

**Mount Olive Planning Board
Summary Minutes
February 16, 2023**

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

ATTENDANCE

Planning Board Members:

Mr. Scapicchio	Mr. Schaechter
Mr. Forlenza	Ms. Natafalusy
Mr. Nelsen	Mr. Galop
Mr. Batsch	Mr. Weiss

Excused:

Ms. Mott	Ms. Shanaphy
Mr. Mania	

Board Professionals:

Chuck McGroarty, P.P., AICP	James Bryce, Esq.
Mike Vreeland, P.E., P.P., C.M.E.	Mary Strain, PB Secretary

MINUTES

Minutes of February 9, 2023 - approved.

APPLICATIONS FOR PUBLIC HEARING

PB 22-21 AVR Enterprises LLC

Site plan; d-1 use variance

152-156 Rt. 46 / Block 3207, Lot 7

Application not heard. Rescheduled for May 18, 2023 – applicant will re-notice

PB 22-27 Veolia North America LLC

P/F site plan with variance

1 Eden Lane / Block 4500, Lot 37

Application not heard. Carried to April 30 – no further notice

PB 22-13 Jerman, Jeffrey R.

Variance for substandard lot area, lot width, and principal building setback

42 Center Street / Block 3350, Lot 21

Appearing for applicant: Jeffrey Jerman, property owner; Thomas Graham, P.E.

Mr. Jerman was sworn as applicant and owner of property in question. He provided overview of Lot 21 as an undersized lot, vacant lot located at corner of Center Street and Spring Street. Lot 21 consists of 5,613 sq. ft. located in the R-4 zone which requires minimum lot area of 10,000 sq. ft. Mr. Jerman sent “buy/sell” letters to adjacent property owners which were identified as Exhibit A-1 to owner of Lot 22 and Exhibit A-2 to owner of Lot 20. He presented a board with photo display of neighboring properties, marked as Exhibit A-3 to demonstrate existing residential character of area and Exhibit A-4, a packet of photos same photos. The witness testified his brother acquired the property approximately 20 years ago and he in turn purchased it approximately one year ago.

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The second witness, Thomas Graham P.E., was sworn as a professional engineer. Mr. Graham prepared the plan for the development of Lot 21 with a single-family dwelling. Mr. Graham listed the three variances: insufficient lot area; insufficient lot width and insufficient principal building setback. Mr. Jerman proceeded with a series of questions to his witness regarding the variances and basis for relief. Mr. Graham testified the plans will comply with the comments in Mr. Vreeland's report. He acknowledged that Morris County Soil Conservation review will be required. Mr. Graham also testified as to his research on DEP database regarding wells within area. Mr. Graham agreed to revise plans regarding coverage calculations per Mr. McGroarty's report.

Several members of the public asked questions about drainage, potential impact to neighboring wells and construction activity impact to neighboring properties.

Mr. Jerman offered testimony regarding the positive and negative criteria to support the variances requested, however; Board members raised questioned his qualifications to provide such testimony. Mr. Bryce advised the Board on the nature of an isolated lot case. The applicant requested the matter be continued in order that he can have a professional planner available to testify. The Board agreed to carry the application to the May 11th meeting with no further notice.

PB SD Ventures 2021, LLC

P/F site plan; d-1 use variance

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

Appearing for applicant: Alyse Hubbard, Esq.; Thomas Graham, P.E.; Alexander Dougherty, PP

The hearing is a continuation of initial hearing on August 11, 2022. Witnesses remain under oath. Ms. Hubbard presented Mr. Graham as the first witness. He described the plan revisions with Exhibit A-3, a colorized version of the new site plan dated February 16, 2023. The changes include reduced number of parking spaces, relocation of proposed building further from western property line and elimination of freestanding sign. The witness acknowledged an updated LOI has not been issued as yet from NJDEP. It was noted that the new plan increased the height of a retaining wall to 10 ft. thus requiring variance relief.

Applicant's professional planner, Alexander Dougherty referred to his prior testimony and addressed the revised site plan in support of the use variance. Mr. McGroarty came to different conclusions with respect to whether "special reasons" have been established.

Members of the public came forward with questions (George Mooney 47 Old Ledgewood Road; David Mooney 54 Old Ledgewood Road) regarding planner's testimony. Mr. Weiss then opened the meeting for general comments at which time four members of the public came forward, all opposed to the application out of concern for maintaining the residential character of the area. Potential conditions were discussed by the Board. A motion to approve the use variance and site plan was made by Mr. Schaechter, seconded by Mr. Nelsen. The vote was three in favor, four opposed. A minimum of five affirmative votes required therefore the application was not approved.

With no further business the Board adjourned at 9:40 pm.