

REGULAR MEETING

Meeting called to order by Vice Chairman Graceffo with a salute to the flag at 8:15 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: Vice Chairman Graceffo, Mayor Daniel Mahler, Members Kevin Platt, Mark Reuter, Michael Ryan, Eugene Verba and David Slater

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Chairman Gilbert Foulon and Councilman Cortellessa

MINUTES: from the October 17, 2013 Meeting

MOTION TO APPROVE: made by Member Reuter, seconded by Member Platt. Voting yes were Mayor Mahler, Members Platt, Reuter, Verba and Slater. Vice Chairman Graceffo and Member Ryan abstained.

COMMUNICATIONS REPORT: A Memorandum on Stop & Shop was handed out to all Board Professionals and Members.

APPLICATION STATUS: RSK Development

Attorney Veltri advised that there was an issue about whether or not they needed to file a whole new application or just amend the application. I've looked at it preliminarily. There has also been contact from an attorney, Kenneth Krause, representing the applicant, and he has asked for additional time to submit a historical fact pattern and any law they are relying on to amend the application, rather than re-file it. We have extended that time frame until our December meeting. At that meeting, we will make a decision on whether or not to entertain the amended application or to make the applicant re-file the entire application.

NEW BUSINESS APPLICATION: Crete Concrete Construction

Property Owner: Robert E. Biggio

Property Address: 819 Ringwood Avenue, Haskell, NJ

**New Tenant/Owner: Rockport Concrete & Masonry LLC,
38 Rockport Road, Wantage, NJ 07461**

Carried Over from October 17, 2013 Meeting

Attorney Veltri swore in the following witness:

Peter Soldano, current owner of Rockport Concrete & Masonry, LLC and Crete Concrete Construction, 38 Rockport Road, Wantage, New Jersey.

Mr. Soldano testified that he is a local builder that does poured basements and poured foundations. He would like to move his business to the Biggio Property to run his operation out of there. We would just be storing our equipment there, which is the same use as what is being used there now. We use aluminum forms, everything around the cages. They get picked up and loaded onto the trucks and taken to job sites. Occasionally, they may have to make plywood forms on that property, but that would just be a yard guy. No concrete is being processed on site.

Mayor Mahler advised that they are presently located in Haskell. He took a look at Biggio's property and where they are now and there is plenty of room. Where they are now is probably 1/8th of the size of the Biggio Property. Mr. Soldano stated that the Haskell property is 60x160 so the new property is approximately three-and-a-half times larger in size. The Haskell property is a well maintained yard but they are cramped. I think there is plenty of room at the new location and I saw what they are doing and it appears that they are just storing the forms.

Member Slater stated that, initially about a year or so ago, he looked at the property in Haskell and went back again about a week ago. I am impressed with the cleanliness and orderliness of the whole lot and agree with what the Mayor said.

Vice Chairman Graceffo questioned the status of the clean-up of the Biggio property. Mr. Soldano stated that right now we are waiting on the all clear, no further action letter. Before I proceeded with attorneys' fees, I wanted to get the blessing of the Board for the new business.

MOTION TO APPROVE NEW BUSINESS APPLICATION: made by Mayor Mahler, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Reuter, Ryan, Verba and Slater.

---NEW BUSINESS APPLICATION: International Forge, LLC

Property Owner: Prodani Group, LLC

Property Address: 14 Doty Road, Haskell, NJ

New Tenant: International Forge, LLC

Attorney: A. Michael Rubin, Esq., Wayne, NJ

John Sullivan, Esq. appearing on behalf of A. Michael Rubin, Esq.

Attorney Veltri swore in the following witnesses:

Michael Nestico, Principal of International Forge, LLC

Mitch Prodani, Pro Gasket Aerospace

Attorney Sullivan just wanted to remind the Board that Mr. Nestico was before the Board on August 15th with a conceptual plan as to the business that he was going to put in. I believe there was extensive testimony at that time as to their operations and indeed, I think Mr. Rubin asked the Board, and I think the Board approved of their business and he asked as to whether it would be necessary for them to come back and believed he was advised no, just submit the paperwork and your approved. We have now learned that we should make a formal New Business Application and come back a second time. We are here to answer any questions the Board may have to this application.

Vice Chairman Graceffo commented that, even though he wasn't at that meeting, he found it hard to believe that the Board would have given the go ahead on an informal presentation.

Attorney Veltri stated the Applicant was here in August on an informal application. There was feedback from the Board based upon the information we received. One of the dangling issues was the use, what zone the property was in, and Mr. Rubin was supposedly going to get us a history of prior tenants. He did that on November 6th and I have looked at his letter and discussed it with the Building Inspector and one of the issues that I raised tentatively was, is this an expansion of a non-conforming use? If it was, we wouldn't have jurisdiction. Mr. Rubin did outline on November 6th the prior uses. It looks like there were multiple industrial tenants in the site and, at that point, the Building Inspector, having been notified by me of this history, also agreed that there were multiple industrial tenants at the site previously. Based upon this, a New Business Application was decided upon. What also happened, and what the Board has in front of them, was there was a Memo written on, coincidentally, November 6th by the Building Inspector to the Planning Board, where he raised some issues and concerns. One of the issues had to do with outside storage, what was going to be done outside; because we want a clear record tonight of what will be done and won't be done. We absolutely don't want any manufacturing or cutting to be done outside because that is a sensitive point with neighbors. That is the history I recollect and certainly Board Members may have a different history, but we are here tonight for a New Business Application and to hear testimony and address all the Building Inspector's concerns and then take a vote.

Mr. Nestico testified that his business manufactures hand forced iron and bronze and lime stone using state of the art CNC machines. All cutting is "wet".

Mr. Nestico also testified that the outside storage will be along the fence line where the power lines/power station are; north end of property. We intend to store stone slabs; large blocks typically 8'x10' in size, with thickness ranging from two inches to one foot. This area will be for storage only; no cutting will take place in this area. All cutting and fabrication will take place inside the building.

Attorney Veltri asked how much material will be stored and will it be shielded from the public? Mr. Nestico indicated that the whole fence line will be storage – maybe six to eight feet deep. It all depends on how busy we are. The fence line will have pallets with stone on them. No one can see it and there is also a massive pine tree blocking all the view from the office building neighbor, and there are all vines along the fence. The only people that can see it will be us.

Attorney Veltri, asking a question on behalf of the Building Inspector: “Is it your testimony that there will be no outside saw cutting; no outside shaping; and no fabricating outside the building?” Mr. Nestico stated “Correct”.

Attorney Veltri confirmed that nothing is going to be manufactured or done outside the building, other than storing that material? Mr. Nestico testified “That is correct”.

Vice Chairman Graceffo commented that these blocks are shipped in by trailer. Mr. Nestico stated that 99% of what we do is Indiana limestone so we get a truck about twice a month. Our stuff is high dollar so we don't move a ton of material because what we do is so intricate. Mr. Nestico handed out to all Board Members his stone company's brochure.

Vice Chairman Graceffo questioned that the fence line facing towards Lakeside, there is nothing there? Mayor Mahler, referring to Schedule B, described where the fence line is.

Attorney Sullivan stated that the applicant would like to testify as to Schedule B because the artistry work was a little inexact and it appears that the storage area is greater than it is actually going to be. He kind of just designated that particular area, but really storage will only be up against the fence. Mr. Nestico stated there is an entrance on that side, so we have to run a forklift in to get into the entrance on that side anyway.

Mr. Nestico testified that the outside storage will be about 8 feet deep off the fence line. The depiction on Schedule B showing the storage area from the building to the fence line is not the case.

Attorney Veltri questioned how high the fence is and will the material be higher than the fence? Mr. Nestico said the fence is approximately 8 to 10 feet and the material will not be higher than the fence. We stack the material flat and about 4 to 5 feet in height.

Vice Chairman Graceffo reiterated that your intention is to store the blocks of limestone at the back end of the building against that fence. Is there an overhead door in the back? Mr. Nestico stated yes. There is one door in the back and two doors on the side. The back door right now is about 8 feet and we will want to redo it to 10 feet.

Vice Chairman Graceffo questioned that trailer trucks coming in would be off of Doty Road and have to go all the way to the back. Is there room to get out of there? Mr. Nestico stated they will probably come straight in and unload right there and back out straight, but there is room to turnaround.

Vice Chairman Graceffo wants to know what the status is of the “so-called paper road”. Mr. Nestico believes Attorney Rubin found out it is not real. Attorney Sullivan stated that it is not a dedicated road; it is just a paper road. Vice Chairman Graceffo stated the only access in and out will be off of Doty Road, which the trucks will have to pull in and back out. Mr. Nestico stated, “unfortunately yes”.

Attorney Veltri stated one of the issues the Building Inspector wanted us to review on the record was the parking area. How much parking, how it is going to be used and also how the fire department is going to access the building? Attorney Sullivan questioned how many employees Mr. Nestico was going to have at the site? Mr. Nestico says he has about 12 and Mr. Prodani has about 8. Mr. Nestico stated there are 48 parking spaces. There are 5 parking spaces in the front, and then on the left side of the building there is parking as well and on the right side.

Engineer Cristaldi questioned the access. When I look at the drawing, it says a black top drive in the nook/corner of the building. There is a long triangular piece that goes all the way to the back of the property that is cross-hatched, is that your property? Attorney Sullivan stated yes it is, and it is cross-hatched to show where the storage area was going to be. There is a proposed driveway that appears on this Survey/Schedule B that has never been developed because it was part of the entranceway into the left-side of the building. Engineer Cristaldi questioned where the property line on that side? Attorney Sullivan stated, as you see the triangular part where the hatch is, it is that line that comes down. None of the white triangular piece next to that is our property. Engineer Cristaldi questioned what is the width from the corner of the building to the end of the property, i.e., what is the width of the path to get into the property through there? Mr. Nestico stated right now there is an eighteen-wheeler parked there and you can pull in at least three pickups. It is pretty big and there is a fence right there so we are staying on our property. It is much wider than it looks and the property is quite large.

Engineer Cristaldi asked the applicant and owner of the property if they could prepare a plan that can actually be read and contains dimensions so that we know the widths, and distances, and then show where you are going to park 20 cars.

Attorney Veltri: Is it your testimony, both users, that you have sufficient on-site parking for all employees and users of the building? Mr. Prodani stated “yes”. Mr. Nestico stated “not even close there is so much there”. The parking spaces are not marked in the back and we haven’t given it any thought to mark them. I would say most of my employees come together. I believe the building is 120 feet wide.

Vice Chairman Graceffo questioned Mr. Prodani about the ownership of the property. Mr. Prodani does own the property and is subdividing it as a condo conversion.

Attorney Veltri questioned if there was going to be a firewall design? Mr. Nestico said yes and the engineer is coming Monday to get it certified. Mr. Prodani believes there is one there, but Mr. Nestico wants it checked by an engineer.

Member Platt questioned if the sprinkler system was going to be changed? Both parties answered “no”. Mr. Nestico stated unless the engineer states we have to. The whole building is sprinkled. Member Platt stated everything is in Mr. Prodani’s side of the building and what happens if he doesn’t take care of it? Mr. Nestico stated it is part of the condo agreement because it is a common area. Attorney Sullivan stated that since these facilities run through the building they would be deemed common elements that both owners would be responsible to maintain. Attorney Veltri questioned that once the firewall is designed and built, are we going to have a copy of that? Mr. Nestico stated there is a current firewall there, but my question is, is it good enough so I have hired an architect, Peter Dorne and an engineer, who both will be at the property on Monday and they are going to do a full blueprint of the space and submit it to the town. Attorney Veltri stated we need copies of this. Vice Chairman Graceffo questioned the wall that is up presently, is there access from the front building to the back building through that wall, and is there a doorway? Mr. Prodani stated there are two doors. Vice Chairman Graceffo stated that the intent is to eventually close that off completely to remove access from the front of the building, so we are basically going to have two site owners. What about sewer and water? Mr. Prodani stated they are separate now, including separate electric.

Attorney Veltri asked when do you intend to file your Deeds? Attorney Sullivan stated that they are preparing the condominium documents, but obviously we want to confirm the use, and we are working out a mortgage issue. Hopefully within the next 60 days. Attorney Veltri stated we need copies of all the documentation after it is prepared.

Attorney Veltri stated his concerns with regard to listening to all the testimony and not really looking at a site plan, is not knowing where the cars are going to be parked, knowing that there is going to be outside storage, I am concerned with ingress, egress and fire department access because, I understand what you are saying that you have all this, but I am looking at what was submitted and I just don’t see it all.

Mr. Prodani stated, for the fire trucks, that area has to be opened because we can’t get any deliveries if the area is blocked. Mr. Nestico stated that the back end of the eighteen-wheeler is parked along the fence and you can still drive two or three fire trucks through. Member Platt stated you’re not going to get three fire trucks through and Vice Chairman Graceffo also stated that there is also a dumpster parked there right now. Member Platt stated, I know the building very well, and you have loading docks there and if someone puts something in the loading docks, you can’t possibly get another truck through there even though it is extremely wide there. Attorney Sullivan added that, obviously ProGasket came before the Board in 2002 when they moved into the site and their operation was approved and there have been other tenants, as summarized in Attorney Rubin’s letter, and there have been no issues with either parking or the ingress and egress because they have the same ingress and egress as they do now.

Vice Chairman Graceffo, referencing reading notes from when you came before the Board a few months ago for exploratory, and to go from that discussion to what you guys are now asking for tonight, I think there are a lot of unanswered questions. I am going to request that we get complete detailed plans as to exactly how the building will be divided, where the access is going to be in terms of ingress and egress and where the parking spaces are going to be, where the dumpsters are going to be for garbage, and everything else that needs to be noted. You are going to have two separate owners at this property and we need a more detailed plan about what is taking place. Obviously, you are already working on the site, which never should have started. Mr. Nestico said we need to go back to the Minutes of the last meeting and there was a question asked if we needed to come back again and I swear it was said that all that needed to be done was the paperwork needed to be filed.

Attorney Veltri believes there was a complete misunderstanding of what a non-formal application is. A non-formal application is when you give us information and we give you feedback; both are non-binding. What you say to us is non-binding and what we say to you is non-binding. So any direction that you thought we were giving you to do whatever you wanted there, I think was misconstrued. You could not possibly start a business in town, and no one can, without doing at least what you are doing tonight. You just can't say we were in a non-binding meeting and nobody had a big objection so we are moving in and doing what we want. That is crazy and couldn't be interpreted that way because if you move in to any business in this town, you have to come back in front of this Board for the application that you are here on tonight.

Attorney Sullivan is requesting from the Board some delineation as to what exactly you want to see from us.

Vice Chairman Graceffo believes the whole application has to be submitted with a lot more documentation than you have given to us tonight.

Attorney Veltri stated the one good thing that we all agree on, because one of the issues when we last met was, "Do we have jurisdiction to even hear the application since there was a use variance issue?" That is the major hurdle for you to even be here and that we are even entertaining the application based upon what Attorney Rubin has submitted. That was a major hurdle, everything else is just a typical New Business Application so I don't want you guys to run out of here and panic. What we are saying, especially with the concerns of the Building Inspector, is the Board wants to be clear about what is happening on the site and how it is going to happen.

Attorney Sullivan, summarizing what we testified here tonight: (a) there is going to be no operations outside the building in terms of fabrication, cutting, etc.; (b) clarification as to the storage area being up against the fence line and cannot be seen by the Haskell Town Center; and (c) as to the parking, we will get you more information, but testified that we have enough on-site parking for all employees. I would like to get some direction as to what then the Board feels is missing that we need to present to you.

Attorney Veltri proposed that the Board may want to entertain an approval subject to these things coming in to give you more comfort. But the things have to come in and they have to say what you are stipulating.

Member Reuter, referencing the Minutes he had in his possession, regarding an easement and the discussion around improper use, questioned Attorney Veltri if he is comfortable that the use is okay and this Board is authorized to hear this. Attorney Veltri stated he is comfortable with two things because I don't know the history of the site. I have been given

a history of the site, I have shared the history on the telephone with Mr. Brusco, who has agreed that the history is correct and based upon that stipulation of past use, we are saying nothing is really changing. It is not an expansion of a non-conforming use; it is a continued use and that is why we are here. Member Reuter also questioned the easement. Attorney Veltri stated that the first part of what Attorney Rubin wrote to me on November 6th was, “the proposed driveway on the west side of the property abutting Lange Avenue shall be abandoned. A title search of the premises shows that there are no easement rights through the lands of the North Jersey District Water Supply Commission. Furthermore, Lane Avenue appears to be a paper street, never having been improved to Borough standards. International Forge, the proposed user of somewhat under 50% of the building, will be utilizing the established Doty Road driveway.” That was the answer that we received. Member Reuter also wanted to point out to Mr. Nestico that the Minutes stated, “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.” That may be the piece that is missing here along with all the documentation. I am just clarifying what the Minutes appear to say.

Mr. Nestico questioned if Mr. Rubin ever asked the question “if we had to come back.” Member Reuter stated he didn’t see that in the Minutes.

Vice Chairman Graceffo stated the fact that you had to file a Business Application means you have to come back before the Board. There was no resolution drawn that evening that gave you any right or permission to start work or do anything. Again, I think an entirely new site plan has to be submitted showing the partition of the building, showing where one owner is going to be located and where the other is going to be along with dimensions; the fact that the paper street has to be completely eliminated off the site plan as non-existent; the notation as to exactly what the egress is; knowing exactly where parking is; where garbage disposals are located; and where the storage area is going to be. All this has to be delineated before we can review it again. If you have all that stuff by next month, I believe we can move forward without any problem.

Next hearing date is December 19th, the third Thursday of the month.

Mr. Nestico questioned if there was any way we could do anything contingent upon receiving the requested information? Attorney Veltri answered it was completely up to the Board. Mr. Nestico continued that he also misinterpreted what the Board said so I made moves for my company to be there so now it is going to be a massive financial burden if we can’t get started quickly. To wait a month would be a colossal financial burden because to move these machines, you have to bring people from Minnesota in, recalibrate them, you are talking about lead times that are massive. Vice Chairman Graceffo questioned if Mr. Nestico had scheduled the transfer of the machinery already? Mr. Nestico stated correct. The machines are there now, but we can’t operate them, and it is costing me to the point where the company might fail, but it’s not the Board’s fault. Vice Chairman Graceffo stated that it is a disappointment to us also as a community. We are not looking to hurt anyone.

Engineer Cristaldi requested that there be some kind of screening on the plan against the Haskell Town Center side, even though there is a fence and massive pine tree. When you do submit the plan, get someone who really understands and is familiar with preparing a

plan because they will understand what you need, i.e. the width of driveway, parking, etc., and what we are trying to do as a Board. Mr. Nestico stated he has an architect and engineer.

Attorney Sullivan asked if the Board would consider moving the application subject to the submission of the documentation which we could get to you sooner than the next Board meeting to somewhat mitigate the situation the applicant is facing, but yet satisfying the Board's interest in having such a plan? Vice Chairman Graceffo feels that this application is way incomplete in terms of the information that I would need, personally, to make an informed decision on. But at the same time, we are not here to put a hardship on anyone's livelihood. That is not the intent; however, at the same time, the cart is way before the horse in this case.

Vice Chairman Graceffo questioned Member Platt, "what can you tell us about the safety and fire access with the way the property is situated right now?" Member Platt stated the fire protection is good because the building is sprinkled. From what they are telling me, there is room in the driveway, but if you put anything in that way, you are not going to get any kind of apparatus in there. You can't just put an apparatus up alongside a building and try to put a ladder up or do anything like that. That is the only thing I can really think of, but having the sprinklers is really a big plus. Even though the connections are out front, both buildings would be sprinkled even if a fire is in the back building. It is a block/masonry building.

Attorney Sullivan added that this building is here now, ProGasket is there occupying the property based upon approval from this Board. The addition of a tenant in the rear of the property, which has been occupied by other tenants over the course of the years, has not changed in any way the manner of ingress and egress by fire/emergency vehicles. It is the same as it was, so in terms of submitting new plans to show what is currently there may not be necessary. The building configuration has not changed in terms of the actual front or rear space or the dimensions of the building. Mr. Prodani stated no walls have even been changed; the place is the way it is. Vice Chairman Graceffo stated now there are changes and that is the whole idea of you coming before this Board to provide us with the information that we need to feel comfortable with an approval.

Member Platt stated you testified that you had a second egress, which you do not have. Mr. Prodani stated when I purchased the building there was and still is a crushed stone road with gates. I have had tractor trailers go through there and the previous owner also used that road.

Vice Chairman Graceffo would like to make a stipulation that maybe we'll approve this on a basis that everything that we requested tonight be submitted and that the Construction Official be certain to monitor everything and give them the right to continue working on the building. They have to come back before the Board again next month with everything that we have asked for. Also, we will have the Construction Official monitor exactly what is taking place, and if he feels it is not going right, we give him the authority to stop the work. Based on applicant's testimony about his business and possible financial hardship,

we are trying to give the applicant an opportunity to maybe move forward without being hurt when the safest and easiest thing for us to do would be to tell the applicant to first provide the documentation, and then appear at the next meeting.

Attorney Veltri added that if the Board is agreeable to your recommendation, I would like to review what we are asking for and what it needs to say. A lot of what we are asking for is based upon the testimony that you gave tonight. We don't want to get a site plan that says different things than what you stipulated tonight. If the Board is okay with the concept, maybe we should review what everyone wants. Member Reuter questioned if we are allowing them to work tomorrow or after we receive the documents? Attorney Veltri stated it is up to the Board. Vice Chairman Graceffo stated his understanding would be that Jeff would have to monitor whatever work takes place on the site. Jeff is very fair and I think if he sees things inappropriately being constructed that he will have the authority to stop it. As far as the site plan and as far as specifics to that, they are not going to be able to provide that right away. We should have all the information before the next meeting in front of us. As the Attorney mentioned, he is going to specifically note, so that it is on the record tonight, exactly what we are looking for and hopefully they comply with that and this way we can grant an actual official business. Member Platt wants the Fire Inspector involved with regard to the fire wall.

Mr. Nestico stated he has done all the paperwork and the Building Inspector does have it for building permits for electrical, but I can't really do anything until I am allowed to be there.

Attorney Veltri stated that, immediately, the applicant needs to file for all necessary building permits and subcode inspections. Mr. Nestico stated we are in the process of that already. Attorney Veltri also stated that by December 10th, a week before our December 19th meeting, the applicant needs to submit a site plan showing the exact dimensions of the proposed storage area; depicting all parking spaces to be utilized on the site; showing all areas of ingress and egress from the site and you should mark the site plan up with any title notations that you have made in Attorney Rubin's November 6th letter so it is clear; the dimensions of the breakdown of the interior of the building (Mr. Nestico stated the Board will have full architectural drawings on the interior building because I need them to get the building permit to remove a wall.); note where the sewer outlets are and also the water outlets may be; where any garbage dumpsters are going to be located; also indicate the trees that are blocking the view from the Haskell Town Center (Mr. Nestico stated he will get a surveyor to survey the property.)

Attorney Veltri continued that, as the Vice Chairman has stated, in the event this is not filed by December 10th, the Building Inspector will have the authority to go out and shut down the business. This approval is also subject to all the stipulations made by the applicant today regarding outside storage; non-manufacturing outside; and all the other stipulations and representations made on the record tonight.

Mr. Nestico wanted to confirm that I am allowed to get our machines calibrated and running. We just can't do any construction in the building. Vice Chairman Graceffo stated if you submit your building permits and your plans to the Construction Official and

Subcode Officials and you have their approval, you can start actual construction whether it be adding or removing a wall, putting up sheet rock, or any other interior construction work that is required for your business. Mr. Nestico stated that he has already submitted an electrical permit for the machines and the work is being done by a licensed electrician.

Engineer Cristaldi questioned if all the work was done. Mr. Nestico stated no, not even close. I brought two machines that are \$500,000 each, the size of eighteen wheelers and they are in the building. I flew guys in from Minnesota so they are ready to be run and calibrated. Engineer Cristaldi questioned how long is it going to take you to do the construction work on the building so that you get approvals and inspections for the building permits? Mr. Nestico stated within days but the electric work is done and a permit has been filed.

Vice Chairman Graceffo would like a synopsis of the operation of the business, so we understand the complete operation of your business, indicating exactly what you will be doing inside so it is on the record tonight and part of the Minutes, and also the number of employees you anticipate that will be employed, and the delivery schedule as far as stone. Mr. Nestico stated basically twice a month we get deliveries of slabs, which will be stored outside. A forklift will take those slabs and bring them inside basically putting the block on the ground and the CNC machine makes profiles out of it. Then that gets palletized, wrapped and then those pallets go back outside, but sometimes they stay inside. I would say every couple of weeks a truck will come and pick them up, since we don't use our own trucking, and deliver the product to the job site. That is the stone business. The iron business is mostly storage because we have a manufacturing facility in Mexico and most everything comes from Mexico and then the railings get put onto a pick-up truck and taken so we can install it. This is a much smaller operation. The railings come prefabricated, painted and finished and we just install. This product is stored inside or it will rust. The stone is delivered typically by a contracted truck that usually has a boom on the back. They come and they load it and deliver it. The iron goes on the back of a pick-up truck or on the rack of a pick-up truck. The iron trucks will be there every day, but they are only two pick-up trucks, which are ours. They will come in the morning and pick-up product and then come in at 3:30/4:00pm. Attorney Veltri asked that the site plan indicate where those trucks will be parked.

Engineer Cristaldi questioned that if the iron is manufactured in Mexico, why is there deliveries every day? Mr. Nestico stated a container comes every six weeks and we unload the container into the building. We don't ship to job sites all over because we may have ten different jobs in that delivery and then we go and install at different jobs.

Vice Chairman Graceffo asked about the noise level of the machines. Mr. Nestico stated his machines are quieter than Mr. Prodani's machine. The machines are saws that run with water, to cut through the stone so you will hear the machines inside the building, but not outside the building. All manufacturing of the stone is recycled.

Mr. Nestico stated he currently has 12 employees, but does anticipate growing and eventually get up to 18, and then hopefully buy the rest of the building. That is my goal. Mr. Prodani has about 8/9 employees.

Mayor Mahler would like them to maintain the trees. Mr. Prodani stated the pine tree is his only tree; the other trees are the Haskell Town Center's.

Vice Chairman Graceffo stated we are going to bring this application to a vote and I am going to advance a Motion indicating that you have the right to continue subject to all the items we stipulated this evening, with the understanding that the Building Inspector will have direct access and authority to stop all work, if things are not going the way we stipulated this evening. Hopefully, by the next meeting of December 19th, you will have all the formal presentations into us so we can vote and we can give you the full right to access your business.

Attorney Veltri confirmed that the Applicant needed to appear before the Board on December 19, 2013. You have to submit the site plan by December 10th and then reappear because the Board wants to review it in case there are any questions.

MOTION SUBJECT TO ALL THE REPRESENTATIONS AND STIPULATIONS CONCERNING THE BUILDING AND SITE THAT WERE MADE TONIGHT, THE BOARD IS GOING TO APPROVE THIS APPLICATION BASED UPON THE FOLLOWING CONDITIONS (1) APPLICANT WILL IMMEDIATELY APPLY FOR AND OBTAIN ALL BUILDING PERMITS AND SUBCODE INSPECTIONS THAT ARE NECESSARY FOR THE BUILDING AND THAT THE NEW BUSINESS WILL NOT BE CONDUCTED UNTIL SAID APPROVALS HAVE BEEN OBTAINED; (2) BY DECEMBER 10, 2013 THE APPLICANT SHALL SUBMIT A PROFESSIONAL SITE PLAN TO SCALE SHOWING ALL OF THE ITEMS DISCUSSED, INCLUDING THE EXACT DIMENSIONS OF THE STORAGE AREA, DESIGNATING ALL PARKING SPACES TO BE UTILITZED BY EMPLOYEES AND VISITORS ON SITE, SPECIFICALLY SHOWING ALL INGRESS AND EGRESS FROM THE SITE, GARBAGE DUMPSTERS, WATER AND SEWER METERS, STORAGE AREAS, FULL ARCHITECTURALS WITH FLOOR PLANS AND DIMENSIONS OF BOTH BUSINESSES AS THEY ARE BEING SUBDIVIDED, TREES TO BE MAINTAINED; (3) WE ARE GIVING THE BUILDING INSPECTOR THE AUTHORITY TO STOP WORK AND/OR BUSINESS ON SITE IF HE BELIEVES YOU ARE NOT COMPLYING WITH THE REPRESENTATIONS MADE, OR THE SITE PLAN IS NOT DELIVERED TO THE BOARD SECRETARY BY DECEMBER 10, 2013: made by Member Ryan, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Reuter, Ryan, Verba and Slater.

---NEW BUSINESS APPLICATION: Tattoo Parlor

Property Owner: David & Mary Johnson

Property Address: 1089 Ringwood Avenue, Haskell, NJ

**New Tenant: Jeffrey Lugo, 94 Pennington Street, Paterson &
Chad McCarthy, 501 Carock Way, Tatamint, PA 18671**

Jeffrey Lugo stated they wanted to open up a professional tattoo studio. We do high end work at a reasonable cost. We don't do any gang related tattoos. Most of our clientele is military and police officers, but there are other people that come in as well. We have samples of our work. It is not going to be anything shoddy; it is going to be very professional. We do portraits and we are also into doing permanent cosmetics. We use all disposable equipment so nothing is reused so there is no chance of cross-contamination.

Vice Chairman Graceffo questioned if they presently had a business in operation? Mr. Lugo stated no, but I have been a tattoo artist for 12 years and this is my first time opening my own business. I have worked for different shops; Redemption in Bloomfield, Black Work Tattoo in Little Falls, and several other places.

Chad McCarthy stated we would be entering into a partnership. I work in the New Jersey Honor Guard daily as my full time employment out of the Teaneck Armory, but I cover all military funerals in Bergen, Passaic and Sussex County. I came home from a deployment in July and brought a house in Pennsylvania, but I travel into New Jersey every day.

Mayor Mahler questioned if they knew the building was located in a Redevelopment Zone? Mr. Lugo stated they were advised. They were told that if it was to be redeveloped, we would have a chance to sign for the new lease when the new building is put up. That is how it was explained to us.

Vice Chairman Graceffo explained that may be possible, but the point being is it is going to be a redevelopment and what the community is looking for is all new construction from Doty Road on south from there. Obviously, we want you to be aware that there is a possibility you may have to vacate for a long period of time. You may have a chance to come back with a new lease. Mayor Mahler stated that the development to the north was probably about two years from when they started to when they finished. The applicants understand this and were told.

Vice Chairman Graceffo questioned the Board's Planner if this fitted into the code as a permitted use? Engineer Cristaldi stated it is in a "B Zone" and reviewed the permitted uses and does not know if it is a conforming use, because it is kind of vague as to whether or not this would comply. The only ones that really could make that call is the Zoning Board and they would have to make a call as to whether or not it is a conforming use.

Attorney Veltri commented that if the Planner is unsure if it is a permitted use, the Zoning Board can interpret the ordinance and give the applicants an interpretation. If it is a permitted use, then you would come back here for a business application, and if it is not a permitted use, then you would have to stay with the Zoning Board for a variance.

Vice Chairman Graceffo commented that the concern is whether or not it is a permitted use under our code. Is it retail? Is it a service? We are not really sure actually. Mr. McCarthy did state that the front half of the store, which is currently separate from the rear half, would be a retail space where we would have showcases selling any type of jewelry or anything like that we would use for the body art. The rear half of the building is completely separated. Everything will be brought up to code and I spoke with the Health Department and we are both very clear on what we would have to do to provide the service of tattooing in the back portion of the building.

Planner Cristaldi stated that you will have to ask the Board of Adjustment to make a judgment call as to whether or not it is a permitted use.

Attorney Veltri and Vice Chairman Graceffo are asking the applicants to file an interpretation application with the Zoning Board. If that Board approves it as a conforming use, you come back and we'll review it. That Board's next meeting is December 4th. If they say it is a permitted use, you will be back here on December 19th.

PUBLIC DISCUSSION: None / No one came forward.

RESOLUTION: None

VOUCHERS: submitted by Steven Veltri, Esq. for attendance at the August, October and November, 2013 meetings for \$900.

MOTION TO APPROVE VOUCHERS: made by Member Ryan, seconded by Member Slater. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Reuter, Ryan, Verba and Slater

MOTION TO ADJOURN AT 9:32 P.M.: made by Member Reuter, seconded by Member Verba. Motion carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary