

REGULAR MEETING

Salute to Flag: 8:00pm

OPENING STATEMENT:

This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Herald News and the Suburban Trends on January 13, 2016 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 Jack Dunning, Vice Chairman Bruce Grygus, Members Frank Covelli, Peter Hoffman, Michael Levine, Susan Henderson and David Karp, Attorney Ronald Mondello and Engineer Christopher Nash

ALSO PRESENT: Kenneth Albert, Wanaque Borough's Planner

ABSENT: Member Donald Ludwig

Application #ZBA2015-03 – 1049 Ringwood Avenue, LLC, Applicant, 1049 Ringwood Avenue, Haskell, NJ, Block 430, Lot 1

Charles Lorber, Esq. of Mandelbaum Salsburg, Applicant's Attorney

Attorney Mondello did state that there was in fact a meeting January 30, 2016 at the site and the Board Secretary has typed virtually verbatim Minutes. It is my understanding that the two members that weren't at that meeting, Ms. Henderson and Mr. Grygus, that you actually read those verbatim Minutes.

The law is pretty clear that a Member is supposed to listen to the tape but, I can assure you, in twenty years of practicing, and I don't know if you had an opportunity to review those Minutes, there are verbatim.

Attorney Lorber stated that the Minutes were sent to him, he read them and they are very complete.

Attorney Mondello questioned Attorney Lorber if he would have any objection to those members being eligible as a result of reading the Minutes, as opposed to listening to the recording.

Attorney Lorber stated "not at all".

Vice Chairman Grygus would also like to thank the applicant and the professionals for doing that. I felt bad in that I was the one who requested the marking out of the building

and I had to work. I did get an opportunity on Saturday to go to the site with the Chairman after I got out of work and it really helped out a lot as far as with the staking out of the building and the markings in the snow, and stuff like that. I did get to the site although I was not able to make the meeting, and I did miss the balloons.

Attorney Mondello believes we may have left off with the site visit and before that we had our monthly meeting where Architect Jarmel was qualified as an expert in architecture and spoke about some items, including an elevator. Attorney Lorber do you want to take it from there?

Attorney Lorber, in order to complete my application tonight, would like to present Engineer Keenan, who is still under oath. What we have done is as follows, and this is where we stand today, and I would just like to summarize a couple of things that have been spoken about at the last couple of meetings.

Again, we have agreed to an elevator but, even beyond that, there are a number of things that we agreed to: the playground; the extra parking.

What we have here today are basically three plans to show you. We have the plan that we used as part of our application. There have been some concerns, most recently at the last meeting, about the location as it relates to the road, and that is why the balloons were asked to be brought so that we could see whether or not you could see the building from the road. We have a conceptual reducing the building to two stories, which we did speak about on Saturday. It would eliminate some of the additional parking but we would still have more parking than is required according to the municipal ordinances and it would have a different look to it; almost like a tiered look. We also have a plan pushing the building back 60 feet from where it is currently located with parking underneath but we would require a 12 foot height variance. We are going to show you those three plans.

At the end of the day I am going to ask for two things. I am going to ask for a vote on the use variance, which is the first thing that we need and then, secondly, I am going to ask for a preference as to the plans. Obviously, the second two plans you haven't had a chance to look at before tonight and we have not done a complete site plan. But if we know that there is one or the other that is more favorable, and we have the use variance granted, we would be willing to come back at a special meeting if possible and get a complete site plan in on the plan that you might prefer. Obviously, we have to get the use variance before we are going to do that.

Attorney Mondello stated so you are suggesting a bifurcation. You will present the second set of plans, but will only be asking the Board this evening for a vote on the use variance and an indication as to which plan they favor.

Attorney Lorber stated unless the Board agrees to the initial site plan application. But, from what I have heard, it doesn't sound like that is something that the Board wants. They want to see something pushed back or maybe lower so that is why we have the alternative plans. Again, as you know, we do have time constraints and you should also know that my client must consider the economics of the situation. He is not going to push the building all the way up against the back portion of the rock because it is just not something feasible from an economic point of view with regard to the tenants having to look at the rock and with regard to the blasting that would be necessary to do. I think we have a fair compromise with moving the building 60 feet back off of the location. I would like to have

Engineer Keenan go over some of the features of the plans because there is some reduction of parking no matter how we configure other than the one way that we have presented with our site plan application. I don't know if that it is significant, but it may be to somebody and, again, with the parking underneath, there would be an additional storing part.

Vice Chairman Grygus believes these plans were not on file ten days prior to the meeting so can we actually start looking at them.

Attorney Mondello stated "yes". Plans change, they get modified. You can't vote on those plans. As Attorney Lorber has suggested, the application can in fact be bifurcated if that is what the Board decides to do, if they had some inclination that it wouldn't be the first set of plans that have been on file, but one of the second set of plans that they prefer.

Vice Chairman Grygus stated the issue with the bifurcation is one of the biggest mitigating factors to this use variance request is the site plan. I am a little confused on how we bifurcate it without knowing 100% exactly what site plan are we putting towards.

Attorney Mondello stated Attorney Lorber said it is up to you. You have Site Plan A and Site Plan B that Engineer Keenan is about to propose.

Attorney Lorber stated a use variance would have to be contingent upon the approval of the site plan.

Attorney Mondello stated they have to come back and we start over with new site plan testimony.

Attorney Lorber brought up the issue of access to the rear of the property, which was brought up at the site meeting. I have informally agreed that we would investigate the three properties that we would have to go over in order to go out the back onto the back road. I am going to need some time to do that and there is an expense involved in that. What I am going to ultimately ask is that when we get to the site plan that I get authority or a condition that I have to go and investigate that and make reasonable efforts and then I would report back, but this also has to be economically feasible. The bottom line is I want to know that we will be able to go out the front if I can't get those three property owners to agree for us to go over their properties. I have to know that if we go forward, that I am going to be able to get off my site.

Attorney Mondello believes Member Covelli raised that issue and considered that to be a reasonable condition and he indicated that he would be satisfied if you, and we know you will, provide some type of documentation that you did attempt to get approvals.

Attorney Lorber stated I will be happy to do that. We are probably going to have to enter into some kind of written agreements with the three different entities and I don't know how long that would take.

Exhibits: Engineer Keenan

- A-21 Alternative Site Plan #1 (last revised 1/28/16)
2 Story Building Conceptual Plan
38 feet from northern property line / no elevators**
- A-22 Alternative Site Plan #2 (last revised 2/2/16)
3 Story Building Conceptual Plan W/ Parking Underneath (4 Story Building)
22 feet from the northern property line / parking underneath**
- A-23 Four Building Stepping Design
Architect Jarmel Prepared / 4 Elevators Needed**

Engineer Keenan's Testimony

Engineer Keenan remains sworn in

Engineer Keenan stated he is going to go through each of the three alternatives starting off with the one that has already been presented to you, which is Exhibit A-11. This is the site plan as we have modified it to incorporate the Board's comments. It adds parking in the back, a three story building, the same 34 units and the same driveway configuration. I believe you are all familiar with that, but I just want you to have this as a reference.

Exhibit A-21 "Alternative Site Plan #1" – This is an updated site plan showing an alternative layout for the site. It has generally the same parking lot arrangement as we have under the current submission, but the one difference is we've taken this building, that was a three-story building, and changed it to a two-story building. We have heard from the Board that the height, in relationship to Ringwood Avenue, is a significant issue, and we looked for alternatives to reduce the height. To still maintain the 34 units, we are extending the building out to the north and it is taking up the area that was previously occupied by a portion of the parking lot. The three-story building is 210' long. The two-story building would be 264' long, so it will be 54' further to the north. The parking count under this configuration is 76 parking stalls, which is 9 over what is required by RSIS (present submission has 16 additional spaces) and we have lost 7 parking spaces. We would also reduce the building height by 10'. There are no other significant changes as far as the entrance or the dumpster or the play area. Everything else stayed primarily the same. The only thing we changed on the parking lot is that we are actually extending it out to the north to pick-up as many parking stalls as we can. We also left a larger snow removal stock pile area in the back.

Member Levine questioned how does the extension of the building affect the fire truck going in and coming out?

Engineer Keenan stated it ultimately doesn't really affect the fire truck. The fire truck would have the same circulation pattern that I previously provided, which looped around the parking lot and came right back out towards Ringwood Avenue.

Engineer Keenan wanted to note that, from our meeting on Saturday, the height of this

building is where I set the pink balloon. The upper red balloon was for the three-story building and I had the lower pink balloon that was the two-story building. This effectively would be as high as a two-story home.

Exhibit A-22 “Alternative Site Plan #2” - Updated site plan and looks very similar to what we saw before, but we shifted around the building to make some accommodations to get the building further away from Ringwood Avenue.

The parking arrangement is largely the same. We still have the driveway coming up to the rear with the same similar driveway configuration in the back, but what we did is take the building that was up along Ringwood Avenue and we shifted it back, and we put it over the parking. This would make what is essentially a four-story building. It would have parking underneath the footprint of the building and then the three stories, like we have seen before, above it. It would require approximately 12’ relief from a height standpoint. The median height would be about 50’, so it would be about 55’ /56’ to the peak. It is really the same arrangement you can see in Alternative Site Plan #1 with the parking, but we just put the building over the parking.

There are a couple reasons why we are doing this and the way this ties in with the site plan and the grades that are out there. In this back corner, the grades here require about a 20’ cut into the slope so by sliding this building back, we are cutting into the slope at least 20’. We are going to be burying this lower portion of parking, which doesn’t allow us to put any units in the back here, which then lends itself to putting the parking right underneath the building. This is how we get this to tie in with the grades. If we are setting the building back there, it kind of forces us to really put that as below grade parking, instead of having any units and taking the building any lower.

This configuration has 71 parking stalls, which is 3 parking stalls over what is required by RSIS. We are still getting more parking stalls than what is required, but that is a decrease of 12 from the site plan that we have been discussing.

Vice Chairman Grygus questioned how many parking spaces were under the building? Did you explore trying to put those parking spaces between the building and Ringwood Avenue, and lowering the building down to the original height?

Engineer Keenan stated there are 32 parking spaces under the building, and yes, we did and that ties back into the grading issue. We could take some parking and move it over here, but then if I lower the building, I have basement apartment units in the back. These effectively are not going to be usable apartment spaces because they would actually be subterranean. I am going to be excavating out for the slope cutting. If I set a space and put a wall behind there, I would have about a 30’ wall about 20’ off the building.

Planner Albert questioned if they explored the two-story alternative of A-22 superimposed over your new plan so that it would be a three-story building instead of a four-story building and that would extend it all the way down to the end?

Engineer Keenan stated that wasn’t particularly looked at, but it is an alternative.

Planner Albert stated it lowers it by a story.

Engineer Keenan stated yes we would still have a three-story building and we would probably still need a height variance because we would need more height on that lower floor.

Vice Chairman Grygus stated he believes you are going to lose your ability now to fight a building fire from Ringwood Avenue so you have to provide for some kind of access around the east of the building.

Engineer Keenan stated if this is where we want the building, I would talk to the Fire Department. I feel comfortable that we could find some way to make sure the Fire Chief has access and is comfortable with it.

Attorney Lorber stated we still would have to present a site plan. It is not intended to be complete. These are just conceptual. These are really our choices after going through all kinds of different alternatives. Again, at some point in time, we have to say okay let us try one of these and engineer it to the best we can, have the architect design it to the best we can, unless it is the first one, which we already presented. We are trying to be accommodating and I really don't know what more we can do. You are right; since we moved the building back 60', now we have to design a fire lane or something around the building because Ringwood Avenue is 60' further away.

Member Hoffman questioned how are the people on the south side of the building going to get into their apartments if it is over the parking lot?

Engineer Keenan stated the entranceway is within an elevator lobby in the center of the building. They would enter underneath the building, where the main entrance will be located.

Member Hoffman asked how high is the clearance of the parking lot under the building? In your original parking design, the fire truck came in and made a loop around. Now we can't come in and make a loop around because it is going under the building.

Engineer Keenan stated I would expect a fire truck to come back and back out; same with the garbage truck. We could go with a 14' ceiling height and we could get a fire truck through there, but would have to raise the building height again. We were looking more for about 12' floor-to-floor.

Vice Chairman Grygus questioned what precludes you from expanding parking to the west?

Engineer Keenan stated the slope. That is where I had the stakes out in the field that were right along the edge of that slope.

Member Hoffman stated you still haven't done any testing to see if that is loose or if it is bedrock. Engineer Keenan stated no, not within the slope.

Vice Chairman Grygus stated if you had additional parking to the west, you could have a retaining wall abutting parking, rather than a building.

Engineer Keenan stated at that point I am just trying to figure out what I am gaining.

Vice Chairman Grygus stated I believe you are gaining the ability then to go with your two-story building as opposed to your three-story building.

Discussions were had as to where the applicant could gain additional parking.

Member Levine stated am I correct that on all three options, the driveway has not been altered or shifted. It is the same driveway to Ringwood Avenue. Engineer Keenan stated correct. Attorney Lorber stated we have to assume that we can't get approval from the three entities.

Engineer Keenan neglected to mention that, with the two-story concept, one thing we would do with this concept, because we do have this longer building, is we would step the units because we really don't have the need for the elevator with the two-story building. Without the elevator, we don't have to have this flat first floor footprint. That would give us the ability to step these units. So we could actually work with the terrain that is out there much better under that concept. One of the big advantages is I could actually take this driveway location and lower it a little bit, which would improve the slope along the main drive under the two-story concept. I haven't done the calculations but right now we are at 12%, and I think we could get it right around 10%.

Member Hoffman questioned that the building in the two-story configuration is in four segments? Engineer Keenan stated correct. Member Hoffman questioned you would step all four segments and how much do you figure you would lower the first segment down? Attorney Lorber stated Architect Jarmel prepared A-23 and he can answer the question since he is still under oath.

Architect Jarmel stated currently it is proposed to step at about an 18" difference from building to building. There would be four buildings; the lowest one and then each one would step 18" and what we tried to do is add a vertical element to break the elevation up, so it looks like it is four different buildings as well. We saw an approved site plan for this property from the 80's that was never obviously built and it had a similar stepping, long buildings. Our engineer probably could even get better or reduce the percentage of slope on the driveway by making these steps greater and we think that could work as well; maybe take them up to 2'.

Chairman Dunning, questioning Engineer Keenan on the modified plan with the building in the middle, could you move the south side of it more to the west? Kick it back that way and move some of the parking to the front of the building. Pivot it on the upper right-hand corner of the building. You could line it more to the slope, bring the parking back to the front of the building and let's get back to how many extra spots we can grab because of parking problems that we know happens in these sites.

Engineer Keenan stated there are a couple of challenges with that configuration. If we run like that, I have a hard time getting the driveway up and underneath the building just because I have to radius back that much further. We did do layouts similar to that and they really just didn't layout very well. We could pick up a couple more spots out here. Member Hoffman stated, conceptually speaking, you could straighten your driveway out and move your recreational area to the east. The reason you have your curvation there now for the driveway is because of the recreation area. Now that could be moved more to the east and it opens up that area there for your driveway.

Engineer Keenan stated I am still going to be carrying that driveway up an around at that radius.

Vice Chairman Grygus – If you were able to expand the building to the south to go with the two-story concept, and expand your parking either west and easterly, and also have your parking underneath, what would the finished height of the two-story building be with the parking underneath?

Engineer Keenan stated it would be between 43' to 45' to the peak. We would be right around 37' to 40', which would require a small variance because that floor height on that lower is going to have to be higher than our standard three-story height.

Vice Chairman Grygus – Does the two-story configuration reduce the size of the units at all? Architect Jarmel stated “no”. Where we had three equal bays, we just took one down and kind of took the floor out and slid it over so they are the same width. Instead of it being three buildings like was originally presented, now it is four but all the same width.

Attorney Lorber has nothing else.

Member Hoffman questioned the Architect. If the building is shifted to the west and you have the parking underneath, it would have to be the same elevation and you couldn't do the stepping design? Architect Jarmel stated “correct”. The building that is on the center easel with the stepping design is intended to be four separate buildings on slab which would not have an elevator. If we make a two-story over one, or a three-story total building, it would be a platform so it would be one elevation and it would require an elevator, which would be in the parking area.

Vice Chairman Grygus, with your two-story design, if you wanted to, you would have to put in four elevators to service the entire building? Architect Jarmel stated in the platform building we would only need one elevator. The middle design would need four elevators because it is actually four separate buildings.

Vice Chairman Grygus stated, although you are going two stories, you still are requiring a three-story carry because of the story that is underneath. Essentially, the need for the elevator doesn't go away. How would you have your handicapped accessible units if you have parking underneath your units?

Engineer Keenan stated under design A-23, which corresponds to site plan A-21, would be two stories with no elevators and no parking underneath. It is on grade. A-22, which has the parking underneath, would require a flat deck with an elevator.

Vice Chairman Grygus stated if we took that last plan, expanded it to make it a two-story, it would still have to have elevators? Architect Jarmel stated one elevator. We would reconfigure the interior walls for a central hallway and at least two dedicated fire stairs that connected at each end of the hallway.

Engineer Nash – Either of those two new concepts, what are the offset to the north property line? Exhibit A-21, which is the two-story concept, is 38' to the northern property line and that corresponds with the flag that I had set in the field on Saturday. Exhibit A-22 is 22' from the northern property line. There was a flag back in the woods, which I think was a little too steep and far back there for anyone to go to, in that approximate area.

Engineer Nash stated you are going to have to heavily landscape that area to provide a buffer to the north, and also have the ability to circulate around the building, a clear spot plus landscaping, is there enough room to provide that? You have to have a clear area for firefighting and maintenance plus the landscaping (permanent screening area).

Engineer Keenan said “yes” with 22'. It is going to be approximately 15' of clear space and that is going to give us about 7' of landscaping.

Member Henderson questioned if there would be a variance required for the setback between the property line and the neighboring property?

Engineer Keenan stated “no”; it is compliant with all the setback requirements.

Planner Albert, going back to the height, on A-21 the legal height would be approximately what and the same for A-22? Engineer Keenan stated the height for A-21 is 25'3" and A-22 is approximately 50'.

Planner Albert stated it is a D Variance. Vice Chairman Grygus commented that is why they are looking to push the building back 60'. Attorney Lorber stated this is something we did talk about on Saturday morning, that if we kept it at three-stories and put parking underneath, we are going to need a height variance.

Any more questions from Board Members or its Professionals – hearing none seeing none. Any questions only from residents within 200' on the specific testimony given by either Engineer Keenan or Architect Jarmel?

Melissa Anderson – 1025 Ringwood Avenue (literally on the border of the north side)

You mentioned that the one plan is 38' from the property line and the second plan would be 22', keep in mind that there is an encroachment issue.

Attorney Lorber objected stating this is not a question.

Attorney Mondello stated Attorney Lorber is correct. If you want to ask a question, do you realize there is an easement somewhere.... Mrs. Anderson stated that is my question clearly that you are saying 15' for landscaping and 8' feet is left – 8' is my driveway.

Attorney Mondello stated the way I understand the question Engineer Keenan is you spoke about there being 22' between the building, I think she is referring to the last plan.

Attorney Lorber stated A-21 is 38' and Attorney Mondello agreed but stated she is referring to an easement between the building and her property.

Engineer Keenan stated A-22 there is no easement. There is an encroachment of the adjacent property's driveway onto the subject property. Again, the 22' is much further to the west than the actual driveway location. Engineer Keenan colored the driveway encroachment in blue and you can clearly see that the encroachment isn't in the area of the 22' separation. In fact, under that alternative, the building is much further away from that point.

Attorney Mondello, so the record is clear, stated there is not a legal easement there if we were to look at the deeds. In fact, apparently you are encroaching on their property.

Member Covelli stated to my knowledge there is not an easement, rather there was testimony that they wouldn't disturb the encroachment. There is no formal easement. You have no obligation to honor that, you just testified previously that you would.

Attorney Lorber stated "that is correct". I made that representation and, in fact, the property owner is here and if he wanted to, he could put a fence right along the property line here, or somewhere close to it, and cut that driveway off without asking anybody. It is his property. Currently, he is allowing that driveway to remain and my client has indicated on the record that we would allow that driveway to remain assuming this application is approved.

Attorney Mondello stated "understood". Any other questions from residents within 200'? While Mr. Anderson approaches the mike, I want the record to reflect that Mr. Anderson did, in fact, submit a very well-written and detailed letter to the Board and I sent an e-mail indicating to the Board that they are to ignore that letter because Attorney Lorber would not have a chance to cross-examine a letter. I did call Mr. Anderson and I made it crystal

clear that, at the comment period, he is welcome to read the entire letter into the record if he so chooses.

Robert Anderson – 1025 Ringwood Avenue

The number of units, are they still 34?

Engineer Keenan stated “yes, they are”.

Is it still going to be wood frame?

Architect Jarmel stated it depends on the option? If it is the two-story building with slab on grade, the answer is “yes”. If it is the three over one, with the first floor parking level, it would be of non-combustible construction and the upper levels would be wood frame.

Any other questions from residents within 200’? Hearing none-seeing none.

Now to the general public, any questions from the general public?

Joe Lochli – 8 Tremont Terrace

For the second plan, I was there on the 30th and I saw where the peg was for the northern property and a thought occurred to me. With the driveway that comes up and going down to a two-story, and counsel going to speak to the three property owners which I think is awesome, potentially what if, talking to the fourth property, since that driveway we all walked down it when we went in the back, the possibility of having it one-way coming up from Ringwood Avenue, swing it around and then coming down the other driveway as a one-way that may also alleviate the problems we have in the town with the left turns. Instead of having a two-way driveway, you may potentially have a resident coming down trying to make a left, another resident trying to come in making a left which might jam it more, but if it was a one-way coming around. This is only if you get approval, but it was just a thought. Is it potentially possible for that concept?

Engineer Keenan stated whether it is possible I couldn’t say off the top of my head. Right now, we have two totally different uses. We have a very substandard driveway on the northern property. It certainly wouldn’t be acceptable for our use. It would need to be completely regraded and redone and I think it would be in conflict with the house that is there. From my standpoint right now, I really don’t see that as a highly viable alternative.

Any other questions for the Engineer or Architect from residents – hearing non, seeing none, we close the public portion.

Vice Chairman Grygus, assuming parking underneath, is the underside of the first side floor non-combustible or will that be sprinklered?

Architect Jarmel stated both actually. It would be non-combustible so it has to be built out of steel and concrete, or just concrete, and it does require a sprinkler system and it would be a dry sprinkler system.

Member Covelli, when you said that under the three stories option, there would be non-combustible for the first floor, could you give examples of what that material would be?

Architect Jarmel stated it can’t be masonry. Masonry is brick and block and doesn’t have the ability to span distances. Just to be clear, whenever you have parking under the building, that first level, which we call a pedestal or platform, becomes non-combustible

construction. The building code allows you to build several types of structures with non-combustible. Basically it is either going to be steel and concrete or just plain concrete by itself. It could be pre-cast, but it wouldn't necessarily make economic sense to be pre-cast. Anything that does burn is categorized as non-combustible which, in the building code, there are three structural materials; wood/steel/concrete. Generally, steel and concrete are non-combustible.

Any other questions – hearing none, seeing none.

Attorney Mondello - At this portion, Attorney Lorber rests, and we are now going to open it up for the comment period, which I know many of you have been waiting patiently and we appreciate that. I am going to swear each and every one of you in because this is testimony and Attorney Lorber certainly has, if he chooses, an opportunity to ask you questions about what you are testifying to or ask you a question if he so chooses.

Are there any residents first, within 200' of the property that would like to comment on the application?

Robert Anderson – Sworn In – 1025 Ringwood Avenue

Mr. Anderson would actually like to read the letter that we had prepared for the Board. Attorney Lorber stated Attorney Mondello was kind enough to give me a copy of the letter, and it contains a lot of what, I would say, are a lot of hearsay and improper conclusions and statements. I just want to be allowed to object if there is something that comes up that I believe is improper.

Attorney Mondello stated you absolutely can. Do any of the Board Members have any objections to Mr. Anderson, verbatim, reading this letter into the record? Hearing none, seeing none, proceed Mr. Anderson.

Mr. Anderson proceeded to read his letter, which is attached to the Minutes, with the approval of Attorney Lorber.

Attorney Lorber objected to the comments referred to as the “North Side Property” on page 1 since there has been no testimony about the North Side and I don't understand how this is really relevant to this application. I have read what he has written.

Attorney Mondello stated Attorney Lorber is allowed to object. It is in the record and the Rules of Evidence have always been relaxed for these types of hearing so he made his objection; it is noted in the record.

Mr. Anderson did after, after reading the first paragraph on page 2 of his letter, added that the conceptual designs seem to alleviate any encroachment issues.

Attorney Mondello noted Attorney Lorber's objection as to hearsay and it will go to the weight of the evidence. The Board will assign whatever they assign to it. The Rules are relaxed and let Mr. Anderson continue, but your objection is noted.

(Objection raised after reading paragraph 2 on page 2)

Mr. Anderson did comment that the developer did bring in new concepts (paragraph 3 on page 3).

Regarding his comments about the schools, Mr. Anderson wanted to point out that he found out in the newspaper that there are additional new units being built on Ringwood Avenue that could potentially also overcrowd the schools.

Attorney Lorber questioned Mr. Anderson – Do you live at this property (1025 Ringwood Avenue) next to the proposed development? Mr. Anderson stated no. I did, but not now. Attorney Lorber questioned you have tenants there and how many units? Mr. Anderson answered “yes” and “2”.

Attorney Lorber questioned my client approached you to purchase this property/your property, didn't he? Mr. Anderson answered yes.

Attorney Lorber questioned you wanted a half of million dollars for it? Mr. Anderson stated that is not correct. We wanted fair market value for it.

Attorney Lorber questioned how much did you want for it? Mr. Anderson answered \$380,000.

Attorney Lorber questioned my client made an offer to you to purchase it? Mr. Anderson stated yes.

Attorney Lorber questioned did you write this letter before or after my client made the offer to purchase? Mr. Anderson answered after.

Attorney Lorber questioned if you would still have this concern for overdevelopment if my client brought your property? Mr. Anderson had no comment on that. Attorney Lorber stated you have to answer the question sir. Attorney Mondello agreed. Mr. Anderson answered in terms of the children and things of that nature, we did have concerns over that; yes.

Attorney Lorber questioned what is your home address? Mr. Anderson answered 196 Meadowbrook Avenue.

Attorney Lorber stated you do not live adjacent to this property or even within 200' of this property? Mr. Anderson stated no

Attorney Lorber stated, you suggest in your letter that you want this property to become a park or open space, correct? Mr. Anderson answered yes. Attorney Lorber stated the taxpayers of Wanaque are to pay for that, correct? Mr. Anderson no. Attorney Lorber asked who is going to pay for it to become a park? Mr. Anderson stated I don't know. It was just a suggestion.

Attorney Lorber stated he had no more questions.

Any other residents within 200' have questions? Okay, we close this portion. Any other residents are welcome to come up to the microphone.

Bridgette Pasznik – Sworn In – 3 Margaret Court

I understand that you are an attorney and you are doing what is best for your client but, as a taxpayer, it is unnerving what you are saying and what you are doing. I have kids in the school system.

Attorney Mondello suggested that Ms. Pasznik direct her comments to the people who are going to vote.

Ms. Pasznik just finds it not right. This is our community. We are the taxpayers of this community and I feel like we have a right to vote on whether it should be a rental property or a park for our kids that I pay taxes for to go to this school and to play sports in the town.

To be mocked to not being a resident next door to the proposed property is insulting as a taxpayer. I just wanted to make that known.

Joe Lochli – 8 Tremont Terrace

I am an 8 year Marine veteran that has lived in this town since 2003. Love this town and the people. We chose this town when we first saw it because it was very residential. Didn't even have a traffic light and we were happy about that. The town has grown and, of course, every community does grow. I bring up the Marine veteran because I stand by the United States so for the person who wants to buy the property and develop it, I fully admire his business sense, it is what he wants to do and God bless him. As a taxpayer in this town, three children of my own going to the schools and knowing how Ringwood Avenue is and seeing all the development that has been done and really haven't even seen anything alleviating my taxes or the benefit of it, so what I would like to propose to the Board is just this thought: By allowing this unit to be built in this town, how will this benefit all of us and will it benefit all of us. This is the only thing I would like you to consider. Thank you very much for your time.

John Barbarula, Esq., 1242 Route 23, Butler

Making a Statement on Behalf of the Owner, his Clients, Mr. Donus & Mr. Onello
I represent the owners of the property and they have owned this property for an extensive period of time. The owners have paid taxes to the municipality for an extensive period of time. They don't have children in the school system. They pay property taxes based upon its assessed value and that the community has been benefiting from those taxes without having a reciprocal detriment to them. Also, I want to make a statement that this property was originally approved many years ago for townhouses on this property and it was part of this Board's original idea that this was an appropriate method to utilize this property. Additionally, when we talk about whether or not the town should buy the property, the town could have always done that and a matter of fact they could have done it a number of times over the last 15 years that this property has been available. More importantly, one of the things that is obvious here that people see by just driving by, is that this property has been for sale for a number of years in an attempt to sell it as an approved use, which I am here to represent to you that it has not happened because you haven't seen a site plan for it. I recognize a lot of people here that were here originally when we came before this board for the adjoining property that you have talked about; these four condo units. The condo units that were approved on the adjoining property on the opposite side of this gentleman was thoroughly and extensively reviewed by this Board down to the size of the water supply pipes. So to make a bold face characterization that that was an improperly planned, developed and approved site, Attorney Lorber doesn't have this experience because he wasn't involved, I presented that application and I can tell you that the Board of Adjustment, after about six meetings, did a heck of a job in approving it, so I do have objections to what was presented here. When you take a look at what has happened in terms of development of Northwest Jersey and you look at the site and how Wanaque has developed, you notice that the multiple families are the way that the sites are being developed on a future basis. This site, with its topography, was clearly shown to you by Jill, the Planner, that this site is more suited to residential because as it is currently situated it would be a heck of a thing to have a retail up on the plateau and I just wanted to point

that out. We understand, as representatives of property owners, that people get very passionate about taxes. The one thing about taxes is that it works both ways. This applicant is buying it from my client who has paid taxes for a long, long time and has not been siphoning any kind of services and I wanted to make sure that there was a balanced approach to this aspect so you understand where we are coming from. I do believe that this particular use is less intensive than what could be done. As you have seen over the last couple of years, we no longer have a viable affordable housing criteria. This could be an affordable housing site and the density is much greater than what this applicant has proposed. I think that this is a very clear and concise application. Rarely, in my 38 years of representing, have I ever seen an applicant be as responsive to the various members, going the extra steps, making these demonstrations, incorporating the results and I do think that everything in terms of the municipal land use has been presented to you and I would recommend, quite contrary to the owner of the adjoining property, that this applicant has fully explained and fully documented all the particular reasons to give this property a use variance. I would encourage the Board to do so. Thank you.

Anyone else want to make a comment with respect to the application? Hearing none, seeing none – we will close this portion of the meeting and ask Attorney Lorber to sum up.

Attorney Lorber stated somehow I feel I don't have to sum up. I think everyone has paid really, really close attention and you have certainly asked enough questions so that hopefully you got answers that are satisfactory to you. You may recall I presented a Planner, as Attorney Barbabula mentioned, who testified that this proposal is an appropriate good use for this property and I don't know that there has been many questions about that. She is the one person that really wasn't questioned. I think as far as the use variance is concerned, we have proven that it should be granted. I just want to set that apart from the site plan because if my client knows that this use is going to be approved, then we can go forward and attempt to accommodate the concerns of the Board as it relates to all of the issues on the site, and there are competing issues. When we talk about the site plan, we talk about the traffic issue and maybe that can be accommodated but that would require something else to be done about the parking, or that might require something else to be done about the height, and that might require something else about the landscaping, which by the way, Engineer Keenan has a landscaping plan, which he did not testify to. I will present that with the site plan assuming that the use variance is granted, but you had asked for that last meeting and he brought it with him but it just went right past me. I apologize for that.

Getting back to the accommodation as it were, your questions were good and I've been a Board Attorney for 39 years now in Lincoln Park and I engage my board to ask those kinds of questions because a lot of times, an applicant comes in with something that they want, but what they want isn't necessarily perfect and it is not necessarily something that is acceptable in its entirety, although there are portions that are acceptable. I have no objection, and never have, to have boards tell me, well we would look at it this way, because that is their job. You are a zoning board and that is your job and when you take an oath of office you have to perform your job, so I don't have a problem with the questions, or the suggestions and quite frankly some of them were better than the plan we brought in initially. I don't necessarily think that moving it back matters because the only people that

are going to see this are going to be driving along Ringwood Avenue and with the trees and the way those balloons were, it is a fleeting glimpse at 40/45mph and I don't know if that matters so much, but it mattered to you and it mattered because you are residents and you have had experience with other buildings so that makes it matter to me and that is why we brought in the alternatives. The same thing is true for the parking. If there is a snow storm and parking spaces are covered, there is a real possibility that the minimum may not be enough. I don't think so because everybody is not home at the same time, sometimes people are on vacation, away and whatever, and there are always parking spaces around, but to increase it I think it was a good idea. I don't know if we need 16 more, but how many more we can get, I think that is a good idea. The fire department's suggestions obviously are always going to be considered and we did exactly what they asked us to do. We increased the fire rating from one hour to two hours inside the building even though the code says one hour is okay. Again, I have no problem with that and my client has no problem with that. The point I am making and I think Attorney Barbarula said it and I am going to say it again, we want to be accommodating; we want to make this good because the better it is, the higher rents we can charge and the better it will be for my client once the whole thing is developed. If my client's tenants don't like it there, there are going to be vacancies so we want it to be good. We want it to be profitable, but we can't push it back into the hill and you all have to understand that there are some things that we can't do. We don't want tenants looking out their back window and seeing a 30' wall. That is something that is impractical and not economical. We have given a little and given good answers to most of the questions. Assuming Mr. Barbarula's clients don't hold us to the contract, and we can get another month or two, we are willing to come back with a site plan with one of the alternatives if that is what you want us to do. If it is not, and you want to vote on the initial site plan, I would ask that you approve as presented. I guess the first thing I am asking is that you approve the use and then you can tell me where you want to go with the site plan.

Vice Chairman Grygus stated that I personally did take task to the Planner's testimony. She tried to testify that from a density standpoint it fits in with the neighborhood even though there are no multi-unit apartment buildings like that that exist on Ringwood Avenue. I take exception to that because in your original proposal you are only using 7% of the site for the building footprint. To me, you can't say that the density fits because it is almost a five acre site, when you are using 7% of it.

Attorney Lorber takes exception to this because of the configuration of the site.

Vice Chairman Grygus stated you have to understand that financial is not a hardship by which to request. You can cut the mountain into anything you want, but it is the cost.

Attorney Lorber stated it is not financial, and I think I might have legal ground. I think you would be depriving the owner of the affective use of this property.

Vice Chairman Grygus stated we have previous approval. Let me just say this. I think what you are asking for is bifurcation and you are talking about a time clock that you are up against with respect to your contract. There is a lot of issues that go into the approval of a site plan, even if we did grant you a conditional use approval based upon site plan approval. There are still all those hurdles to get past, so I am not so sure that that gets you any better than tonight. I don't know.

Attorney Lorber questioned what hurdles you are talking about?

Vice Chairman Grygus stated parking spaces. If the Board tells you what we would like to see, x-y-z,, it is still pushing you past your contractual deadline.

Attorney Lorber stated I get that. You can give me the use variance and when we are done, if I can't get more time, then it is up to Attorney Barbarula to do what he wants to do.

Right now, representing my client, I am willing to try to discuss with him a number of additional months to present a site plan on a different one of these proposals if I get the use variance. I can't sign the contract and I can't make the agreement. All I can do is tell you what I am willing to do on behalf of my client.

Vice Chairman Grygus deferred to Attorney Mondello.

Attorney Mondello stated you can go ahead and vote on the use variance if that is your pleasure and then, if the use variance is approved, Attorney Lorber will come back with a site plan if the Board gives him some indication what configuration the Board would prefer over the others. When you say hurdles, yes, I mean, you would be hard pressed to deny the site plan once the use variance is granted.

Attorney Lorber stated "a site plan". But at some point in time I am sure we can present a site plan that will be acceptable. In fact listening it sounds to me like two stories on A-22 is something that might be acceptable, assuming we can add some parking which Engineer Keenan said he thought he could. If that is something that is on your mind, then if I get the use variance, then that is the direction I would go. That is just listening; not everyone commented, so I don't know that this is the sense of the Board. But from what I heard, if we can make A-22 two stories over the parking and add some additional parking because we lose 9 spaces from A-11, that sounds like something that might be acceptable. I wouldn't be pressed up against a wall so that my tenants would at least be able to walk outside without walking into a 30' wall. We would be 60' feet away and we would have to develop a way around the building for fire safety, but I don't think those things are insurmountable.

Chairman Dunning stated here is the real question. If we approved the use, and we can never come to an agreement on a site plan, where are we?

Attorney Mondello stated, by definition, once the use variance is granted, you are going to have to come to some type of agreement on a site plan. Attorney Lorber already expressed, and I think his client has done the same, they have been willing to make a lot of changes and a lot of accommodations. If you weren't able to come to an agreement on three different parking spaces, I think the Board would be on very shaky ground if they decided to deny the site plan. Does that answer your question?

Member Covelli would like to make a comment and some observations. Attorney Lorber, I think everyone can agree it is a difficult site. I think the history of the site demonstrates that it is a difficult site. I think you have gotten feedback from this Board and I think it has been a very healthy dialogue to the benefit of the applicant, the project and the municipality. But I would have to say to you that I don't feel I am in a position to vote on the bifurcation when I don't believe there is enough information on what these other plans have to present. With that said, a lot of questions remain unanswered so if someone said to me there is a five acre site and it is zone for residential, but I want to put up a really nice business there, so I want you to approve the use variance and I have three different plans and we get to the point where the one plan is right at the property line and it is 34' 9"

building height and it has a completely ugly side to it, is a little different than if that building were in the center of the property and had a much different complex. So just to say to me vote on the use and we will fill in the details later, we've expressed to you from day one, at least my own personal deep concerns for the fire safety of this unit. I am going to say to you that for anyone that didn't realize what happened yesterday in Mahwah, a 9 year old girl was rescued from a third-story condominium unit when she jumped in a fire. I only bring it up because the first architect that came here didn't know what I meant by the Edgewater fire. There was an editorial in The Record a year after the Avalon blaze, "No Action On Fire Safety" and one of your professionals testified basically presenting the case that our Uniform Construction Code with regard to fire safety is perfect and we know it is not. When we asked you on that, you have made some concessions, not a lot in that area.

Attorney Lorber stated I made every concession asked for.

Member Covelli stated no you did not. Your testimony didn't volunteer that where there were 1-1/2 hour fire walls, if you made it a condition I would go to 2 hour instead of saying I will absolutely make it 2 hours.

Attorney Lorber stated we did say that.

Member Covelli stated that is not how it went. With that said, we have two alternate proposals. They are very interesting and I commend you and your professions for bring those to us. However, we don't have a clear plan on fire safety or how fire apparatus would fight a fire on that location based on those. Yet, you want me to vote on a use variance, and quite frankly, the use variance is what makes it all part of this process. I think it has been demonstrated to you a commitment that we want to work with the applicant. I think this Board has a long history of that, or at least for as long as I have been on the Board. We have worked with every difficult application and I think the town has benefited from it. Sometimes we are known as a little pain in the neck, but it is a process. I think we have demonstrated, from my perspective, if you want us to continue, I will be happy to come back here the first Wednesday, roll my sleeves up and keep working, but I don't feel I am in a position to vote tonight and I hope you won't force my hand on that.

Vice Chairman added that I think the Board has made it pretty clear that it really had just a couple of really big concerns with this project. Specifically, the parking and the height of the building with respect to its location close to Ringwood Avenue. I think that you got a good idea there that is workable, but I feel the same as Member Covelli, I honestly don't feel comfortable acquiescing essentially site plan approval by bifurcating. I don't think there are issues there that, from listening to you, and what we conveyed to you and what you brought forward here, I think we can get around it.

Attorney Lorber stated I hear that; however, here is my problem. I heard from you two about this. A number of the Board Members I have not heard from. If that is the consensus, let me take five minutes and speak to my client and speak to the owner and see where we can go with this.

Attorney Lorber requested a recess.

Recess 9:33:55

Reconvened 9:49:50

Let the record show that everyone is present that was present before the recess.

Attorney Lorber, stating he knows this is not a negotiation, but I will tell you what we are willing to do, and if that is not acceptable, then I would ask you to vote this evening.

My client will not do a two-story building over the parking because it is over 300' long, the hallways are going to be way too long, it is not going to be a good product and will not put that type of product under his name. As I mentioned at the very beginning, he has built all over this state and it is not something he will do. He will modify the three-story over the parking lot and ask for the height variance. He will get you additional parking spaces up to the amount somewhere around 15/16 more and he will present a plan to show how the fire truck can go around. If the consensus is you that you want two-stories, 300' long over the parking lot, he is not going to do that.

Vice Chairman Grygus thought your engineer testified that the two-story concept added 50' to the building, so I don't understand how we are going from 260' to 300'?

Attorney Lorber stated we actually go from 260' to 310'.

Vice Chairman Grygus stated the original building is 210'.

Attorney Lorber stated I may not be right.

Member Covelli stated he has written down the three-story is 210' long and the two-story is 260' long.

Attorney Lorber stated it is 264' but irregardless, he is not willing to do that. He doesn't believe it will be a good product or that the hallways will be appropriate for somebody that has to go up and down them.

Vice Chairman Grygus questioned why did you bring that concept in?

Engineer Keenan stated the difference with the two-story concept that we had is it's broken up into four different pods that each have their own entrance. So there is not a center hall and the units step. So everyone has their own entrance coming in the front to each of the four banks.

Vice Chairman Grygus ask what about a two-story with no parking underneath and extend your parking to the west and east, which is A-22, and moving the building back the 60'.

Engineer Keenan stated the reason I can't bring that building down is because then it buries the lower floor units. The reason we raised it up was because those lower units were going to be in the basement essentially.

Attorney Lorber stated that is where we stand. My client is agreeable to produce one of these three and try and find parking to make you satisfied with regard to that and to make sure that you can get around it from a fire perspective.

Chairman Dunning questioned A-22?

Attorney Lorber stated "correct". It is three-stories with the parking so it really is four stories.

Chairman Dunning stated bring it down to the ground and put the parking to the east of the building. Vice Chairman Grygus stated expand the parking to the west too.

Engineer Keenan stated the problem with A-22 and bringing that down to the ground is the fact that those lower units will be in the basement in the hillside, or looking at a 30' wall.

The grade is the problem.

Engineer Nash stated why not south and have the parking go around the front like the other concept. The driveway around the north side of the building, access the east side of the building. Just slide it down.

Engineer Keenan stated A-11 concept and A-22. Again, at that point, I am probably cutting 40' into the hillside. I am going to have some major cuts to get that through there.

That really rockets up right in the back there. The grade shoots right up.

Member Hoffman questioned what is the slope grading on that? If you go 10'/12' from the

building's west side and you go back. You still don't know if that slope is bedrock or loose since you've never done any testing on that slope.

Engineer Keenan stated the existing grade on the slope back here is right around 2 to 1. 2' horizontal for 1' vertical. If we go back 20', it is only 10' high, but I am going back significantly more than that and that really is the border line. If I try to catch grade, I can't go any steeper since I would be cutting back the whole hillside just to catch the grade, which is one of the challenges. Any time I go back into the slope back here, that is really why we came up with the application we have. We really figured out a way to dovetail this site plan into the property dealing with the slopes we had and minimizing the wall.

Member Hoffman stated the only alternative would be to have less units or a smaller building and your client doesn't want to do that and we don't want you to do that.

Attorney Mondello – What is the Board's pleasure?

Vice Chairman Grygus just wants you to understand what the Board is interested in a two-story building 60' back. If you are telling us you can't do that, then we might as well just vote on the initial concept.

Attorney Lorber reiterated a two-story building, 60' back. How many parking spaces? Vice Chairman Grygus would like you to be about where your last concept was – 7 or 9 above.

Attorney Lorber requested a recess.

Recess 9:58:30

Reconvened 10:10:55

Let the record show that everyone is present that was present before the recess.

Attorney Lorber advised what they can come up with. Engineer Keenan has taken A-22 and taken a red marker to it and we believe this concept will satisfy everything that you discussed. If it is satisfactory, we would ask that you not vote tonight and schedule us for next month.

Engineer Keenan advised we are shifting the building back as we showed in this Alternative Plan 2 (A-22), but then sliding it to the south approximately 70' and what this allows us to do is just squeeze the driveway around the back. This would be a three-story concept, set back 60' further from Ringwood Avenue and it gets us a three-story, not shoved into the hillside. No parking underneath and no height variance would be required. Parking would be on both sides of the building. So we would have the parking on the west side, wrap the road around the back and eliminating the north. What I hatched here is what I am anticipating the new footprint of the building to be. It is that same building, just slid to the south. The building would still have the elevator. Under this plan, I don't think we would be able to do anything with the driveway grade. I think it would be the same driveway grade. In fact, this section will be a little more challenging because, under the old parking lot plan, I got up as quick as I could into the parking lot and then sloped up to the building. Now, I have the building right there. We will have to take a hard look at how we can get the grades around here to work, but I think we can. It will get us our circulation. We will have to figure out fire truck circulation around the building. We are not going to be able to tie back into the main road so we would have to provide some means for a fire

truck to turn around within the parking lot.

Vice Chairman Grygus, just to make the public aware, that proposed plan right there as it sits right now, if that were a commercial use, wouldn't even have to come before this Board. Just so you are aware.

Attorney Mondello stated, another word, if it was a warehouse or a strip mall, it wouldn't require a variance.

Member Covelli stated you are representing that the fire truck concept will be able to go, at the minimum, three sides with the driveway being the fourth, or all the way around it.

Engineer Keenan stated it would be able to go all the way around. It would not be able to circulate around, but will have access to all four sides. It would have to back out and I would have to designate an area that is a fire truck turnaround area.

Member Levine stated his big concern is the slope of the driveway to Ringwood Avenue. If you can do something, whether it is a flatten portion down below, or reduce the slope up above, to me that is very important safety wise.

Engineer Keenan stated we will take a look at that. We are going to have to get up as quick as we can so we may be limiting that but there is a significant flat area at the bottom and that was one of the requirements of the county. Typically when we have a driveway like this coming into an intersection, it is usually sloped at 5% and that is usually where you comfortably want it or down at 2%.

Vice Chairman Grygus – What is the targeted number of spaces that you are shooting for? Engineer Keenan stated I would be targeting the 16 over RSIS.

Vice Chairman Grygus addressing Attorney Lorber stated I speak for myself, not the Board, but I feel that is a plan that I would be more in favor of supporting over anything that has been proposed so far.

Attorney Lorber stated I understand that. We took a quick look and we have approval for one more run. Gentlemen?

(Discussions among audience members with someone bringing up the use variance tonight - not very clear – no microphones)

Vice Chairman Grygus stated no. Suppose you come back next month and say well, yea that is what we wanted to do, but we found we can't do it. Now you are giving up our site plan approval. Either way it is a month. I am telling you that this is something the Board will support.

Attorney Lorber agreed.

Attorney Mondello noted that he saw Mr. Anderson nodding his head in agreement.

Attorney Lorber stated we would ask for one month adjournment. Can I ask if there is anyone on the Board that has any major problems with this, other than the slope, which we will do whatever we can? Is there something else someone wants me to deal with so I don't come back next month and then I have to come back again?

Chairman Dunning asked Engineer Keenan, as we walked the site, it has been backfilled with woods, rocks, whatever, if we go down to the native soil, would the building sit in there? It has to drop down 6'/10'.

Engineer Keenan stated to get down to native soil, where that building is located, is in the neighborhood of 10'/12'. One benefit to the old location, was that was all sitting on rock.

Chairman Dunning asked if that would change the slope of the driveway, when you go down to the native soil?

Vice Chairman Grygus stated the original plan is at 256' elevation. If you are down another 10' or 12', that is going to reduce the slope of the driveway that you are going to need to get up to the parking lot. Another words, instead of getting down to the soil and bringing in fill to bring it back up, why not just cut it down to virgin soil and then just lower the whole building.

Engineer Keenan stated then I will have property that is in a pit or a valley. If you think where we were, and we were all standing 12' down.

Member Hoffman questioned if the building was going to be stepped or a one elevation building?

Engineer Keenan stated one elevation building.

Member Covelli stated if there would be a way to put any kind of step, understanding that now with this change, even if you have one or two where you could do that.

Engineer Keenan stated ideally and based on this site, I would love to have some steps in that building and it would really help us. The problem is if we have an elevator, I can't have the steps. Honestly, it is going to be a big challenge for us that we will work through and work out, but that southern end of the building wants to be 4'⁶/₆' lower than the northern end. By requiring that level, it gives me very limited flexibility with what I can do with that parking lot. If I can step it, I have a lot more flexibility. I can work with the grade a lot better.

Attorney Mondello asks that Attorney Lorber waives any time requirements or restrictions at this point. The next meeting is March 2, 2016.

Vice Chairman Grygus reminded Attorney Lorber that he could request a Special Meeting but the plans would have to be submitted 10 days before that date.

Attorney Mondello stated you have to give Engineer Keenan some time to prepare the plans. You really are not gaining any time with a Special Meeting.

Attorney Mondello advised there will be no further notice and the next meeting is March 2, 2016 at 8:00pm.

MOTION TO CARRY APPLICATION TO MARCH 2, 2016 WITH THE UNDERSTANDING THAT ANY TIME CONSTRAINTS ARE WAIVED: made by Vice Chairman Grygus, seconded by Member Hoffman. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hoffman, Levine, Henderson and Karp.
Motion Carried.

RESOLUTIONS: None

CORRESPONDENCE: Board Secretary handed out a revised 2016 Member List. She also handed out a new application for the AT&T Wireless Cell Tower, and advised the Board that the Crilly Shed Application will be on the April Agenda.

PUBLIC DISCUSSION: Let the record show there was no one to come forward.

VOUCHERS: submitted by Planner Kenneth Albert for attendance at the January 6, 2016 Meeting on 1049 Ringwood Avenue, LLC Application in the amount of \$465.

MOTION TO APPROVE: made by Member Levine, seconded by Vice Chairman Grygus. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hoffman, Levine, Henderson and Karp.

VOUCHERS: submitted by Board Secretary Jennifer Fiorito for attendance at the January 30, 2016 Site Visit/Meeting and preparation of Minutes on 1049 Ringwood Avenue, LLC Application in the amount of \$340.92

MOTION TO APPROVE: made by Member Covelli, seconded by Member Hoffman. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hoffman, Levine, Henderson and Karp.

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the January 30, 2016 Site Visit/Meeting on 1049 Ringwood Avenue, LLC Application in the amount of \$300; and for attendance at the January 6, 2016 Meeting in the amount of \$300.

MOTION TO APPROVE: made by Member Covelli, seconded by Vice Chairman Grygus. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hoffman, Levine, Henderson and Karp.

VOUCHERS: submitted by Boswell Engineering on 1049 Ringwood Avenue, LLC Application in the amount of \$570.

MOTION TO APPROVE: made by Member Levine, seconded by Vice Chairman Grygus. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hoffman, Levine, Henderson and Karp.

MOTION TO APPROVE JANUARY 6, 2016 MINUTES: made by Member Henderson, seconded by Member Levine. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Levine, Henderson and Karp. Member Hoffman abstained/not qualified.

MOTION TO APPROVE JANUARY 30, 2016 SPECIAL MINUTES: made by Member Levine, seconded by Member Karp. Voting yes were Chairman Dunning, Members Covelli, Hoffman, Levine and Karp. Vice Chairman Grygus and Member Henderson abstained/not qualified.

ENGINEER'S REPORT: Reviewed and deemed the Crilly Application complete and will be reviewing the Cell Tower Application received tonight.

DISCUSSION: Member Covelli would like to thank all our professionals; our attorney, engineer and secretary of the board for their fine performance and for all their dedicated efforts on this application. Great job.

MOTION TO ADJOURN AT 10:35PM: made by Member Hoffman seconded by Member Henderson. Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary