

**Mount Olive Planning Board
Summary Minutes
October 20, 2022**

Meeting opened at 7:00 pm with Pledge of Allegiance followed by roll call:

ATTENDANCE:

Planning Board Members:

Present:

Mr. Scapicchio, Mr. Forlenza, Ms. Natafalusy, Mr. Nelsen, Mr. Galop, Mr. Batsch, Ms. Shanaphy, Mr. Weiss

Excused:

Mr. Schaechter, Ms. Mott, Mr. Mania

Board Professionals:

Chuck McGroarty, PP/AICP; Mike Vreeland, PE; James Bryce, Esq.; Mary Strain, Board Secretary

RESOLUTIONS

PB 22-08 Wintergreen Associates, LLC, Variance d1, 389 Route 46, Block 7700, Lot 4 – approved.

APPLICATIONS

PB 22-09 SD Ventures 2021, LLC

56-58 Old Ledgewood Road, Block 4200, Lots 16.01 & 16.02

Pre & Final Site Plan w/ d Variance

Carry to November 10, 2022 – no further notice.

PB 18-18 Schier, Howard

6 Red Male Lane, Block 4600, Lot 6.12

d-1 Variance Settlement Agreement

Appearing for the applicant: Keith David, Esq.

Mr. Bryce explained that the application before the Board that evening was a Whispering Woods hearing as a result of a settlement that has been negotiated between two parties regarding a land use application. The law requires that they come before the Planning Board and the public in the municipality where the subject property is located. This hearing is for a settlement agreement that has been negotiated between litigation counsel for the Township and by the plaintiff.

Keith Davis, Esq. introduced himself as the attorney present on behalf of Howard Schier, the plaintiff in the lawsuit referenced by Mr. Bryce. This matter is concerning property located at 6 Red Maple lane in Mount Olive Township in the R-1 Residential Zone. There is an existing single family home on the property. It is licensed as a cooperative sober living residence under New Jersey Department of Community Affairs Regulations. It is occupied by a group of men in recovery from either drug or alcohol addiction. There were prior applications presented to the Board in September 2018 and June 2019, which were denied by the Planning Board. Mr. Schier filed an appeal of those denials with the United States District Court. The complaint was filed on September 6, 2019. There was litigation and negotiations between Mr. Schier and special counsel to the Township, and a settlement was reached. Mr. Davis presented Exhibit A-1 *Settlement agreement sign by Howard Schier, House Rules, and W-9 dated 10-20-22*. Mr. Davis further explained that there is a monetary settlement that is part of the resolution

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of this litigation. A resolution was adopted by the governing body in August 2022. Mr. Schier fully authorizes and agrees with the conditions set forth in the resolution. Mr. Davis listed the conditions that were agreed to in the resolution.

Testimony

James Kyle, P.P., of Kyle and McManus was sworn in to testify as the planner for this application. Mr. Kyle testified that he believed the use variance being requested by the applicant constituted an inherently beneficial use for the community. This use would positively serve the general welfare of the public in the Township and would be considered a reasonable accommodation to serve the residents of the 6 Red Maple Lane. Mr. Kyle further addressed concerns of the Board from previous hearings for the application, including parking, curfew time, the privacy fence and safety, which were all conditions of the resolution of agreement approved by the governing body. Lastly, Mr. Kyle testified that this facility is very similar to a group home, which is a permitted use in any residential district in the State of New Jersey. This application would grant the use variance so that the use can continue to provide a reasonable accommodation and service.

Mr. Weiss opened the meeting to the public for questions for Mr. Kyle. Nina Vidal of 4 Red Maple Lane asked if she could submit pictures of the cars from 6 Red Maple Lane parked all over the place. Also, can she pick out the type of fence Mr. Schier will be putting up for privacy. Mr. Davis noted that he would try to work with Ms. Vidal and would extend his contact information. The meeting was closed to the public.

Exhibit A-1 *Settlement agreement signed by Howard Schier, House Rules, and W-9 dated 10-20-22* was reviewed and discussed.

The Board voted 7 in favor, none opposed, therefore approving the application.

PB 22-18 6 Bartley Rd, LLC

6 Bartley Chester Road, Block 6900, Lot 19
Combine Preliminary & Final Site Plan

Appearing for the applicant: Michael Selvaggi, Esq.; Ken Fox, AICP, P.P.; Glen Gutowski of Morris County Elevator

Michael Selvaggi, Esq. gave an overview of the application. The building at 6 Bartley Chester Road has been vacant for some time. The applicant is planning to convert the building into a 3,390 square foot warehouse and 1,230 square foot office. Morris County Elevator will relocate from its location on Route 206 in Flanders to this site. The applicant is seeking site plan approval as well as a variance.

Testimony

Glen Gutowski who is a managing member of 6 Bartley Road, LLC and Morris County Elevator was sworn in for testimony. Mr. Gutowski testified he was landlord of the Day Care at 6 Bartley Chester Road. Morris County Elevator would like to develop the vacant space next to the day care center. Morris County Elevator's office is currently at 227 Route 206 and their warehouse is in Morristown. The objective for this development is to get the office and warehouse under one roof to better accurately track their parts inventory. The buildout will include some office space and a warehouse

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for storage. There will be 5 office employees. The repair staff will be off site and will pick up parts approximately twice a week. The hours of operation will be Monday to Friday 8:00 am to 4:30 pm.

Traffic circulation was discussed along with the Day Care operations and safety for the children.

Ken Fox, AICP, P.P. was present to testify as planner for the application. Mr. Fox presented Exhibit A-1: *Before and After Site Layouts prepared by Fox Architectural Design PC dated 10/13/23 consisting of 1 Sheet.* He described the existing conditions including the day care center and traffic circulation. He explained about the proposed development for Morris County Elevator to the Board. Mr. Fox presented Exhibit A-2: *6 Bartley Chester Road property photos consisting of 10 Photos, 1 sheet.* The existing shed will be moved to the north. The proposal is to get rid of the gravel parking area and replace it with some grass and a defined paved area in the rear of the property. The existing portico over the entrance was not shown on the plans and will remain. The plans will be revised to show the portico. The overall amount of impervious coverage will be reduced. The lighting will be revised and Mr. Fox gave details of the proposed lighting. Lights will go off at 10:00 pm. Mr. Fox explained the proposed drainage for the site. Signage was discussed. The existing signs will be revised to coincide with the new site layout.

The Board voted 8 in favor, none opposed, therefore approving the application.

PB 22-21 AVR Enterprises, LLC
152-156 Route 46, Block 3207, Lot 7
Site Plan w/ d Variance

Appearing for the application: Ronald Heymann, Esq.; Frank Matarazzo, P.E. of Matarazzo Engineering; David Krueger, PWD, CWD of Environmental Technology; Rodrigo Ponce, Applicant

Ronald Heymann, Esq. gave a brief overview of the application to the Board Members. The property at 152-156 Route 46 in Budd Lake is a transmission business. The applicant, Mr. Ponce, is the contract purchaser of the property. Mr. Ponce is also entering into a contract with the owner of the vacant lot next door and will be merging that lot with his lot.

Mr. Weiss noted that an Environmental Impact Statement was required and has not been submitted.

Testimony

The applicant, Rodrigo Ponce, was sworn in for testimony. Mr. Ponce indicated that he is the owner of AVR Enterprises, which is a contractor for telecommunication companies. The companies he currently works for include Verizon, Optimum and Light Path. AVR does all of the cable installations for the fiber optics. He started the company about 5 years ago, but he has been in this type of business for approximately 17 years. AVR has about 200 trucks. He has other locations and there is a main warehouse in Fairfield. The property is an auto transmission repair shop. He would like to purchase the property to do repairs to his fleet of trucks. The employees keep their vehicles at home. This site would be to make repairs to vehicles. There will be between 15 and 20 trucks at the location on a daily basis. The property will not be open to the public. Mr. Heymann presented Exhibits A-1 to A-19: *Pictures taken by Applicant and Ronald Heymann, Esq.* Mr. Ponce reviewed the pictures for the Planning Board Members. The pictures included old tires, garbage and brush cleaned from the site. The pictures also included the improvements after the cleanup and showed quarry process stone that

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was placed in the back of the site. Mr. Ponce also discussed the house on the site. His office is located in the front of the house and the back part of the house is a residence. The existing fence will be moved back so that it does not encroach into the right-of-way. The trees along Route 46 that are in the sight line will be removed. Mr. Heymann presented Exhibit A-20: *Letter from Saxton Falls Sand & Gravel Company, Inc. dated 4/5/22, Letter from Saxton Falls Sand & Gravel Company, Inc. dated 4/6/22 Re: DGA and 3/4" Quarry Process (QP), Letter from Saxton Falls Sand & Gravel Company, Inc. dated 4/5/22 Re: Our 3/4" Washed Crushed Gravel.* These letters explained the quarry process stone that was put down on the site by Mr. Ponce.

The purchase of the vacant lot next to Mr. Ponce's property was noted. Mr. Ponce testified that he had no plans to develop that property at this time, once he purchased it. Parking spaces were discussed. The parking spaces will be reduced. Storage of vehicles was a concern. Mr. Ponce said that used parts for vehicles will be stored off site at a junkyard in Jefferson. Some vehicles may be stored long term on site. Mr. Ponce also testified that he would only be storing vehicles if work was slow.

The fill that Mr. Ponce put down on the site was questioned. Mr. Ponce said the fill was from a pool contractor who had extra clean fill to get rid of, so he took it to fill in his property.

Paul Capone of Elizabeth Lane came forward. He said his home was directly behind Budd Lake Transmission. He wanted to know about the lighting plans. Mr. Weiss indicated that lighting along with other proposals for the site would be discussed at a future meeting.

The application was carried to November 17, 2022 meeting with no further notice required.

With no further business the Board adjourned at 10:02 pm.