

REGULAR MEETING

Meeting called to order by Chairman Gilbert Foulon with a salute to the flag at 8:03 P.M.

READING: Open Public Meeting Announcement

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and the Herald News on January 13, 2013 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk.

ROLL CALL: Chairman Gilbert Foulon, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Mark Reuter, Michael Ryan and David Slater

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Vice Chairman Joseph Graceffo and Member Eugene Verba

MINUTES: from the July 18, 2013 Meeting

MOTION TO APPROVE: made by Member Reuter, seconded by Member Ryan. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan and Slater. Chairman Foulon abstained.

COMMUNICATIONS REPORT: None

CONCEPTAL NEW BUSINESS PRESENTATION

Property Owner: Prodani Group, LLC

Property Address: 14 Doty Road, Haskell, NJ

**New Tenants: International Architectural Ironworks, Irvington, NJ
and Architectural Stone Embellishments, Sparta, NJ**

**Attorney: A. Michael Rubin, Esq., 1330 Hamburg Turnpike, Wayne, NJ
Attorney for Property Owner**

Michael Nestico and Steven Riviere are the business owners.

Attorney Rubin stated this property is located off of Ringwood Avenue on Doty Road right behind the new retail town centre and has been there for a number of years and the building has been utilized for industrial purposes as far as anybody could remember. Pro Gasket is presently on the premises utilizing not all, but most of the building, and is an industrial business. The parties are still discussing dividing the property 60/40 or 50/50, however, Pro Gasket, the present tenant, will stay, and the new companies would use the other half. The building is approximately 35,000 square feet.

Michael Nestico stated that they are currently located in Irvington, New Jersey, in approximately a 9,000 square foot space. We do high-end architectural stone and ornamental ironwork, typically for any home over \$10,000,000 all over the country. We currently employ, on and off, between 15 to 20 people, and we are hoping to pick up another 10. We presently have 10 employees right now. We are looking to purchase a building and located this one. The owner is willing to divide the building and we want to move our shop to this space. All manufacturing work is done indoors; we don't manufacture outside. It is all done with wet machines. We have been together for about 4-1/2 years. Mr. Nestico stated he started about 17 years ago and Steve has been in the stone business since 1971.

Steve Riviere stated that everything is a diamond-saw application. The machines are very loud if you are right next to them. Outside the building, you don't even know they are running. The saws run at about 70 decibels, which is a little high, but by the time you get to the outside of the building, you don't even know they are inside. Our C&C machine runs at about 50 decibels. Both machines run water-cooled, no dust is involved. The water takes all the dust, sends it into a slurry pit, we run it through a filtration system. There are nine separation bags that filter the water, so all water is recycled, and all the mud is taken out and then we go through four separation of holding tanks where the water goes in, filters over the top, the dirt falls down, and by the time it reaches the fourth level it is clean water ready to go back to the saws. Everything is recycled. The mud that is removed are in silt bags and we put them out in the sun, dry them and after they're dry we cut them and send them out into the dumpsters with our other stone recycled material to go to the landfill. Mr. Nestico also stated that all the materials are all natural stone. 99% of our work is done with Indiana Limestone so there are no carcinogens. It is basically calcium and OSHA regulations do not require us to wear dust masks. Mr. Prodani confirmed that there is no discharge of any type allowed out of the building.

All Board Members were given brochures of the two different companies. There are two separate companies involved because each company manufactures and markets a completely different thing; one is iron and one is stone.

Attorney Rubin questioned the owners if there will be anything occurring on the site that will cause a nuisance or cause the neighbors (residential, commercial or professional uses) that are surrounding the area, to be worried or be having a problem with your application? Mr. Nestico stated he would assume "no" because it is extremely similar to what Pro Gasket does it. Where he has employees come to work, go inside to work, and then they go

home. I would say our noise level will be even lower than Pro Gasket because they use presses and the decibels are probably about two times more than our noise level.

Attorney Rubin questioned how and how often is product brought onto site? Mr. Riviere stated the product comes from Indiana on an eighteen-wheeler, flatbed trailer about once a week. There are usually two stacks of strapped-down material on the truck. The delivery/unload usually is down around 8am and takes ½ hour.

Attorney Rubin questioned on how is product brought off the site? Mr. Riviere stated that when our product deliveries are made, which is once every couple of weeks or so, we hire an independent contractor who has booms on his truck. It is usually either a ten-wheeler or eighteen-wheeler. The truck would come anytime during the day and would also take about ½ to load.

Mr. Prodani of Pro Gasket Aerospace stated that he gets at least two or three pick-ups from Yellow Freight or Roadway, eighteen-wheelers, and we also get deliveries of raw material and 40,000 lbs of coil at a time by them also. I have been at this site since 2001/2002.

Mr. Nestico also stated that they are going to need a showroom at the space. We are going to have super high-end customers/multi-millionaires coming to our showroom here so we have to keep the place right, otherwise we can't sell.

Attorney Rubin questioned if there is enough parking on the site for all the businesses and their employees? Mr. Prodani stated there is plenty of parking. We really don't have any visitors to the site, just our employees. We are ISO Certified so the place has to be immaculate at all times. Mr. Nestico stated we may get a customer once a month since we only have to do three or four years a job to stay busy.

Councilman Cortellessa asked about the ironworks part of the business. Mr. Nestico stated they do ornamental ironwork. We typically do all hand-forged. We have a facility in Mexico where we do 99% of the forging so the ironwork comes to us finished and we assemble here and delivery and install. Very little ironwork will happen in the shop; however, we do need the equipment here if a piece needs to be fixed. We are typically an installation company. We load our two pick-up trucks and go to the jobs.

Chairman Foulon questioned how many parking spaces are on site? Mr. Prodani believes 58, definitely high 50's. Mr. Riviere stated it is not lined now, but it will be when we come on site.

Attorney Veltri asked about employees. Mr. Prodani stated he has 9 employees. Mr. Nestico stated we have 10 now, but hopefully we will have about 20 in total. We will also be looking to hire from the local community.

Attorney Veltri questioned if any changes were going to be made to the exterior changes to the building, i.e., loading docks and things of that nature? Mr. Nestico stated he wants to

clean-up the parking lot, clean-up the overgrown shrubbery, and put a gorgeous entrance on to our area.

Attorney Veltri asked that the loading docks, entrances and exits that are there are going to kept as is? Mr. Prodani stated, “yes”.

Attorney Rubin wants to discuss using a driveway that has been used in the past by Pro Gasket but has not been used in the last few years. Mr. Prodani stated he used to get a lot of recycle containers shipped back from customers on tractor trailers and we would use the side entrance where there is an easement. Attorney Rubin stated that is the driveway on the west side of the property. Mr. Prodani stated there are two double gates, which are locked and were there when I purchased the building, and I have no problem with the new businesses using that entranceway to get into the back of the site.

Attorney Rubin stated he has not seen the easement himself but we have to check this out.

Attorney Veltri asked Engineer Cristaldi what zone is this property in? Attorney Rubin stated Jeff suggested to him that it might be a Business/Commercial Zone even though the building has been used for Industrial for as far as anyone can remember, and hasn't been used for anything else. Mr. Prodani stated it was “Light Industrial” when he purchased the building. The type of businesses that have been in the building were carpet making; a tenant shredded up rubber tires and put it through big rollers and grinded it to pieces to make powder that was used to put onto oil spills. Attorney Rubin stated we just wanted to prove that this property has been used for industrial purposes for a long time.

Engineer Cristaldi wanted to confirm where the property was located. Property is located off of Ringwood Avenue, on Doty Road, right across from Brook Street. Engineer Cristaldi stated the Zoning Map shows it is in a Business Zone. Chairman Foulon questioned once the difference? It has been an industrial use since I have been in town for 40 years.

Attorney Rubin stated we are not building/constructing anything. We intend to divide the building using a condominium methodology so there will be no structural change. It will strictly be legal document that divides title into two pieces. Mr. Prodani did confirm the area has its own separate gas, water and electric meters.

Councilman Cortellessa questioned the structure of the ownership piece and the condominium arrangement? Attorney Rubin stated they will be using what is called a condominium regime, which is called a legal fiction. We take a Master Deed and describe the property and divide it into two pieces. One group will own one piece, and the other group will own the other piece, and each will be responsible for separate taxes and utilities. The building is not changed, the structure isn't changed and presently there is a miser wall separating the two uses, so no interior work will need to be done, maybe just new signage.

Councilman Cortellessa confirmed that you are putting in two businesses. One is an architectural stone business where you deliver stone from Indiana and manufacture the stone in this location. All residue from the process is packaged and recycled so that there are no environmental issues. There is no noise outside and the 70-decibel equipment you

have is well contained in the building. An 18-wheeler comes in once a week or so to deliver stone. The ironworks is produced in Mexico and just assembled in this location and, if necessary, you might have to adjust some of the iron to make sure it fits the specifics of a particular owner. There is minimal truck traffic and not a lot of equipment needed for the iron. You are also creating a condominium fictitious organization and hoping to hire 10 employees for the community. Mr. Riviere stated “yes, that is correct and that is our goal”.

Member Platt asked who is responsible for the sprinkler system of the building? Mr. Nestico stated it would be part of the condo agreement. Mr. Riviere also stated it would be simple to separate the system if we had to.

Member Platt asked about the truck entrance being made on the side of the building and if it was going onto Greenwood Street? Mr. Prodani stated, if you are facing the building, the road is on the left-hand side by the lake. Mr. Nestico stated it is actually named Lange Avenue on the survey. Mr. Prodani stated he used that entrance maybe twice a month for years. There is one little house on this road and then closer to the body of water is Lakeside Avenue.

Engineer Cristaldi asked if there is an easement on the property and whose is it? Mr. Riviere stated he thinks the easement actually comes from Lakeside. Mr. Prodani believes it is for the electrical substation.

Chairman Foulon questioned Attorney Rubin what he would like to get accomplished at tonight’s meeting? Attorney Rubin stated they would like to move forward because these parties would like to consummate their deal. Is it possible that we would not have to come back to do this all over again? Chairman Foulon advised that a New Business Application would have to be submitted to the Board. I don’t believe you would have to come before the Board as long as all the inspection reports are satisfactory. There would be some stipulations that no work would be done outside and there would be no dust outside. Attorney Rubin stated there may be some outside storage, but no work.

Attorney Veltri commented that the condominium split, to me, doesn’t trigger an automatic site plan. Assuming everything else you said is stipulated and true, there wouldn’t be an automatic site plan. However, we are assuming that the uses are permitted uses and that is something that needs to be looked at a little closer. We are also assuming that you have a proper easement for this ingress/egress area. Those are the two issues that concern me.

Attorney Rubin stated he will check the easement out. Also, this site has been utilized for industrial purposes for as long as anyone knows, but apparently, it is zoned Business rather than Industrial. I don’t know the background of how that happened. However, we are not building anything. I believe if we were building something or enlarging the building, a site plan would be necessary with a hearing before the Board of Adjustment for a Use Variance. But since we are not building anything at all, it is still an industrial use as the industrial uses have been site forever and a day.

Attorney Veltri stated, we can look at the case law, but my only concern is that we have an industrial use there now, and now we are going to be putting two other industrial uses in the same building. We are not increasing square footage, but we will now have three

industrial uses in the building, rather than one. My question is with this conceptual type of hearing, “Does this constitute an expansion of a non-conforming industrial use?” I think this is the issue. The other question is that ingress/egress, the easement and where you are accessing. Is it a private road and what is on this road? These are things I cannot tell from the survey.

Mr. Rubin stated because there have been two and three users in that building before, it is exactly as it has been for the last 20/25 years. With regard to the easement, I can research what it is all about. What I can also give you is the history of the uses in the building and provide it to you in writing.

Mr. Nestico stated that there is only a white rental house on the corner of Lange Road. Councilman Cortellessa questioned Mr. Prodani about using Lange Road. Mr. Prodani said he hasn’t used Lange Road in a few years. His deliveries are made through the front gates off of Doty Road. The trucks come off of Ringwood Avenue.

Mayor Mahler stated that there is a Weight Restriction Ordinance regarding trucks on Greenwood Avenue and we will be enforcing it.

Attorney Rubin reiterated that he would supply two items to Attorney Veltri: (1) easement information and (2) history of building tenants. Attorney Veltri stated that is fair since these are my concerns.

Chairman Foulon stated we have no objection to these businesses. We just want to make sure legally that the uses are permitted and file a New Business Application when ready.

APPLICATION STATUS REPORT (Engineer’s Report): Engineer Cristaldi advised that we have a new application for an Amended Site Plan from RSK Development on Mountain Avenue. Chairman Foulon asked if they got a waiver from The Highlands because they haven’t supplied us with it. Mayor Mahler questioned if it was still going to be condos or rentals.

Engineer Cristaldi stated it doesn’t look like he changed anything, but did he lose all his approvals? Attorney Veltri stated they go away, but he may have gotten extensions from the State. This was tied up in appeals. I would like to hear from his lawyer on why he thinks this is still alive. I have a feeling it is probably still alive, but I would like him to outline it for the Board and me.

Chairman Foulon believes we refused to give him another extension. Attorney Veltri stated he lost, but then won on appeal. There is a long, sordid history on this matter, but I still want the applicant to tell us why he believes the approval is still valid.

Engineer Cristaldi stated he did not fill out a new application, just amended the previous approval from 2002.

The Board requests that Engineer Cristaldi include in his review report that a traffic study is required, they may have to widen Mountain Avenue and put in curb and sidewalks. The Engineer did not sign-off on the checklist, but the applicant did post an escrow.

BOARD DISCUSSION: Member Slater brought up the fact that, since people are living in the new Greentree/Parkside Development, a Stop Sign needs to be put up at the driveway

exit going onto Fourth Avenue. Some residents are not stopping there and just driving onto Fourth Avenue. Engineer Cristaldi stated that the Stop Sign was staying at the corner of Fourth & Fourth/Boulevard and they are removing the bumped-out area on the road.

PUBLIC DISCUSSION: None / No one came forward.

RESOLUTION: None

VOUCHERS: None

MOTION TO ADJOURN AT 9:13 P.M.: made by Member Slater, seconded by Member Reuter. Motion carried by a voice vote.

**Jennifer A. Fiorito
Planning Board Secretary**