

REORGANIZATION MEETING
&
REGULAR MEETING

Ronald Mondello, Esq. swore in Re-Appointed Member John Dunning

OPENING STATEMENT:

This is the Reorganization & 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 Suburban Trends on January 23, 2019 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, 579 Ringwood Avenue, Wanaque, and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Members Jack Dunning, William (Bruce) Grygus, Frank Covelli, Peter Hoffman, Michael Levine and Larry Malone.

ABSENT: Members Bridget Pasznik and Donald Ludwig

Salute to Flag: 8:02pm

NOMINATION FOR CHAIRMAN: Member Hoffman nominated Jack Dunning, seconded by Member Malone. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR CHAIRMAN: Voting yes were Members Grygus, Covelli, Hoffman, Levine and Malone.

Member Dunning abstained.

NOMINATION FOR VICE CHAIRMAN: Member Covelli nominated Bruce Grygus, seconded by Member Hoffman. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR VICE CHAIRMAN: Voting yes were Members Dunning, Covelli, Hoffman, Levine and Malone.

Member Grygus abstained.

NOMINATION FOR BOARD ENGINEER: Member Grygus nominated Boswell Engineering (Christopher Nash) for Board Engineer, seconded by Member Hoffman. No other nominations were heard. Nominations closed.

ROLL CALL ON NOMINATION FOR BOARD ENGINEER: Voting yes were Members Dunning, Grygus, Covelli, Hoffman, Levine and Malone.

AMENDED TO INCLUDE: Chairman Dunning Added: Boswell Engineering will also supply a Planner, when needed.

Attorney Mondello: Any objections to by any Board Members.
Motion Carried by a Voice Vote All In Favor. No one opposed.

NOMINATION FOR BOARD ATTORNEY: Member Covelli nominated Ronald P. Mondello, Esq. for Board Attorney, seconded by Member Hoffman. No other nominations were heard. Nominations closed.

ROLL CALL ON NOMINATION FOR BOARD ATTORNEY: Voting yes were Members Dunning, Grygus, Covelli, Hoffman, Levine and Malone.

ADOPTION OF OFFICIAL NEWSPAPERS: Continue with the Newspapers approved by the Mayor & Council which are (1) Suburban Trends and (2) Herald News/The Record.

MOTION TO ACCEPT AND ADOPT THE NEWSPAPERS: made by Member Covelli, seconded by Member Grygus. Voting yes were Members Dunning, Grygus, Covelli, Hoffman, Levine and Malone.

MOTION TO MAINTAIN THE FIRST WEDNESDAY OF THE MONTH FOR THE REGULAR MEETING AT 8:00 P.M.; AND THE SATURDAY PRIOR TO THAT MEETING FOR SITE VISITS AT 10:00 A.M.; AND DIRECT THE BOARD SECRETARY TO ADVERTISE IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT TO GIVE NOTICE OF THE MEETING DATES FOR 2018: made by Member Covelli, seconded by Member Hoffman. Voting yes were Members Dunning, Grygus, Covelli, Hoffman, Levine and Malone.

ADOPTION OF EXISTING PROCEDURES AND BY-LAWS:

MOTION TO ACCEPT EXISTING PROCEDURES AND BY-LAWS: made by Member Grygus, seconded by Member Hoffman. Voting yes were Members Dunning, Grygus, Hoffman, Levine and Malone.
Member Covelli abstained .

NO RECESS – BOARD CONTINUED WITH REGULAR MEETING AT 8:11PM

REGULAR MEETING

Every Member and Professional that was present at the Reorganization Meeting is present for the Regular Meeting.

APPLICATIONS: We actually have no applications active at this point. Board Secretary will be handing out a new application at the end of the meeting.

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

RESOLUTION: Application #ZBA2018-03 – Subcarrier Communications

Attorney Mondello commented this is the fourth draft of the Resolution since the attorney for Subcarrier had several changes. Some of the conditions that were placed in the Resolution and you will recall Subcarrier came before the Board on to construct a 300' tower with a 12' antenna on top. The Applicant shall obtain a For Use Permit for the driveway or physically relocate the driveway to comply with the limits of the easement. Provide emergency service access to the Borough at no cost. Site visits to one or two times a month; however, the number will proportionately increase with additional carriers perhaps to four or six times a month maximum. Some form of fire suppression system to be installed and the Applicant is to consult with the Fire Marshall and Board Engineer to develop something. The existing tower is to be removed. Applicant is to discuss with the Chief of Police to ascertain if cameras or some other security measures may or may not be required to be used at the site. A black fence, with barbed wire, shall be installed. Finally, the Board Engineer will be in charge of all inspections.

Member Covelli stated, because he is a reading a comment that can be taken several different ways, he would like to clarify it so if someone reads this in the future, and we are not here, or we are not around to be consulted, that it be crystal clear what the intention was. So I read this section several ways: "TO PROVIDE EMERGENCY SERVICE ACCESS TO THE BOROUGH AT NO COST". I believe what their intention was to allow us free space on the antenna in perpetuity. I read that to mean, for example, if I send an emergency vehicle there, they can't charge me for getting into the property.

Attorney Mondello stated I don't disagree and I know you didn't have time to read the other 94 pages, but it is detailed as to what that emergency access is.

Member Covelli commented I understand, but people may do what I did which is, I didn't read the testimony, I went to the end of the book to see if the butler did it in the dining room with a candlestick. I only read the section about what the conditions were. If someone else were to do that, and we happen to know of an application where it was spelled out and what was to be done in the front of the project and it wasn't read by the appropriate official. I think we need to make that crystal clear as to what we mean and I would like the word the term, in perpetuity. This applicant said we can come back ten

years from now and want to put an emergency antenna if/when the police, fire, ambulance all decide that is the tower to be, that's the place to be to get your signal out.

Attorney Mondello commented we can still Memorialize with that change. Is there any more specific language you'd like to see.

Member Covelli stated I think what really throws it off is the word "access".

Member Hoffman questioned what if they sell the property, would they be bounded by their offer.

Attorney Mondello answered yes. It runs with the land.

Vice Chairman Grygus commented I would just put for the installation and maintenance.

Member Covelli stated they didn't say maintenance. They said they could locate on the tower without cost. It is the word "access" I have a problem with because access could mean lots of different things. We can locate emergency service communications equipment on the tower without cost in perpetuity. That's what they said and that is what I would like Memorialized. No word "access". We can go to the site anytime we want. That is not what I am talking about.

Attorney Mondello: Any other changes, comments, modifications. Hearing none, seeing none, with your permission I'll call all those Members that are eligible to vote.

MOTION TO MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD

ATTORNEY: Voting yes were Chairman Dunning, Member Covelli (As Amended), Hoffman, Levine and Malone (As Amended). Motion Carried

CORRESPONDENCE: On Subcarrier Communications' Application, the County is looking for a traffic control plan. Attorney Mondello believes it is for the installation when they have 20 trucks a day coming to the site. Chairman Dunning commented I think they want a clear view of what they are proposing.

VOUCHERS: submitted by Boswell Engineering for Subcarrier Communications' Application in the amount of \$1,111.

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

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the February 6, 2019, Meeting in the amount of \$400.

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

MOTION TO APPROVE DECEMBER 5, 2018 MINUTES: made by Member Levine, seconded by Member Malone. Voting yes were Chairman Dunning, Members Covelli, Hoffman, Levine and Malone.

Vice Chairman Grygus not qualified.

ENGINEER'S REPORT: Board Secretary will be passing out a new application this evening.

DISCUSSION:

1. Chairman Dunning advised Jennifer has provided me with a list of approved applications for 2018 and she will submit the list to the Mayor & Council.

2. Member Covelli wants to get a set of By-Laws to review and prepare for this Board's needs. Attorney Mondello stated he made a note and will obtain them.

3. Member Covelli commented it might be time to re-evaluate our Application Packet. I have been told by a few people that they think it's confusing and I know we did it about ten years ago. We should take a look at it and see if we can streamline it a little bit.

Chairman Dunning commented what we did, and you were a part of it, was we took little blurbs from ten other towns and put something together because the one we were using was totally useless. The other question is the fee schedule since we haven't adjusted that in ten years. We should look at that. Member Covelli commented, as someone who recently went through this, I don't think those fees are so cheap. Chairman Dunning commented that is not the point. Board Secretary advised that some applications you know will require more escrow money than is requested on forms. Attorney Mondello advised that in Rochelle Park they give the Board Secretary some discretion. If someone comes in with three boxes and that is the application, she can go up as high as \$10,000 because when you collect \$3,000 and there are two attorneys on this side, and two attorneys for objectors everything gets chewed up in two meetings. It really should come from the Governing Body and put some type of Ordinance in place.

Chairman Dunning: At this point, we will go into closed session to discuss litigation.

MOTION TO GO INTO CLOSED SESSION: made by Vice Chairman Grygus, seconded by Member Hoffman. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hoffman, Levine and Malone.

MOTION TO COME OUT OF CLOSED SESSION: made by Member Covelli, seconded by Member Levine. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hoffman, Levine and Malone.

Closed Session Began 8:27:58

Closed Session Ended 8:49:34

Chairman Dunning: Gentlemen, anything else?

Member Covelli would like to make a suggestion and have a consensus of the Board that with regard to 1049 Ringwood Avenue we direct the Attorney to send correspondence to the Borough ensuring that they are aware of the deficiencies with the compliance of the Resolution and that we offer to assist in anyway in having the applicant resolve those deficiencies. I we also ask that Engineer Nash continue to talk to the County.

MOTION TO DIRECT BOARD ATTORNEY TO SEND LETTER REGARDING 1049 RINGWOOD AVENUE: made by Member Covelli, seconded by Member Malone. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hoffman, Levine and Malone.

MOTION TO ADJOURN AT 8:51PM: made by Member Covelli, seconded by Member Levine. Motion carried by a voice vote.

**Jennifer A. Fiorito
Board of Adjustment Secretary**