified areas of private recreation we've included them on the map. The Land Conservancies South Branch Preserve is identified on this map as are your public lands and schools. This slide summarizes the preserved land within the municipality. So in total you have 6,924 acres of preserved land. That's 35 percent of the township. So you've 2,212 acres that's identified on your ROSI, which means that's municipally restricted land for parks and open space. The Morris County Park Commission owns 290 acres within the municipality. There's 3,700 acres of state parkland and wildlife management areas, 319 acres of preserved farms, and again as I mentioned the 400 acres that's owned by The Land Conservancy as part of South Branch Preserve. The Trails Plan in 2009 looked at trails within the municipality, and this map is based off the 2000...inaudible...and had been updated in 2020. So it includes your county trails, we include The State Park System and Turkey Brook Park. I'm going to go to the next slide as it really focuses in on Turkey Brook Park. So, Turkey Brook Park has this pretty extensive network of trails throughout the park that your Open Space Committee and volunteers have blazed, mapped, and have shared via social media with your residence. If you are not a member of Mount Olive's Open Space Facebook Group, it's a great group to join. They have a lot of good information on it. But the concept was really to create a connected system of walkways and paths to bring residents from their homes to the park. And they are multi-use, for hiking, mountain bicycling, horseback riding, cross-country skiing and snowshoeing. So it's a really nice system and one that the Open Space Committee would like to see expanded. As I mentioned, the municipality has what's called a Recreation and Open Space Inventory and it's a document that's signed by the Planning Board and by the Mayor that says that the land owns all of these properties and holds them for parks and recreation and will only do so in perpetuity. In Green Acres, created this document because when they first started the program in the early 1960s, they were awarding funds for land preservation and towns were selling off existing parks, in order to buy the new property which was anti-theatrical to what the Green Acres Program

was. But what's happened in the municipality, is that the Planner, and rightfully so, is very concerned that properties have been listed on the ROSI, in error. So what the Open Space Plan has in, is a pretty detailed analysis, we include the letters that were written by your Planner, we include pretty detailed mapping, which identifies those properties of concern, and in the back of the plan are tables, that give documentation as to why those properties should be considered for removal from the Green Acres ROSI. In addition to those that are being recommended for removal, there are properties that should be added when the ROSI is updated. And this is one example, in front of you. The Regency has been developed and as part of that development, I believe through the Planning Board review process, the town has acquired land for trail connection and for open space, that's what's seen in the red and green. So when you update your ROSI, those properties should be added. The plan ends with an action plan, so Green Acres requires that you have like a short-term, a mid-term and a long-term action plan. And these are the things that they would identify as kind of that short-term set of goals for which the Open Space Committee and the town should work towards. First is what we are doing tonight. Is to review and adopt the Open Space and Recreation Plan as an element of the Master Plan. Green Acres requires this in order for the town to qualify for funding. Once done, you should submit the Open Space Plan to Green Acres for approval. Every Plan that's been written by The Land Conservancy has been approved by Green Acres. You should update the Recreation Open Space Inventory and submit it to the state for approval. Normally I would only recommend that when you're asking for funding from the state because it's a big process, but because there's concern that there's property on there that does not need to be on there, . . . you know . . . moving forward with that is a good activity to do in the short term. This past year I guess in 2019, Mount Olive Township received a letter from Green Acres that you were no longer in the Green Acres Program, this is not a reflection on Mount Olive's Open Space Program. What it is, it means that you are no longer actively acquiring land through the state program. And the state did that for towns throughout New Jersey, that if they had grant agreements that were, had aged out and had funding that they were not actively using and did not have the projects that would qualify for them for that funding, they would then tell the municipality were no longer in the Planning Incentive Program. Doing your Open Space and Recreation Plan is your application for the Planning Incentive Program. The advantage of the Planning Incentive Program is that any of the properties that are identified on you map, are in your . . . inaudible . . . would qualify potentially for a funding for Open Space Preservation at a 50 percent match rate. If you don't have an Open Space Plan or you don't submit your plan to the state, you would have to apply on a project by project basis. So if I own land in Mount Olive and I had agreed to sell it to the town for preservation you could apply to Green Acres for my property. It's about a 60 page application it's very difficult and its expensive to do, you would not get a 50 percent matching grant, you would probably get 25 percent of the funding for the property and if I changed my mind and decided I no longer wanted to sell it to the municipality, no longer . . . no . . . you would not only lose my property, you would lose the state funding that was tied to my property. Whereas if you're in the Planning Incentive Program, if I changed my mind but Chuck decides he wants to sell his property, well you could just earmark the funds that had been for my property to his and move forward. And that's what you've done in the past and if you choose to that's what you should do in the future. Doing this plan and submitting it to the state, makes it good for you for 10 years. And that's a good thing. The municipality is in the process of acquiring land to expand Turkey Brook Park. You received a grand fund in 2019 for that, so we encourage you to complete that project. You are also working on the donation of a property in the International Trade Zone to protect and incline plane of the Morris Canal. Which again you should complete and you are making way towards that. So with that I'd like to thank you for having us here for the presentation. I know that Bob and Kathy from the Open Space Committee are in the audience and I ask that when you open it up to the public, that if Bob or Kathy want to add

anything to the presentation that they be given that opportunity. So before I formally turn it over to The Chair, I just a little bit of advice as to whether or not I should continue to share my screen, in case there is a question about the presentation, or if I should stop the screen share? So if you could just tell me what to do that would be great. Thank you.

Mr. Scapicchio: Barbara, I would say stop the screen share. You can always turn it back on if we need to, right?

Ms. Huskins-Davis: Yes. So I'm going to stop it.

Mr. Scapicchio: Okay. And before we go the Planning Board Members, Chuck, I know there has been some correspondence back and forth with you and Barbara Davis and the Open Space Committee Members. Is there anything you want to add to what Barbara said?

Mr. McGroarty: No, Mr. Chairman. I think...you know...I just had a few suggestions along the way. I think everything's in good shape and I have nothing to add. Thank you.

Mr. Scapicchio: Okay. Any Planning Board Members have any questions for Barbara, or Chuck?

Ms. Natafalusy: David?

Mr. Scapicchio: Yes, Catherine?

Ms. Natafalusy: I just have two things I noticed. On Page 20...inaudible...Farm says it's located on Hill Road. It's 60 Old Mine Hill Road, so that should be corrected because there is another Hill Road in Mount Olive so I don't want there to be confusion.

Ms. Huskins-Davis: So it's...could you say it one more time?

Ms. Natafalusy: It's 60 Old Mine Hill Road and actually on Page 32 in your Table 11, it refers to it as 60 Old Mine Hill Road.

Ms. Huskins-Davis: Thank you.

Ms. Natafalusy: Okay, and then the other thing I noticed was on Page 25, you're saying Stevens Homestead is Willows Grove Road and that is in Mount Olive. It's not. It's in Hackettstown.

Ms. Huskins-Davis: Thank you.

Ms. Natafalusy: So, that should probably be removed.

Ms. Huskins-Davis: Okay. Thank you.

Mr. Scapicchio: Any more questions Catherine?

Ms. Natafalusy: No, that's all I had. That's all I found.

Mr. Scapicchio: Thank you. Any other Board Members have any questions?
All right. I see that we have 6 attendees. I see Kathy Murphy. Kathy Murphy would you like to comment?

Mr. Westdyk: If so just raise your hand, Kathy. If you scroll down to the bottom of your screen there should be a little hand there and just click it and...

Ms. Murphy: There we go. How's that?

Mr. Scapicchio: Okay. Now I see her.

Ms. Murphy: Okay, good. The Steven's Homestead that has a Hackettstown mailing address but it is physically in Mount Olive. It's on the east side of the river within Steven's State Park, which is technically part of Mount Olive.

Ms. Natafalusy: So then it's not on Willow Grove Road?

Ms. Murphy: It's... Willow Grove Road goes down into Stephens State Park and I guess that's the mailing... the physical mailing address, but it is... the building itself is located in Mount Olive.

Ms. Natafalusy: Okay. I just googled the map and it looked like it was in Hackettstown to me. The Willow Grove Road I'm talking about not the Stevens State Park.

Ms. Murphy: Oh, All right. I didn't know the mailing address on it but the building itself definitely is physically in Mount Olive.

Ms. Natafalusy: Okay.

Ms. Murphy: At any rate. This is a comment that I want to make. I want to thank Barbara and The Land Conservancy for all the work that they've put into this. We collaborated for a long time and we've used all of our members assistance in this and a lot of the properties that we... well the ones that we're currently working on... and the ones we hope to in the future would help connect, existing parks and be able to expand the trails systems, so... we still have things to do and we're looking forward to it so... maybe we'll have some more successes in the future.

Mr. Scapicchio: Kathy, thanks for all your help and your hard work.

Ms. Murphy: Thank you.

Mr. Scapicchio: Dane, I have another attendee that... inaudible... Is that somebody that would like to comment on this... public meeting?

Mr. Westdyk: If they would like to make a comment, if they could press *9 on their phone, that will raise your hand.

Mr. Scapicchio: Okay, I see something here, Dane.

Mr. Schaechter: They're asking now. They've raised their hand.

Mr. Westdyk: Okay now you have to unmute yourself. That's...

Mr. Scapicchio: They raised their hand but they're muted on my screen. Oh, now they're not.

Mr. Westdyk: For the record, could you just say your name and your address please?

Mr. Chaudhari : Good evening Board, my name is Saket. I'm actually just listening in for my own PB meeting, and I will just join via video instead of audio as well. No comments on this meeting.

Mr. Scapicchio: Okay. Dane, I see a couple of...two other people here, a Robert Delpizzo...

Mr. Delpizzo: I don't have any other comments other than to thank Chuck. He kept us honest and was really, really poured through the plan and helped us quite a bit. I don't know how many hours he spent but I know it's quite a bit to get this plan to where it is today. So appreciate that. This has been over a year in effort since we started our original presentation and... that's basically it. So thank you.

Mr. Scapicchio: Thank you. And I see one more on my screen...Susan Maier? Is Susan available? Dane?

Ms. Maier: Yea, I have no comments.

Mr. Westdyk: She should be coming on just now...

Mr. McGroarty: I think she said...I think Ms. Maier said she had no comments. I'm not sure.

Mr. Scapicchio: Susan Maier, do you want to tell us that you either do or do not have any comments?

Mr. Schaechter: She said she didn't.

Ms. Maier: Yea, no... inaudible...

Mr. Scapicchio: Okay, Great. Thanks for attending.

Ms. Maier: Thanks

Mr. Scapicchio: Dane, I don't see anybody else here as an attendee, do you?

Mr. Westdyk: No. Everybody is accounted for.

Mr. Scapicchio: I just want to make sure we get everybody involved that wants to be involved. Okay. Barbara, thank you very much for your presentation. And, thanks to all the Open

Space Committee members that do a great job for Mount Olive Township. What action are you looking for us to take this evening, um...?

Mr. McGroarty: Let me jump in Mr. Chairman. On that, then with this, as Barbara has explained, this is... would be an element of the added to the Township's Master Plan. So, um... subject to any guidance from Ed on this and a motion to adopt the Open Space and Recreation Plan, as an element of the Township's Master Plan, and then a vote on that. Ed?

Mr. Buzak: I think that's...did I unmute on here?

Mr. McGroarty: Yes.

Mr. Buzak: Yes that's exactly right Chuck, and I think what we'll do is if you make the motion we can memorialize that in the Resolution for next month and so we have some formality a separate document that indicates we adopted it as opposed to you know...rifling through the minutes to try to find out when we did it and what the discussion was.

Mr. Scapicchio: All right. So, I guess we are looking for a motion to adopt the Open Space Plan into our Master Plan...

Mr. Schaechter: I'll make that motion, Mr. Chairman.

Mr. Mania: I'll second.

Mr. Scapicchio: Do we have a second?

Mr. Mania: I'll seconded it, Dave.

Mr. Scapicchio: Roll call, Mary, please.

Ms. Strain:	David Scapicchio	Yes
	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes

Mr. Scapicchio: All right. That's great. Barbara thanks very much. Have a good evening.

Ms. Huskins-Davis: You too.

Mr. McGroarty: Thank you, Barbara.

Mr. Scapicchio: All right. Next on the agenda here is an extension request for PB 17-18 Chaudhari, Saket which is an extension request for 54 Corey Road. Block 5201, Lot 5. Is the applicant present?

Mr. McGroarty: Mr. Chairman, he is one of the members of the...he's an attendee now... one of the remaining attendees

Mr. Scapicchio: Okay.

Mr. McGroarty: Do you want him as a panelist? Maybe Dane can help us with that?

Mr. Scapicchio: Yes, I think we need to speak with him.

Mr. Westdyk: Yes, I'll promote him to panelist. He should be allowed to speak now.

Mr. Chaudhari: Good evening Board, I'm Saket. I'm still here.

Mr. Scapicchio: Okay, Chaudhari? Did I say that correctly?

Mr. Chaudhari: Yes Sir.

Mr. Scapicchio: All right. Great. All right, I see that you're asking for another extension, can I ask why you need this extension? And how long do you want the extension for? And why should we grant it?

Mr. Chaudhari: Yes Sir, so starting with the reasons for my last...the request I made a year ago, some of the circumstances still stay with me. I was engrossed in a litigation battle with a general contractor which is still ongoing and that has limited my abilities to really carry this project forward. And so that is still commencing as we speak. So financially I was tied up because of that. Additionally, just with everything that is ongoing with the entire scenario with the Covid-19, I thought it'd be best not to rush into anything, to wait, to let that ride out as well. And supplemental to that is also some of the issues of my own working hours and just to kind of maintain. This year to see if things can continue to be a little more settled out into next year. Time frame request, if I could request a Board for another one year extension, to execute the plans, really initiate the plans, that would be my request at this time.

Mr. Scapicchio: Okay, Chuck is there any issues on your end with granting this extension?

Mr. McGroarty: No, Mr. Chairman. None.

Mr. Scapicchio: Ed? Buzak?

Mr. Buzak: Thank you, Mr. Chairman. Two items...I was looking at the previous Resolution where we did grant a one year extension and Mr. Chaudhari has accurately set forth that he had raised the issue of litigation last year and was engrossed in litigation and that's what prevented him from moving forward on his original approval which was in 2018. The Resolution states the following based upon the representation that the applicant made. I'll quote...the applicant testified that they were involved in litigation with the construction company which was to perform

the work described above for approximately one year, and as a result of such litigation, no construction has commenced, no building permits have been issued. The applicant further testified that they anticipated that litigation would come to trial within the next two to three months. And that they would be able to commence construction of the expansion set forth above within the next year. I guess my question is to Mr. Chaudhari, is the litigation scheduled for trial again? What happened with the two to three months that you had testified to last year? We're now...you know...eight months after that, I guess. This Resolution was adopted in January of 2020.

Mr. Chaudhari: Yes. There were delays in that a time frame. A series of extension requests that were made by their side and our side...the process has been furthered but to even honestly say at this point that I can predict a time frame especially based off the months that have passed at this point, I would say that I cannot identify a single point at which a resolution can entirely be made... honestly. I do think most of the ground work, at least from our side, has been done. It turned out to be a case of fraud, where is basically involving not only the general contractors but interference with their engineer, who has basically interfered with the NJDEP, and things have escalated and have really unfolded to be much more bigger scenario than has previously envisioned. So, while we continue to work towards an ultimate resolution, we feel we have made breakthroughs. But yes, in terms of the time frame, I would say...I cannot really identify a conclusive timeframe as to when the matter will be resolved. I do feel additionally that with my the amount I have paid my attorneys, I do feel in addition too, I should be able to fund at least a good portion of it, at least have the project started within this upcoming year, despite those litigation matters.

Mr. Buzak: Mr. Chair if I might, one other question. The approval that we granted last year had a condition. And the condition was...had several conditions...but the condition that I'm referring to is that reads...quotes...the applicant shall permanently remove the existing 168 square foot gazebo slash wood deck, currently straddling the lot lines of Lots 5 and 6 and the plastic shed shown to be located at the rear of Lot 5. The applicant shall further relocate the wood shed located behind the rear lot line of Lot 5 to a location in compliance with the Township's Land Use Ordinance and shall secure Zoning Permit to relocate the same, prior to the expiration of the extension of the variance approvals herein granted. This approval, or this extension... runs for a year... So, I guess the question is has any of that been done?

Mr. Chaudhari: No Sir. At this time I did not address these issues to date.

Mr. Scapicchio: Ed?

Mr. Buzak: I guess Mr. Chairman, the point is this. The Resolution was conditioned, the extension was conditioned upon this. I was looking quickly to see if I could find an actual date that we said it had to be done. And I'm not seeing it. I'll look, I'll look a little more carefully. But during the in the fact finding portion, there was a provision where the applicant further acknowledged if they haven't relocated the wood shed that's located behind the rear lot line of Lot 5, and secure the Zoning Permit to locate the shed according to the township's requirements, nor that have they done any of the other things. Then it says the applicant agreed to fulfill all of those conditions even though the construction has no commence in connection with the expansion." And I guess my point Mr. Chairman and Mr. Chaudhari, is that these Resolutions mean something. And if an applicant makes representation before the Board, under oath and even if he didn't make it under oath, but when you make those representations, then that's something, and I don't mean to be taking over the Chairman's role here, but from the legal end they're not...they're not things that are

just put in there in order to move the matter forward. They're put in there with the intention that they're going to be followed. And here, now...you know...we're in September and you've represented that none of that's been done. Now to some extent, I understand the fact that we're in the pandemic from March or so of this year, you got this extension in December of last year we approved the Resolution actually adopted in January, but you got your approval at the of December of 2019. And while I understand that the pandemic has affected a lot of people in terms of jobs, in terms of what their future is and all that, I get that. But these actions of moving things that are on lot lines that are not supposed, that are not where they're supposed to be, those aren't based upon the construction that you're doing. These, if I remember correctly and the Zoning Officer can correct me, these are violations and candidly while I'm sure that everyone is sympathetic and had gone through the same pandemic traumas that you have and all of us have...I'm troubled I guess, Mr. Chairman, by the fact that this just hasn't been done. It's like well okay I'll just get it done but I'm not going to really do it. It's been no indication that well I tried to do it, I couldn't get a permit, I couldn't get a contractors out, I... whatever. So, Mr. Chaudhari, I think that's a concern because if we're not going to enforce the conditions then we'll might as well not put them in and just grant extensions, so. Thank you, Mr. Chairman.

Mr. Scapicchio: Mr. Buzak, how, how do we and I agree with you. He needs to take care of those issues, so how do we deal with that and deal with the extension request at the same time. Do we give him 30 days to take care of that, then revisit the extension request? How do we handle it?

Mr. Buzak: Well, I think you're on the right path Mr. Chairman. This Resolution...the extension expires on the date that we adopted the action which was on December 5, 2019. So, that means that the extension expires on December 5, 2020. Or somewhere around there, whatever the...

Mr. Scapicchio: Okay.

Mr. Buzak: We're in September, now. So we have October, November... at least October and November. We have another two and a half months, the weather is still good. We don't have winter. We don't have any storms. I would suggest that rather than grant the extension, that the matter be carried for either 30 days or...you know...in other words to an October Meeting, or to a November Meeting, depending upon what Mr. Chaudhari indicates he can get this done. But that, that's I think that should be done before we actually grant a further extension, beyond that. So, we have a couple of months while he still has the variance in effect so, I would recommend that, depending on how our agenda is to move it forward. I'd like to hear from Mr. Chaudhari as to what his time table would be to get that done and then we can....

Ms. Crawford: Excuse me Ed? Susan Crawford.

Mr. Buzak: Yes.

Ms. Crawford: Excuse me Ed. Actually if I'm not mistaken, um... Paragraph 6 of the Resolution, it looked like the extension may have been granted until October 18th.

Mr. Buzak: Okay. Maybe I'm looking at the wrong Resolution. The one I have doesn't have a Paragraph 6.

Mr. Scapicchio: All right. Well that's fine. Mr. Chaudhari? How long do you think it would take you to comply with the issues that Mr. Buzak raised?

Mr. Chaudhari: Mr. Buzak, thank you for reminding me of these obligations. I will get up on it right away, 30 days I believe is a fair time. And I apologize to the Board. The information may have slipped through time and I must have misunderstood. But absolutely I will just get up on it and just have it done. It's a very simple request and I apologize for not having it done sooner...30 days, Sir.

Mr. Scapicchio: So you need 30 days.

Mr. Chaudhari: Yes. I am going to find the time starting this upcoming weekend, Monday and just get it done.

Mr. Buzak: Okay.

Mr. Scapicchio: Okay, and I guess you will confirm all of those corrections with Chuck McGroarty in our Township Planning Department?

Mr. Chaudhari: Yes, Sir. I will e-mail Mr. McGroarty, or stop by whatever he suggests, within this month.

Mr. Scapicchio: Okay. And as much as we want to be cooperative and helpful, we also like to get issues off of our desk and this has been on our desk for a long time. So please, try to stay on top of it and get it rectified ASAP, and then I guess... Ed, when would we like to put this back on the agenda to consider and extension?

Mr. McGroarty: Mr. Chairman?

Mr. Buzak: Let me ask you this Mr. Chair... or ask Susan this. She was looking at a Resolution apparently. I have one that is signed by the Chairman, it had a couple of revisions previously and it does say, final...and it was adopted December 5, 2019. A Susan, is that the one that you are looking at?

Ms. Crawford: Um... I have one that's signed, that says 12/27/19 final. And... it looks like it wasn't drafted.

Ms. Strain: January the 9th?

Ms. Crawford: Yes.

Mr. Buzak: On no I see... I know, I'm sorry Susan, I see. I was looking at the wrong... I was looking at the wrong... I was looking at the operative section and you're right. There's a paragraph 6 in the Findings of Fact...

Ms. Crawford: Right.

Mr. Buzak: And it does... awards professionals and the staff have no objection to granting the requested extension and that the same should be extended to October 18th 2020, one year from the date of the original approval. So, when's our October meetings?

Mr. Schaechter: Oh, Mr. Chair?

Mr. Scapicchio: Yes.

Mr. Schaechter: Is there a way that, I mean this application is... Go... It's like herpes, it's not going away. It's coming back, I mean Mr. Chaudhari has been in front of us 5 times for this. Is there a way that we can give him a provisional approval that if this stuff gets done within the next 30 days we'll extend out for a year and then this way we can move it off the desk? And if it's not done it expires. I mean...we have a huge schedule coming up. We just keep pushing things and you know something, this should be simple. Really should be simple. I mean...

Mr. Scapicchio: Brian, I would sort of suggest that we you know, give him the 30 days that he requested to take care of these issues, then we'll revisit the extension request.

Mr. Schaechter: Okay. Fair enough.

Mr. Scapicchio: This way he gets it... either gets it done within 30 days, or he doesn't.

Mr. Schaechter: Yes.

Mr. Scapicchio: Ed? Chuck? Are you guys okay with that?

Mr.: Buzak: Yes, I understand what Mr. Schaechter is saying and I don't... I don't disagree with our agendas and the fact that...you know...we have to put it on another agenda and find time for it and that kind of thing, but the logistics of what you are talking about is going to take longer, I think, than simply having... having him come and you know...demonstrate that it's been done. Chuck will know because one of these is that he has to get a Zoning Permit, so we'll know that, so I think it will actually be quicker, Mr. Schaechter if we do it by carrying it. It's a short item on the agenda. We'll put it on first, and we'll get everybody out of there.

Mr. Schaechter: Fair enough.

Mr. Buzak: Thank you.

Mr. Scapicchio: So Ed, when do you want to carry it to?

Mr. Buzak: Well when's our meeting, Mary? What's the schedule here?

Ms. Strain: We meet on October 15th.

Mr. Buzak: Okay, this is technically supposed to expire on October 18th, you said October 15th is the second meeting? Okay...

Ms. Strain: Yes.

Mr. Buzak: Then which part...which agenda is the better agenda because they are both about 30 days from now?

Ms. Strain: And they are both about the same... inaudible...

Mr. Buzak: All right so why don't we move it to give Mr. Chaudhari I would suggest, another week so we'll go to the 15th of October.

Ms. Strain: Okay.

Mr. Buzak: And that's about 30 days from now and that should be, it's four weeks from now, I guess.

Mr. Scapicchio: Mr. Chaudhari, does that work for you, Sir?

Mr. Chaudhari: Yes, Sir.

Mr. Scapicchio: Okay, so you have all of those issues addressed before October 15th.

Mr. Chaudhari: Yes Sir. So again just to repeat, just to remove the gazebo, remove the plastic shed and thirdly make sure the other shed is onto my property?

Mr. Scapicchio: That will be all, correct?

Mr. McGroarty: With the Zoning Permit. So don't forget that.

Mr. Schaechter: Yea, so I... I... wouldn't wait to the 14th to get this done because zoning's not going to have enough time to issue the permit.

Mr. Chaudhari: Got it.

Mr. McGroarty: Mr. Chairman, one question to Ed. Ed, this was noticed for tonight's meeting do we carry the matter?

Mr. Buzak: Yes. Good point Chuck. Yes, we should carry Mr. Chairman that this matter will be carried to our meeting of October 15, 2020. There will be no further notice. The meeting will be conducted through Zoom platform in the same manner which tonight's meeting will be conducted starting at 7:00 am...7:00 pm.

Mr. Scapicchio: All right. So, Ed I should ask for a...I should move to approve that request to move it to December... October 15, 2020, which is the extension request for BP 17- 18 and Mr. Chaudhari will come in to compliance with the zoning requirements prior to that date.

Mr. Buzak: That's correct, Sir.

Mr. Scapicchio: Can I have a second?

Mr. Mania: Second.

Mr. Scapicchio: Mary, roll call, please.

Ms. Strain: David Scapicchio Yes
 Brian Schaechter Yes
 Ken Forlenza Yes
 Kim Mott Yes
 Catherine Natafalusy Yes
 John Mania Yes
 Paul Ottavinia Yes
 John Batsch Yes
 Joseph Ouimet Yes

Mr. Forlenza: Mr. Chair?

Mr. Scapicchio: Yes.

Mr. Forlenza: I don't think you had somebody...a first...to move this motion.

Mr. Scapicchio: I thought I moved it...I thought I moved it... but can somebody move that?

Mr. Buzak: I think you did move it, Mr. Chairman. I'm sorry, I thought you said you were going to move that and we had second.

Mr. Scapicchio: That was my intention Ed, to move it. I mean is it appropriate for me...

Mr. Buzak: Yes, the Chair can make a motion, yes. That's fine.

Mr. Scapicchio: All right, then.

Mr. Forlenza: Thanks. Sorry.

Mr. Scapicchio: Okay. Do I need to open this up to the public Ed, at all?

Mr. Buzak: We don't have to. We opened it up to the public on Mr. Chaudhari's application. We don't have any other application on it. We opened it the public for the Open Space Plan. So, there's no, there's no legal requirement that a Planning Board have a public session. You're certainly welcome to do it if you'd like to do it. But...

Mr. Scapicchio: All right. But I guess there will... I guess, to do everything the right way. It's going to be carried to October 15th, and there will be no further notice.

Mr. Buzak: That's correct.

Mr. Scapicchio: Okay. All right. I think we're done with the agenda. Does any Board Member or any of the professionals have anything to add? Comment?

Mr. McGroarty: None for me, Mr. Chairman.

Mr. Scapicchio: If not, I'll ask.

Mr. Buzak: Mr. Chairman, before you do that, Dane, is it possible that I can log on... I have another computer that I was going to use but I don't think I can get sound. Susan and I...it must run in the firm...you know...we can't get sound, so can I log into this meeting with the other computer, now? And can you just see if you can hear me? I didn't want to interrupt this meeting.

Mr. Westdyk: Yes, I can keep it open if everyone wants to quit and we can just be me and you, not a problem.

Mr. Scapicchio: Go ahead.

Mr. Buzak: I appreciate that. Thank you very much.

Mr. Schaechter: Motion to adjourn.

Mr. Scapicchio: Aren't we going to wait...

Mr. Mania: So moved.

Mr. Scapicchio: ...for Ed to log on with his other computer?

Mr. Schaechter: No, we don't have to sit on. We can end the meeting.

Mr. Westdyk: You guys can split... inaudible.

Mr. Scapicchio: Brian, make a motion to adjourn. Do we have a second?

Mr. Mania: Second.

Mr. Scapicchio: All in favor?


All: Aye.

Adjourn

The meeting adjourned at 7:54 pm.

Transcribed by Karen Grill.


Signature


Planning Board Meeting Date Approved