

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting
Thursday, August 13, 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 August 13, 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. Schaechter, Mr. Forlenza, Ms. Mott, Ms. Natafalusy, Mr. Mania, Mr. Nelsen, Mr. Ottavina, Mr. Batsch, Mr. Ouimet, Mr. Weiss

Excused: Mr. Scapicchio

Board Professionals in attendance were:

Edward Buzak, Esq., Board Attorney

Chuck McGroarty, PP/AICP, Board Planner

Mary Strain, Board Secretary

Excused: Michael Vreeland, PE, Board Engineer

Mr. Weiss: Should we note for the record that Dane is here with us as well...why not? Makes us look that much better. Thanks for being here tonight Dane. Thanks to everybody for getting here early, on time. We are doing much better at this. So let's jump into the agenda tonight. The first item, first series of items on the agenda are approval of minutes...we were sent all. Everyone has the minutes, so let me go in order.

Meeting Minutes

November 8, 2018 Public Meeting

Mr. Weiss: The first one on our agenda is November 8, 2018 Public Meeting. Can someone please move these minutes?

Mr. Schaechter: I will make that motion.

Mr. Weiss: Thanks, Brian. Second?

Ms. Mott: I will second.

Mr. Weiss: Kim, thank you very much. Any comments or questions? Seeing none.
Mary, roll call.

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

December 20, 2018 Public Meeting

Mr. Weiss: The next item, December 20, 2018 Public Meeting. Someone please move these.

Mr. Batsch: I will move those.

Mr. Ouimet: Second.

Mr. Weiss: Thank you John and Brian, you seconded it?

Mr. Schaechter: No, that was Joe Ouimet.

Mr. Weiss: Sorry, okay. John Batsch and then Joe Ouimet. Any comments, questions or concerns? Seeing none. Roll call, Mary.

Roll Call:	Kim Mott	Yes
	John Batsch	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes

December 5, 2019 Public Meeting

Mr. Weiss: Okay, let's move to the December...

Mr. Schaechter: Whatever you did, you...inaudible...echo?

Mr. McGroarty: I am getting it. I am...inaudible...

Mr. Weiss: Okay, so you might want to shut the other one down. You might...going to...have an echo I think.

Mr. Weiss: Okay. Mary, we are on the December 5th now, right?

Ms. Strain: Yes, December 5th.

Mr. Weiss: December 5th, 2019, special meeting. Someone please move that.

Mr. Schaechter: I will move that.

Mr. Weiss: Thank you Brian. Second? Kim, thank you very much.

Ms. Mott: I wasn't at the meeting.

Mr. Weiss: Thanks for the effort anyway...someone please move that? Ken, you are eligible to moving it?

Mr. Forlenza: I will second it.

Mr. Weiss: Thank you Ken. Any comments or questions? Seeing none. Roll call.

Roll Call:

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

December 12, 2019 Public Meeting

Mr. Weiss: We will move on to December 12, 2019, Public Meeting. Someone please move these minutes.

Mr. Ouimet: I'll move that.

Mr. Weiss: Thank you Joe. Second?

Mr. Batsch: I will second.

Mr. Weiss: Thank you John. Any comments, questions, or concerns? I see none. Mary, roll call.

Roll Call:

Brian Schaechter	Yes
Ken Forlenza	Yes
Catherine Natafalusy	Yes
John Mania	Yes
Dan Nelsen	Yes
John Batsch	Yes
Joseph Ouimet	Yes
Howie Weiss	Yes

February 13, 2020 Public Meeting

Mr. Weiss: February 13, 2020, Public Meeting. Would someone please move these?

Mr. Schaechter: I will.

Mr. Weiss: Thank you Brian.

Mr. Ouimet: Second.

Mr. Weiss: Joe, thank you. No, can't second those Joe...inaudible...

Mr. Ouimet: Oh, I am sorry, we are going to 13th, February 13th.

Mr. Schaechter: He is eligible.

Mr. Ouimet: I am.

Ms. Strain: Yes. Joseph...inaudible.

Mr. Weiss: ...inaudible...I am sorry. Thank you Joe. I believe we do have some comments on that. Catherine, did you want to bring up comments and it looks like they have been addressed but did you want to bring up any changes?

Ms. Natafalusy: Well, there were a couple comments that I sent to Mary. She changed them and then there was one yesterday that I sent, that one thing still had to be fixed. There was a time on Page 78 that had, a name had to be inserted.

Mr. Weiss: Okay.

Ms. Natafalusy: I sent that last night to her, so that should have been done too.

Mr. Weiss: Did you have that changed Mary?

Ms. Strain: Yes, it was done.

Mr. Weiss: Fantastic. Thanks Mary and Catherine. I appreciate the thoroughness, Catherine too. I know there is a lot of reading going on.

Ms. Natafalusy: Sure.

Mr. Weiss: I guess that is what all about being retired does for you, right?

Ms. Natafalusy: Yes, I got a lot of time...pandemic time.

Laughing

Mr. Weiss: Any other comments. All those corrections were changed Mary?

Ms. Strain: Yes. They were.

Mr. Weiss: Thank you very much. Any other comments or questions?

Ms. Natafalusy: Oh I am sorry, that was the February 20th one. The February 13th, it was just...there was a statement that Chuck had made that there was a question on some of the wording. It didn't sound right and I think that was sent...I know that was sent to Mary last night too and that was...

Mr. Weiss: And this was...Catherine, as well as on page 56, there was just a misrepresentation. I thought that was fixed as well.

Ms. Strain: Yes.

Ms. Natafalusy: Yes.

Mr. Weiss: Okay. So, anything else? Alright. Mary, roll call.

Ms. Strain: Brian Schaechter...

Mr. Weiss: No...wait. Hold a second. It was a...

Ms. Strain: We have a motion by Brian and it was seconded by Joseph Ouimet.

Mr. Weiss: Correct.

Roll Call:	Brian Schaechter	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	Dan Nelsen	Yes
	Joseph Ouimet	Yes
	Howie Weiss	Yes

February 20, 2020 Public Meeting

Mr. Weiss: We move to February 20th, 2020 Public Meeting. Someone please move these.

Ms. Mott: I will move February 20th meeting.

Mr. Weiss: Thank you, Kim.

Mr. Ottavinia: I will second.

Mr. Weiss: Thank you...who is that? Paul?

Mr. Ottavinia: Yes.

Mr. Weiss: Thank you so much. Catherine, let us go back to what you had said earlier. There was a change on Page 78.

Ms. Natafalusy: Page 78, yes.

Mr. Weiss: And that was a change. That was corrected?

Ms. Strain: That was corrected...that Mr. Ploussas was speaking... Gregory Ploussas.

Mr. Weiss: Okay.

Ms. Natafalusy: Okay. Thank you.

Mr. Weiss: Any other comments, changes, concerns? John?

Mr. Mania: No.

Mr. Weiss: Okay. See none. Mary, roll call.

Ms. Strain: Ken Forlenza Yes
Kim Mott Yes
Catherine Natafalusy Yes
Dan Nelsen Yes
Paul Ottavinia Yes
Howie Weiss Yes

Mr. Weiss: Okay that concludes our approval of the minutes...

Ms. Strain: There is May 21st, I am sorry, Howie. There is one more.

May 21, 2020 Public Meeting

Mr. Weiss: May 21st, I didn't see that. My thumb was on it. The final one for the evening, May 21st 2020 public meeting. Someone please move those.

Mr. Mania: I'll move that.

Mr. Weiss: Thank you, John.

Ms. Mott: I'll second it.

Mr. Weiss: And who is that...Kim?

Ms. Strain: Kim...Kim seconded.

Mr. Weiss: Thanks so much. I apologize. I am getting some pop-up on my screen. It has been blocking the picture, so...Okay, motions were made and seconded. Any comments, questions, concerns? Seeing none. Roll call please, Mary.

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

Mr. Weiss: Okay. So let us just get into our development applications this evening. I just have a point of order. Originally, we had other applications heard. It is not on the revised agenda. Do we need to note for the record, Mr. Buzak, that the 2 applications will not be heard? PB 20-02...

Mr. Buzak: I am sorry. If they had noticed for tonight, then yes we need to do that and set forth the day, time and place to which they have been adjourned. If they had not as yet noticed, and I think that may have been the problem, they didn't notice, then we don't have to say anything...Chuck?

Mr. McGroarty: Yes, they did not notice. That is why they are not on tonight.

Development Application

PB 15-20 Cholish, Leonard, 28-1 Bartley Road, Block 6900, Lot 29

Mr. Weiss: Okay. I saw that they...inaudible...so, let's move to a lone developmental matter for the evening which is PB 15-20 Leonard Cholish here for the extension request for his variance at the property at 28-1 Bartley Road which is Block 6900, Lot 29. Dane, if you would be so kind, it looks like Mr. Cholish is here, if you can bring him up to panelist?

Mr. Westdyk: Mr. Cholish, I'm going to allow you to talk. You'll drop out of the meeting, you will connect right back up and you will be allowed to speak once you are connected, okay? And there you are, Mr. Cholish.

Mr. Weiss: Just let us know when you are ready, if you could hear us...

Mr. Westdyk: He had two...going, so I just promoted him on both. One of them is in, for sure. You there, Mr. Cholish? He is not muted. It is...whatever it is, it is on his end...but I will...without knowing exactly how you are connecting, Mr. Cholish...can we know who that is on the attendee's list Chuck or anybody?

Mr. McGroarty: Where is this? Let me see the list.

Mr. Westdyk: The phone number on the attendees...inaudible...somebody is trying to call in to listen.

Mr. McGroarty: Well I have Leonard Cholish on twice here...

Mr. Westdyk: Yes, no I am looking at...if you look at the attendee's list?

Mr. McGroarty: Right.

Mr. Westdyk: There is a phone number...someone is dialing in and...inaudible...I don't know who...

Mr. Buzak: That may be Susan Crawford, I don't have the number...

Mr. McGroarty: Well, we have a phone number, the recorder, and Susan Crawford. So...inaudible...phone number is.

Mr. Buzak: Okay...alright.

Mr. McGroarty: I don't know.

Mr. Westdyk: Yes...hard to troubleshoot. It is...Mr. Cholish, do you have a microphone? You need to activate it or start it. I am not sure if he...

Mr. Weiss: Would it be easier if he returned as an attendee and try to give some instructions? I am not sure if he is even hearing us.

Mr. Westdyk: He is hearing us...well if he has speakers, he is hearing us...

Mr. Cholish: I am hearing it. Could you hear me now?

Mr. Westdyk: Caller...inaudible...yes...Mr. Cholish is that you?

Mr. Schaechter: Yes...we can hear him now.

Mr. Cholish: Could you hear me now?

Mr. Westdyk: Is that you Mr. Cholish?

Mr. Cholish: Yes...that is me. I am on the phone and trying to get on the computer audio also at the same time.

Mr. Westdyk: Okay. No worries. Well...you could call then. I am sure that is perfectly legitimate, right?

Mr. Cholish: I could see you guys and I could hear you, so we are good. I am just talking on telephone because I...we lost the other...

Mr. Weiss: Well, I think that works, Ed, we don't have a problem with that correct?

Mr. Buzak: That is correct.

Mr. Weiss: Okay. So, welcome this evening, Mr. Cholish. We are here to discuss the extension request and for the record if you recall I think it was December...correct Chuck...where this application came up in front of us and Mr. Cholish was not present, so we dismissed the case?

Inaudible

Mr. Buzak: Well, I think Mr. Chairman just to be clear, their request is for an extension of time, to utilize the variance. When Mr. Cholish did not appear, the Board denied the extension. So, we didn't technically dismissed the case, we denied the extension which obviated the variance that he needed or variances that he needed.

Mr. Weiss: Okay, thank you for that Mr. Buzak. So, tonight Mr. Cholish had come back and asked us if we would reconsider our decision and I suppose the first thing we might want to do is hear from Mr. Cholish, discuss it and then I know that we have some kind of late breaking information...might want to add to it. Chuck, how do you suggest we move forward?

Mr. McGroarty: I think Ed was going to set the parameters of how the Board is going to proceed. Ed, do you want to do that now or...

Mr. Buzak: Yes, yes...that is fine. Because the Board has taken action, we adopted...we took action in December, we adopted the Resolution, I believe, in January...this action is done. So, in order to get this back before the Board and not have it be a new application and start from scratch, the first step before we even hear from Mr. Cholish is for the Board to agree that they will reconsider the action that they took in December and the way that is done if the Board is so inclined is that someone who voted in favor of the Resolution...inaudible...favor of not extending the variance needs to move to reconsider the Resolution and likewise someone who voted in favor needs to second it and then those people who voted in favor of the denial so to speak, denial of the extension, can revote on it. If they vote in that motion to reconsider, then the matter gets put on the table again and Mr. Cholish can now appear and make his presentation to the Board. The members that I have down based upon I guess what I had in the Resolution, I think, they are consistent with what Mary had in her agenda are Chairman Weiss, Mr. Schaechter, Mr. Nelsen, Mr. Mania, Mr. Forlenza, Ms. Natafalusy, Mr. Batsch, and Mr. Ouimet. So, those members, I believe, are all here tonight. So, if there is an inclination for the Board to hear this matter, one of those people would have to move to reconsider and second and a vote would be taken.

Mr. Weiss: Okay, so let me...before we do that Mr. Buzak, in light of some of the information that we shared this afternoon, should we continue to talk about some of those items or should we at least bring it to the forefront if we want to reconsider? What is the best practice?

Mr. Buzak: I think we have to get this on the table, so to speak. I may have recognized this on the agenda but given the status of it, there is really nothing to discuss until it is back on the table. So, I think the first step is to...inaudible...consider the reconsideration.

Mr. Weiss: So, based on the conversation to be followed, I am going to recommend to the Planning Board that we reconsider our action but I do want somebody from the Planning Board to make that motion, we will second it, we will take the vote and then we will continue the conversation.

Mr. Nelsen: I will make the motion to reconsider and put it back on the table, PB 15-20.

Mr. Schaechter: I will second it.

Mr. Weiss: Perfect and we are talking about, just for the record it was Resolution 15-20, that was memorialized in January of 2020. So, we have a motion, it has been seconded. Let us take a roll call, Mary.

Ms. Strain: I am sorry. I am showing that Dan Nelsen was excused at that December 5th meeting.

Mr. Buzak: Okay. I had him at the bottom of the Resolution that I have but Mary, I will defer to what you had in the minutes because this is not a signed copy of the Resolution. So, that might have changed when we voted.

Mr. Schaechter: In that case, I will make the motion.

Mr. Weiss: Thank you Brian and it is seconded by...

Mr. Ouimet: Second.

Mr. Weiss: Thank you Joe. Yes, I don't have a copy of a signed Resolution either but I do agree with Ed. I am looking at it. Dan Nelsen was on it. So, just for even the moving, Dan, we will excuse you for this vote, real quick, if that's okay with you.

Mr. Nelsen: Okay.

Mr. McGroarty: Mine is signed and Dan is on here. I have the signed Resolution and Dan is on here for what it's worth...

Ms. Strain: Does it say how many voted? The number of votes?

Mr. McGroarty: I guess it doesn't matter. We have got the motion and the second, right? Can Dan vote?

Mr. Weiss: Well, I think it would only matter if there is going to be conversation. If there is going to be a conversation moving forward, I would imagine that. Would it have to be those folks that voted on it last time, if there is further action this evening, Ed?

Mr. Buzak: No, everyone who is here tonight can vote on the further action if we get it on the table.

Mr. Weiss: Let us just for this process, Dan Nelsen has already agreed to not vote. Let us move this forward and then we will pick it back up. The motion has been made and seconded. Do I see any comments? Inaudible...that being said let us take a roll call.

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

Mr. McGroarty: Wait, wait, wait...

Mr. Forlenza: Mary, it is Ken. Am I not allowed to...?

Mr. McGroarty: That's 5 votes. You got Paul and Ken here...and Joe, and John.

Ms. Strain: Is it just those the people that voted at the meeting?

Mr. McGroarty: No everybody tonight. Ed just said everybody tonight...

Mr. Buzak: No. On the reconsideration which is what we are doing, only those who voted on the original Resolution denying it...

Mr. McGroarty: I thought it was everybody. Okay.

Mr. Buzak: But we still have Mr. Forlenza, I think who voted on it and Mr. Ouimet who voted on the original Resolution in December or January.

Ms. Strain: Ken, I have that you were absent for the December 5th meeting. No, I am sorry. Alright Ken Forlenza, I am sorry.

Mr. Forlenza: Yes, Mary.

Ms. Strain: Joseph Ouimet Yes
Howie Weiss Yes

Ms. Strain: Thank you.

Mr. Buzak: So, now everyone can participate in the discussion and ultimately vote. The matter before us is a request to extend the time within which to utilize the variances that were previously granted and now is the appropriate time Mr. Chairman for the Board to discuss the new information that we have while Mr. Cholish is able to listen.

Mr. Weiss: Okay. So, Mr. Cholish, I think if you are wondering why you haven't had the opportunity to speak because of some recent findings from our Planner, we wanted to continue the conversation. The Board has agreed. I am sure you are following along that we are going to reverse our decision and we are going to vacate our decision to dismiss your request. So, I guess, just the opposite, Ed, tell me if I am wrong, we have decided that we are going to grant the extension?

Mr. Buzak: No. You have decided that you will reconsider it now. So you can still deny it if you decide to deny it, but...

Mr. Weiss: Okay. Not everyday business but that is okay. So, I just want to make sure Mr. Cholish is following along even with a little bit of confusion. So we have just made the decision to reconsider your extension request and as we do that there is some more information that the Planning Board really should consider and I think at this point, Chuck, did you want to present what we talked about earlier?

Mr. McGroarty: Sure. I sent an email today, it was around 2 o'clock this afternoon and sorry for the very last minute but when I was putting this...just getting some stuff ready for tonight's meeting, went through the file. Catherine had actually suggested we put Mr. Cholish's plot plan up, so that we can look at it if anyone is interested in refreshing their memory as to where the property is located and I think we can do that. Dane has helped us out to put that together. In the course of putting that together, I started going through the file and I discovered that when this was...okay...so it is down by the...inaudible...if anyone is familiar with this area down there.

Mr. Westdyk: Chuck...inaudible...

Mr. McGroarty: Oh that's okay. I will defer to Howie, if Howie wants to do that, but when I started putting this together today, I went back to the original 2010 approval for this lot. As I said in the email, it came in front of the Board in 2010 and then two variances were granted. One was for insufficient lot width and the other for insufficient lot area. It then returned to the Planning Board five years later when Mr. Cholish...nothing...the lot had not been built, time ran out, he came back and got essentially the same approval one more time, same two variances, insufficient lot width and insufficient lot area and then he also...subsequent to that got an extension which carried him through to late last year and that is why he was scheduled to be back for another extension. So, looking at all this when I went back, I discovered that in 2010 the Board was presented the wrong information by the applicant and also by the engineer in his report. It identified the property as being in the RR-A zone and in fact...and that was significant because the two of the variances...the two variances actually were triggered by the standards that applied. It was three acre zone in RR-A and this property as it turns out was not in that zone. It was in what is known as Commercial Residential 3 Zone where the minimum required lot size when you are on a septic system which is the case here was 1 acre. So, that error, that original error just continued to be repeated once Mr. Cholish returned in 2015 and got a second approval and then subsequent to that for the extension and unfortunately nobody caught that but having looked at that and I sent some stuff around today and I don't know if people had a chance to really see any of this. I did a comparison to the property which is actually in the Commercial Residential 3 Zone and it was as of 2010, it was in that zone and it remains in that zone. One of the two variances is no longer required which is insufficient...

Mr. Buzak: Chuck excuse me. Chuck...can Dane...does he have that chart that we can put up?

Mr. McGroarty: No. I don't think he has a chart. I didn't send the chart to Dane...I just emailed that out to everybody.

Mr. Weiss: Cholish Table, that is what it is called, right?

Mr. McGroarty: I didn't send it to Dane. I was just putting it together.

Mr. Weiss: No that was something that Chuck sent out to everybody this morning, this afternoon. So, we all should have it.

Mr. McGroarty: I didn't think of that Ed, unfortunately.

Mr. Buzak: No that's alright. I just thought about it as you were talking about it...

Mr. McGroarty: Yes...

Mr. Westdyk: If any other panelists have it on their computer, they can share their screens.

Mr. Buzak: I should be able to open it. Let me...if you just give me a minute here...wow...

Mr. McGroarty: Look at that...

Mr. Buzak: Wow. I am done. I am leaving the meeting. Nothing can be better now. It's all downhill.

Mr. Westdyk: I am going home.

Mr. McGroarty: Not bad...not bad for a lawyer.

Mr. Buzak: Look at this. I can move it around a little bit.

Mr. McGroarty: So with this chart, what I want to show you was the bottom row is the property we are talking about which is Lot 29 and that happens to be in Block 6900. That is Mr. Cholish's property. The middle line that is the RR-A zone. That was the zoning that was applied in 2010 and every point thereafter and it should not have been but I wanted you to see it so you would have a sense of the standards that were applied. The top row is the zoning that should apply which is the CR-3 and so, when I compared Mr. Cholish's lot or Lot 29 to the CR-3 zone, there is really only one deviation and that is lot width. So, initially he got a variance for both lot width and lot area and as you can see in the CR-3 zone, you only need 1 acre minimum and his property is 2-1/2 acre, so that variance is no longer necessary. So the lot width variance is. Just a little quirky thing about the lot width, lot width is as you see the definition, I have included there. We measure lot width at the building setback line, not at the street line, that's the way the ordinance does it. So, as it happens, this is a, what we call a flagged lot. So there is a long stem coming in from the street, the driveway and the house is in the back and maybe when we are done with this, Dane can put that other, the plot plan back up and you can see it again. What happens in this property, the stem gets more narrow as it goes towards the back and without going into all the details, lot width for this property actually gets a little bit more insufficient, I guess is the best way to say it. So, when he got the variance first time around, lot width measured 151 feet versus 200 feet which is required. Now, it is a little bit less than that. It is 147 feet. In other words, it is a little bit more of a deviation from the ordinance standards. Just coincidentally, the CR-3 and the zoning, the RR-A zoning, have the same lot width, 200 feet. That is just a coincidence and it just makes it a little easier here anyway. So, that is really you could see all the other standards in terms of depth, setbacks, building coverage, etc. This property would conform to the CR-3 zone. So that is the quick history of how it happened. I have some ideas which I put in the email but I am not sure it really matters and I did

say in the email and I think just for the record we can also say this single family detached homes are permitted in the CR-3 zone. So, recognizing that the zoning was incorrectly applied originally, use is still permitted, that is not an issue and I have already mentioned that the situation for variances. So that is really can sum my comments on this, Mr. Chairman.

Mr. Weiss: Okay. So thanks for that review. So, regardless of what happens tonight, let me get the...Ed you could take this down...thank you.

Mr. Buzak: You are welcome.

Mr. Weiss: Okay. Anyway, so regardless, tonight's action is not necessarily to hear testimony about that variance request or the new variance. It is really to determine that the Board will grant an extension and set a time and a date to come back for a site plan, correct?

Mr. Buzak: No. Go ahead Chuck.

Mr. McGroarty: No...Go ahead Ed.

Mr. Buzak: No, it is to grant the extension of the variances that were previously granted and because of this glitch we will deal with that but it is essentially, you will not have to come back if the Board extends the variance. If the Board denies it, then he is going to have to start all over...but we will take the action tonight.

Mr. Weiss: Right, and so just make sure we understand if the Board decides to grant the extension, then there will be a time when Mr. Cholish will come back and present his testimony, proofs on the variance, correct?

Mr. Buzak: No.

Mr. McGroarty: He has already done that.

Mr. Weiss: I got you. Okay, sorry...it has already been done.

Mr. McGroarty: Now, he has done it based on the two variances and Ed just said we can get to that one when the moment comes but...yes, the testimony was given in the past.

Mr. Weiss: Understood. Okay, so I guess maybe the obvious question, so the Board can at least take it into consideration, Mr. Cholish, why don't you tell us what was going on in December that caused you to miss the meeting and bring us to this point in time.

Mr. Cholish: Okay. Thank you for giving me the opportunity here in...inaudible...doing a lot of stuff...you know...going every little detail. I think the meeting was originally in November because I tried to get it in before because it last saw me once before and I had a contractor when we went for a building permit, they said no it expired. So, I got the second one and then I found out to either go for...you know...what number of years, 3 years, and I wasn't able to sell the property, so I guess, again I remember contract on the property and I wanted to make sure that I could get a building permit and the contract wasn't fully completed yet. So, the meeting was supposed to be in November and I think my extension was until November 30, so I said I still had plenty of time,

blah-blah-blah and then I think something happened at the town and they had to postpone that meeting and they put it on December 5th. I had another meeting and it wasn't that night but inadvertently mixed up the dates and I screwed up big time and I was thinking that I had to go on a Tuesday, the following week, which I don't know was the 8th or the 9th or 10th. It was the 5th your meeting and I mixed that up because I did have a meeting that night, the next week on Tuesday, but that was my meeting in Dover on a commercial piece of property site plan approval. So, I was all mixed up with that and you know I apologize but I thought there might have been a chance where they took it just because I inadvertently missed it, they might just put it on next week's agenda because...you know...but I guess not, and so, I finally have a firm contract now and I am ready to go get a building permit tomorrow, so I would like to end this saga once and for all and build something there and be done with it.

Mr. Weiss: Mary, I have got a question for you. I keep really good records. I am looking at our schedule for 2019. I don't see November agenda. Mr. Cholish just told us, I can't confirm that.

Ms. Strain: I am sorry...the meeting was canceled. I can't remember why, I don't have my 2019 here in front of me but I believe the meeting was canceled.

Mr. Weiss: And traditionally we only have one meeting in November, so there wouldn't have been a second November meeting.

Ms. Strain: Yes.

Mr. Weiss: So, I am looking at the December 5th, 2019 agenda and Mr. Cholish was on that agenda. He was contacted...

Mr. Cholish: I have a letter in my file stating the meeting was on the 14th and then rescheduling it to December 15th, I do have that letter, so.

Mr. Weiss: Let me see.

Mr. Cholish: I think somebody die in the town? An official or it was either weather or an official...I thought somebody might have passed away or might have been Rockaway...

Mr. Weiss: Okay, regardless the meeting was canceled...

Mr. Cholish: I have a letter from the township. They rescheduled the November 14th meeting to December 5th and yes, I definitely screwed up and missed the meeting and by the time I found out that...you know...my attorney called me and said be at the meeting tonight and I said no I got to be at Mt. Olive and he goes no you got to be here with me and then that's what I realized but at the time I think I, shortly after, received a letter saying that you denied the application and you know...

Mr. Weiss: Well, just for the record, the letter was addressed, was dated December 11, 2019 to you from Mary. It was a confirmation that because of the failure to appear on December 5th, the Board refuse to approve the extension and the application has expired, so that was the timeframe. So, you are accurate there.

Mr. Cholish: Yes.

Mr. Weiss: I don't think that truly matters. I just wanted to confirm what the history was. Okay, I don't know if anybody from the Board wants to...

Mr. Cholish: You know we subdivided this lot...inaudible...and I because he was putting the golf course back there and I was going to share in the golf course and be a partner and I owned a little gas station in the front, that is where the golf was and we subdivided two lots also, each of us had a lot and what happened is his son built a house there and I held on to mine and the golf course never went through and he sold the property to Green Acres and you know I kept it for a number of years hoping one of my four kids would want to live there but in 2006...you know...I bought a large piece of property, a 100 acre...farm in Long Valley and I built a house there, I needed some money. So, I went to just sell the property and I got a great price for it and what happened was we went down for the building, because I already had a driveway permit, I put the driveway in and I went to do it they said oh no you got to go through wetlands. Well, a year later, I get through wetlands and now it is highlands, so I spent another \$5000 or \$7000, \$8000. I went through a highlands. By then, the property which was worth \$200,000, I couldn't even get \$120,000 or \$110,000. I tried to sell it for...you know...\$120,000 knowing that I could have had \$200,000 back then had I not had to go through that so, that is when...then, I had a sale in 2010 when I applied for the first time and they said oh no you need a variance because the zone was changed. So I have been down this road. It has been...you know...it has been a hard road but I am building on it now and it is going to be over. I am not going to get any more extensions and I just appreciate whatever you can do, so we get started moving on that. But I will also say too I looked at my file and I paid more in taxes than the lot is worth over the last 20 years but I was paying based against the property value of 180,000 and I am technically selling it for...you know...and be partnering in to boot holding a mortgage for the property I have only \$90,000, so I am taking a bat left and right, but I just want to get out from under it.

Mr. Weiss: Yes...and I appreciate the input. I think the Planning Board is going to have to make a decision not too much based on the financial gain or loss that you are experiencing but just on some of the basic premises of land use that we need to apply. Does anybody on the Planning Board have any questions for Mr. Cholish on this?

Mr. Buzak: Mr. Chairman, before we go any further, I have been remised in not swearing Mr. Cholish in. Normally, I catch that, and I didn't tonight. So Mr. Cholish, are you there?

Mr. Cholish: Yes, I am here.

Leonard Cholish was sworn in for the record.

Mr. Buzak: Okay. Thank you sir. Please proceed on Mr. Chairman, sorry.

Mr. Weiss: Okay. So, what I have been saying is if anybody else on the Planning Board has any other questions for Mr. Cholish, I don't know if there is too much more we need to discuss, now is a good time to ask any questions.

Ms. Natafalusy: Howie, the only thing I was going to say is how about Health Department approval, does he still have that or does he have to go back? Because if that is from 2010, wouldn't he have to reapply for the septic?

Mr. Weiss: Chuck or Ed, do you know that answer?

Mr. McGroarty: I don't know the answer. I don't know if it matters if the Board approves it. He is not going to get a building permit unless he gets all the other permits and for me it is a good point to bring it to Mr. Cholish's attention, I don't know, unless he knows.

Mr. Cholish: No, I am just looking for the...so that I can go get a permit and that all will come out when we get a permit, you know, you'd have to follow whatever the rules are as of the day.

Mr. McGroarty: So, if you walked in tomorrow to the Building Department and you didn't have that, they would tell you to go get it...so.

Ms. Natafalusy: Okay. Thank you.

Mr. Weiss: Go ahead...John. I am sorry.

Mr. Cholish: I was saying I know my perc test has expired any way. So, I will have to re-perc, I understand that part of it.

Mr. Weiss: Okay. That will come up through the checks and balances of the Construction Office.

Mr. Cholish: Yes.

Mr. Forlenza: Mr. Chairman?

Mr. Weiss: Yes Ken, go ahead.

Mr. Forlenza: I guess I wasn't around in 2010 and just for my understanding what is the intent of the use of the property? Is he going to build a one-story home on it? Are we talking about that today or...

Mr. McGroarty: That was the approved plan, Ken for a single-family house and maybe Dane, Howie if you are okay with this, Dane can bring that plat plan back up?

Mr. Weiss: Sure.

Mr. McGroarty: It is a single-family house and there were two variances that were triggered by that. The house is in the back of the property. You can see the road is down below, I don't know if maybe, I don't know if Dane can shrink that or not. You can see where the house is. Thank you Dane. So if you could see this, there is a street and a long driveway going in.

Mr. Forlenza: Okay. Thank you. I didn't see that.

Mr. McGroarty: Okay, and that is what they would get...that is the building envelope that they would have to work within in terms of a single-family dwelling. That is all they can do.

Mr. Weiss: Chuck, one thing comes to mind that the conversation we had earlier based on the zone now, the accurate zone, is it accurate to say that Mr. Cholish actually has a little bit longer extension or did I misunderstood?

Mr. McGroarty: Not a longer extension, just the, as I said, where originally the assumption was he had two variances or deviations, he only has one.

Inaudible

Mr. Weiss: Does anybody else have any...go ahead. I am sorry.

Mr. Buzak: It is just in light of the testimony that Mr. Cholish has given, Mr. Cholish do you have a time for the extension. What are you looking for from the Board? I candidly don't recall what the request was back in 2019 but irrespective of that what are you looking for now from today...you are looking for a 6-month extension, a year extension...what is it?

Mr. Cholish: Well, again I have a partner and we are going to build, I am going to hold the mortgage and we are going to build a house together and he is going to live in it. So, I haven't seen his exact plan yet but we are going to go for building. So, again once we get a building permit, then basically I don't need an extension, right? So it should take less than a year to build the house, so I would say a year would give us all because if the house completed before it expires or if you are halfway done or you know, I am not sure how that works.

Mr. McGroarty: Just as long as you have pulled your building permits.

Mr. Cholish: Yes, yes. Okay. I would see a year would be fine.

Mr. Weiss: Mr. Cholish, your intention is to go apply for a building permit immediately?

Mr. Cholish: Yes, yes we couldn't complete the contract until I had the variance, so it is contingent upon getting the variance. So once I have the variance, we could complete the contract and go to get a building permit and we will see what we have to...you know...what other constraints there might be and then I can formulate the things. So, I would say, let us do a year and hopefully it goes through but you know he is really excited about doing it, we are just waiting to go down and start it, so...

Mr. Weiss: Do we have to add a timeframe into this Resolution to talk about our action today, Ed?

Mr. Buzak: Yes...I think we do and I think just for the record it would run a year from today so the extension would be slightly longer...you know...mathematically because this expired, I believe, in November of 2019.

Mr. Weiss: And do we actually need a full year? It sounds like this is just a matter of you know showing the variance and getting approval and go and get a building permit. Is that something that can be done in three months? Mr. Cholish?

Mr. Cholish: Oh you are asking...I didn't know. I think you were asking some of the other Board Members. I am not sure why would we want to shorten it. You know I don't know why we wouldn't just...I don't know why we would have to have a time on it ever because the way I looked at it, once I got the approval, like in 2010, I didn't even realize that you had to reapprove it. If the township changed the zone which predicated me having to get a variance, then once I was approved for that I don't know why would I even had to be going back the second time because I wasn't aware of it the first time.

Mr. McGroarty: Let me answer you Mr. Cholish. First of all, the town didn't change the zoning. When you applied, your engineer, your surveyor put the wrong zoning on the plan and the town's professional picked that up by mistake and that was that...no, no...I am not...let me talk please... let me talk. So that is that. The zoning that took place had nothing to do with you getting your variance. That you just used the wrong zoning and secondly, the town, our ordinance, just like many towns have an ordinance, your variance is valid for one year until you act on it. If you don't act on it, you need the extension which is why you were coming back in the past. So, that is why we put a time limit on it.

Mr. Cholish: No...no what I was speaking to was in '95 when we subdivided the property, it was legal and it didn't require a variance and like I said Mr. Hayes his son took the lot and they built a house...

Mr. McGroarty: I know I was here...I know, I know. It was the...inaudible...zoning...came in for the variance for the house it was changed.

Mr. Cholish: So, either way we are hopefully to be done with this but yes, I would say I don't want to limit myself unnecessarily just in case we find some glitch and you know something happens and I got to start this for sale process all over again. So, you know...

Mr. McGroarty: I think a year is sufficient Mr. Chairman. There has been prior extensions on this and if it is going to happen, it is going to happen, but...I would suggest a year but I wouldn't suggest anything longer than that.

Mr. Weiss: Okay, so here, normally when we grant an extension even if there is an overlap, Ed, tell me if I am wrong, doesn't the extension come or start when the other one expired? Wouldn't this start December whenever it was... December of...

Mr. Buzak: Yes, it was early November actually, November 12th...

Mr. McGroarty: November 12th.

Mr. Buzak: November 12th, 2019 was when the variance expired.

Mr. Weiss: So a year extension would expire November 12th, 2020.

Mr. McGroarty: So if I may Mr. Chairman?

Mr. Weiss: Sure.

Mr. McGroarty: What I just said and I don't vote and I am just making a recommendation maybe add the extra 6 months if you wish just for good measure but this really ought to be probably the last time but if you wanted to count the year if you were inclined to grant him a year's extension and wanted to do it as of, I think we have done this before Ed, the Board has sort of extended the variance, I don't remember if that is the case or not, I seem recall that, but...

Mr. Cholish: It was extended a few years ago.

Mr. McGroarty: No I am talking to Ed right now. I don't know if we...inaudible...there is a reason why the Board could not, say tack another six months on to that one-year timeframe.

Mr. Weiss: I started to do some math year. That would bring it to May 11, 2021, that is an 18-month extension.

Mr. McGroarty: Right.

Mr. Weiss: I think that is generous from the Planning Board. Anybody from the Planning Board have any comments on that? This extension would expire May 11, 2021.

Mr. Schaechter: Howie, are you looking for a motion on it?

Mr. Weiss: No I just want to see if anybody, not yet Brian. Just was curious if anybody objects to that or has any other opinion to share. Okay, I think, I think that gives you plenty of time Mr. Cholish to get it going and get your building permits by May 11, 2021.

Mr. Cholish: All right.

Mr. Buzak: Mr. Chairman if I might I had mentioned that if we are going to move again in that direction, we need to address this glitch in the approvals that were previously granted. The lot size as Mr. McGroarty said is not an issue. That variance will go away because it is not what we needed and the Resolution if the Board is so inclined will reflect that but the one that I think we have to deal with a little bit more is the fact that under the actual zoning as opposed to the incorrect zoning that we utilized before, the intensity of the variance is slightly greater than it was before due to, as Chuck said, the fact that the measurement for front may just not be taken at the street line, it is taken at the setback line and because the setback line was different in these two different zones, it turns out that if you would remember what that map looked like, the stem narrows just before it gets to the flag, so as he went further back 75 feet, that width was narrowed 147 feet versus 151 feet. Now, we did not...and I say, we, talking institutionally the Board did not examine that information because we were proceeding under the impression that the frontage was actually 151 feet. I think what I would like to do is ask Chuck if he has any comment and this is completely impromptu but I would ask Chuck if he has got any comment on the impact...I mean it's four feet. It is not a major amount of the further intensity. The lot was what the lot was, I suspect that the proofs that were provided when the variance was granted for the 151 feet would have been exactly the same for the

147 feet but just to, sort of, get on the record, Chuck do you have any comment about that for the purposes of correcting that error, so that we can get all the ducks in order, so to speak?

Mr. McGroarty: Not much more than as you just said Ed...I think the proofs would have been the same. It is a...it just means that the front yard setback line is pushed a little bit deeper into the lot. It is still relatively in the same area as the other lot with variance and materially it has no impact on the property. It has no...it will not change the location of the driveway. It has nothing to do with the house and so I think if all the variances that one might have to encounter in this situation, this is really just a technical issue but it has no bearing on the property and I don't see any problem with it.

Mr. Buzak: Okay. Thank you.

Mr. Weiss: The Resolution will reflect those small changes. All right, so if nobody else has any comments, I suppose we can move forward with a vote and what we would be voting on is to grant the extension through May 11, 2021. Is that correct Mr. Buzak?

Mr. Buzak: That is correct and to make the technical correction regarding the measurement of the frontage and the fact that there is no need to extend the undersized lot variance because when you apply the correct zoning, this lot conforms. So that will all be in the Resolution, so at one place we will clean everything up and Mr. Cholish will have a clean Resolution through May 11, 2021.

Mr. Weiss: Okay, and you will get that wording right, Mr. Buzak?

Mr. Buzak: Yes.

Mr. Weiss: Okay. All right, so if somebody would please make a motion unless there is a question first?

Mr. Mania: I will make that motion, Mr. Chairman.

Mr. Weiss: Okay, as we discussed. Thank you Mr. Mania.

Mr. Mania: As we discussed, yes.

Mr. Weiss: Anybody want to second this motion?

Mr. Schaechter: I'll second it.

Mr. Weiss: Thank you Brian. Do we have any comments, any concerns? I see none.
Mary, roll call.

Ms. Strain: Brian Schaechter: Yes

Mr. McGroarty: Mary is frozen.

Mr. Weiss: Okay. Hold on...

Ms. Strain: Brian Schaechter: Yes
Ken Forlenza: Yes

Inaudible

Mr. Forlenza: Your video is frozen, Mary.

Mr. Schaechter: Mary, shut your video off...inaudible...

Mr. McGroarty: Everybody gets to vote, Mr. Chairman, is that correct or, Ed, tonight?

Mr. Buzak: That's correct.

Mr. McGroarty: Mr. Chairman, you want me to do the vote?

Mr. Weiss: Sure...go ahead Chuck.

Mr. McGroarty: I don't know if Mary is coming back here with us.

Mr. Schaechter: Mary is back. She just shut her camera off.

Mr. McGroarty: Okay.

Ms. Strain: Ken Forlenza: Yes
Kim Mott: Yes

Mr. Weiss: Wait, wait, wait...go ahead Chuck.

Mr. McGroarty: Mary, could you...you had Brian and Ken so far, right? Mary?

Mr. Buzak: I think we are still losing her.

Ms. Strain: Brian Schaechter: Yes
Ken Forlenza: Yes
Kim Mott: Yes

Mr. Weiss: You know, let us try this because this is important. Mary, hold on one second. Because it is not clear whatsoever, I am going to have Chuck takeover. We will start over again with roll call, only because I want a clear record of the vote.

Ms. Strain: Okay. Thank you.

Mr. Weiss: Okay.

Mr. McGroarty: Ed, everybody is eligible to vote tonight, correct?

Mr. Buzak: That is correct.

Mr. Weiss: So, just for the record Chuck, let's start over again.

Mr. McGroarty: Right Mr. Chairman, I will. I just want to make sure Mr. Batsch will vote and everyone will vote.

Mr. Weiss: Yes.

Mr. McGroarty: We have...

Mr. Buzak: Excuse me...we have 10, if my numbers are right, here we have 10 members present, so we can only have 9 voting...

Mr. McGroarty: I know John is an alternate. I don't know who the other alternate is.

Mr. Weiss: Joe Ouimet.

Mr. McGroarty: Of the two, who votes?

Ms. Natafalusy: John votes first.

Mr. McGroarty: John votes first, okay.

Ms. Natafalusy: Yes.

Mr. McGroarty: I am just going to go in the order that I...I am just going to go in the order the way I see the people on the screen if that is okay.

Roll Call:

Paul Ottavina	Yes
John Batsch	Yes
Kim Mott	Yes
Catherine Natafalusy	Yes
Dan Nelsen	Yes
Brian Schaechter	Yes
Ken Forlenza	Yes
John Mania	Yes
Howie Weiss	No

Mr. Weiss: Chuck, I just, really quick, I usually like to vote last because I always have something to share but...

Mr. McGroarty: I will hold you to last.

Mr. Weiss: Okay. Thank you.

Mr. McGroarty: Ken Forlenza: Yes.

Mr. McGroarty: And now Mr. Weiss.

Mr. Weiss: Okay. So...

Mr. McGroarty: Did I miss somebody though?

Mr. Buzak: John Mania.

Mr. McGroarty: Oh John Mania...I didn't see his face. I am sorry, John.

Mr. McGroarty: John: Yes.

Mr. McGroarty: Thank you John.

Mr. Weiss: Okay, so thank you and here is my position here. As the Chairman of the Mount Olive Planning Board and I have said this many times, I want to make sure that issues in front of the Mount Olive Planning Board are a priority and so I understand life goes on, I understand there is a lot of other things in other towns but I never appreciate when there is a miscommunication that affects my Planning Board and my schedule and because of that and I know my vote will not affect you, I am going to vote No and be consistent that when we have an agenda and people are expected to attend, I expect them there, so therefore my vote is No and that being said this application and this extension is granted until May 11, 2021. There is no other business on the agenda. Let me just double check, we are going to be here...and again, with that this matter is concluded. I just want to look real quick...we have a meeting next week...take a look at the schedule, I am sure Mary will get us all the reports. I have no other business. If anybody else does...

Mr. Forlenza: Howie? Has it been opened up for the public yet?

Mr. McGroarty: I was just wondering that. We didn't open it yet.

Mr. Weiss: Okay. I am sorry but okay...thank you very much guys. Is there anybody from the public that has any comments that they wished to be heard?

Mr. McGroarty: No, nobody from the public.

Mr. Westdyk: No...no public here.

Mr. Weiss: Okay. So, I will close it to the public. Thank you for that gentlemen. I do apologize for that oversight. Okay. So, we can conclude this application. Somebody would please make a motion to adjourn.

Mr. Mania: So moved.

Mr. Weiss: Thank you John...

Mr. Mania: I will move it...Mr. Chairman, John Mania.

Mr. Weiss: Thank you John. Second? Who is going to second that?

Mr. Schaechter: I will second it.

Mr. Weiss: Thank you Brian. All in favor?

All In Favor: Aye, aye

Adjourn

Meeting adjourned at 8:04 pm.

Transcribed by Rupal Joshipura

Mary Stain
Signature

January 21, 2021
Planning Board Meeting Date Approved.