

SITE MEETING

10:00am

OPENING STATEMENT:

This is the Site Visit 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, Members Peter Hoffman, Donald Ludwig, Michael Levine, Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Vice Chairman Grygus and Member Suzanne Henderson

Board Member David Karp arrived at 10:15am

Board Member Frank Covelli arrived at 10:30am

ALSO PRESENT ON BEHAL OF APPLICANT: Attorney Charles Lorber, Engineer Denis Keenan and Architect Matthew Jarmel

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

Attorney Mondello, with the Chairman's approval, will turn over this meeting to Attorney Lorber and his professionals. My understanding of the purpose of this site visit is to point out some areas and discuss the slopes where the building would be. Is that a fair and accurate description of what we are trying to do?

Attorney Lorber agreed and is asking Engineer Keenan to explain what he laid out because if you look around, the site you see stakes, pink paint on the ground and on other places so I think he should just stand in one location and point around the property so everybody knows what they are looking at. Also, the balloon is up.

Engineer Keenan still remains sworn and can continue his testimony.

Engineer Keenan stated they came out yesterday and we put a bunch of stakes in the ground to identify some of the key locations from the site plan and how this lays out to give a better feel of how the development is going to fit in the site. Please note the stake that is right behind you (where Mr. Jarmel is standing) is the stake for the corner of the building. There is some pink paint on the ground which approximately gives you an idea of where the building goes and the direction of the building and it goes right along towards the wood pile (which has a paint spot on it) and it goes beyond the wood pile, but that gives you the line right there and I have stakes set to indicate where those corners are. If you look out towards Ringwood Avenue, you will see there is a stake in the trees over there and the taller stake is the other building corner. The building would be set from this corner here to out there. In the snow I have some other pink paint setting the line of the building along Ringwood Avenue. I also marked out the road alignment where it enters the site. When you were coming up, you might have seen some pink paint on the pavement that comes up within the bushes and over there is an orange flag that is approximately the center of the drive aisle as comes up directly from Ringwood Avenue. It extends out just beyond that wood pile and, again, there is an orange flag in the tree and that again is the center of the drive aisle and in the snow out there you will see there is a stake in the snow and then there is the pink paint in the snow and that's the center of the drive aisle as it swoops around to come into the parking lot. You can't see it from here, out beyond where that stake is to show the center of the drive aisle, out by the hillside as it comes down, is a stake to show you where the edge of the parking lot is out right along the toe of the slope. That edge of the parking lot really runs along that edge of the hillside until you see the stake in the woods out there, right in that slope. We really tried to dovetail the parking lot in that slope as best we could. You can see if we go much further we are well into the slope we have a major cut, but that is the other corner of the parking lot, so it really runs right along that edge there. At that corner out there along with hillside and cuts in there is a mound of soil along here right along that pit area that is approximately where the dumpster enclosure is. So there is a drive aisle and parking area over here with the building set right about where

that pink line is, and then there is the other drive aisle in front of the building that will cut right back this way.

One of the things we looked at and wanted to come out here and give an idea of the building height. We set the balloons out and have them set on a string line that is set 41 feet, which is to the peak of the building line of the three story building. That is the peak, not the average and we took into account any changes in grade so that is really right where you will expect to see the peak of the roof. Member Ludwig questioned if the balloon is at the third floor ceiling level? Engineer Keenan stated we have been trying to look at different alternatives to take into account that the height was a concern for the Board so we have been looking at just going with a two story building and I have a plan showing what a two-story building would look like as an alternative and that lower balloon is the peak of the two-story building. Member Ludwig stated the balloon placement location looks to be in line with the ridge, not the building perimeter. Engineer Keenan stated correct; it is right in the center. We set it down there because we thought the bigger concern was the people coming up Ringwood Avenue to really see what that roof line would look from that end. We will take a walk through the snow to show you where the ending of the building will be. The alternative we looked at is if we go to a two-story building it saves us on the height but it would also extend our building out further that way.

A resident started to make a comment and Attorney Mondello apologized and interjected that this can't be a free for all because the other residents of Wanaque may want a transcript of the Minutes of what is occurring here. This is a formal meeting. We are going to wait for Engineer Keenan to conclude most of his testimony and then there will be questions from the Board, and then questions from residents within 200 feet, and then residents in general. This is the only way we can do this since this is an official meeting. The resident apologized; he was only making a statement. Attorney Mondello stated that statements will be at the end or conclusion of the meeting. I need to keep some semblance of order with this meeting so that the other residents of Wanaque will understand what transpired here. A resident asked if the audio will be online and she was advised no but that the Minutes would be transcribed and put online once they are approved.

Engineer Keenan continued stating what we did on this end down here is we set two rows of stakes in the ground; one to indicate the end of the three-story building as we presented it to the Board and have been discussing and beyond the three-story building was the parking area that would loop around the end building. The alternative that we were considering is if we could take it down to two stories we would then extend the building out further in that direction in the area of the parking lot. By extending this parking lot out here we still would end up with an increase of 9 parking stalls over what is required by RSI.

Attorney Lorber would like to make something clear. The application is for the three story building. We did the two story example because the question at the last meeting dealt with the height and we wanted to show what the difference would be and we do have a “conceptual” plan but the application is for the three-story building, not for the two-story and somewhere along the line, if the Board decides that they would prefer the two stories to the three stories, we would actually have to file a plan and come back for a hearing on it. Quite frankly, and I made this clear at the last meeting, we don’t have time to do that right now, but I do want everybody to see what it might look like in case it is something that interests them down the road, but conceptually, that is all we are showing; we are not showing anything specific at this moment. I just wanted that to be clear.

Member Levine questioned you are going to move it right to the end of the parking lot and that would be sufficient for a two-story building? Engineer Keenan stated we wouldn’t go quite to the end, and I have a plan that I could show you.

Attorney Lorber, before we do that, after Engineer Keenan shows everything on the ground, we can go to the easel I have set up and go over it, if that would be okay. Member Levine agreed.

Engineer Keenan advised that this is the overall general layout. I know we were talking about some particular questions about the flat areas. What I did in that southwest corner out by the substation, I painted on the ground in the snow, the approximate property line and you can see that dovetail really in between where the end of our parking lot is and the end of the drive aisle, there is a small area where we are looking to put the playground but there really is not much additional area beyond that and you can see that hillside is very steeply dropping at that point.

(Please let the record reflect that Member Karp has arrived at 10:15am)

Everyone walked to the southwest corner of the property.

Engineer Keenan stated you have a better view where the pink paint on the ground showing where the center line alignment is of the access drive and this is where you can see the back corner of the parking stalls and they would run up at the edge of that curb and up to the stake in the woods.

A resident questioned what the other pink line was and Engineer Keenan stated it is the property line.

You can see where the property line really runs there is a pink flag here right behind the logs that runs out basically to the tree that has the pink paint on it and there is a mark on the ground where you can see in the snow the pink line and that is the property line right there. Right in this area where there is all these logs, this is where we would like to do some sort of recreation area, playground or otherwise.

Attorney Mondello commented, and also advised Chairman Dunning, that he made a comment that the other Board Members are going to have to read the transcribed Minutes as they did not accompany us to the northwest (should be southwest) corner and listen to Engineer Keenan's testimony as to where aspects of the project are going to be.

Attorney Lorber believes it might be helpful to go to the easel and go over everything you just went over and you can point out each spot on the plan and compare it to where the paint and/or stakes are located.

Member Hoffman questioned if any research has been done on the composition of the hillside? Is it bedrock, loose rock?

Engineer Keenan answered no. Our test pits have been isolated to the lower, parking area, flat area.

Chairman Dunning questioned when they did the test pits did they hit the buried logs?

Engineer Keenan stated we hit a number of buried logs. There are a lot of buried logs in that southwest corner. Where we are standing was more soil and rock which is going to have to be dealt with. There is probably 10 feet of import material. Where there are logs and things like that will have to be removed. We have done a lot of test pits in this area

and will be doing more when it comes time to figuring out the foundation of the building and do a full geo-tech out here. We have only done a preliminary set of test pits.

Melissa Anderson, 1025 Ringwood Avenue in Haskell - The balloons, if you were to dig and had to reach down to bedrock or whatever you were going, would that lower the height of the balloons? Engineer Keenan stated no. If the soil was not suitable, we would have to dig it out and replace it.

Everyone continued to the easel for the completion of that presentation and any questions that the Board and residents may have.

Attorney Mondello stated let the record reflect that Engineer Keenan is in the process of setting up an easel that has a number of Exhibits and he will be explaining what those Exhibits are. They are previously marked Exhibits as Attorney Lorber has indicated. Engineer Keenan advised that he has put up the concept drawing that we prepared that included the parking that extended around the back of the building and also included the play/fitness area in the southwest corner.

Attorney Lorber stated this is a previously marked Exhibit, which reads "Site Plan For Wanaque Residential Development, Block 430, Lot 1, Sheet 3 of 16, last revised October 20, 2015". (Exhibit A-11) {Play/Fitness Area is the Recreational Area}

On the plan, I am pointing to the southwest corner of the building and that is the stake right behind you guys. That building line heads up towards the tall stake out in the woods and then runs out along Ringwood Avenue with the paint mark in the snow and on this western edge, this line here, is running from that stake just behind you out to the pink mark on the wood pile out in the northern direction. The drive aisle, right here, is the pink line that I was showing you off to our south here where you can see the ribbon in the woods, you can see the pink line, which is the center of the drive aisle that corresponds to this location where the center of the drive aisle ties in with the parking lot. This is where we walked out into the snow before and where we were in the snow I was pointing out the property line that runs along the edge of the play/fitness area and that is the property line right here and the stake, right at the toe of the slope in that corner out by that fitness area, is right here where I am pointing now, in the southwest corner of the parking lot. That property line extends up right along the edge in the toe of the slope so right along that toe of the slope to the stake right in the woods out there, which is at the bottom of the slope,

and then that wraps around to the dumpster area. The dumpster area is that pile of soil stockpile or right by the depression. There is a stake back there, but you can't see it just because of the snow and wood chips. And then the parking area extends around the back of the building, that's really just between the toe of the slope off to the left when looking north and that pink line on the wood pile is the parking lot extending to the back. Out back beyond there, I have two sets of stakes. I have a set of stakes that is the end of the building as we show it here and then I have another set of stakes that is the end of the building if we went to a two-story building. When we looked at putting a two-story building here, just to give you an idea where the stakes are, this parking lot is 17 feet off the property line and the building would not go that far. I think that setback on that side is 20 feet. That building would go about 30 to 35 feet away from that property line over there. Attorney Lorber questioned how would that relate to the driveway that comes across onto our property? Engineer Keenan stated it is about 30 feet from the driveway. Attorney Lorber stated that location is north of where the driveway would be.

Attorney Mondello asked if there were any questions from Board Members.

Member Levine stated we had discussed moving the building west, maybe because of the snow it is deceiving, but I didn't see that big of a drop off that you were talking about that would prevent you from moving it back. Engineer Keenan stated the problem I have with moving the building to the back – Member Levine said no, just move everything, including the parking lot. Engineer Keenan stated if I take the parking lot and move that over where I am already cutting into the slope over there, right along the toe of the hillside, then everything is going to move into that hillside and then that whole hillside is going to have to get ripped out.

Member Hoffman, on the height of the building along the southern building line, is that the height of the peak, is this a true gable end or is there a slightly hip where the peak would be stepped back from the edge of the building? Because, if not, you would have to move that closer to the existing building lines so you could get a better perspective. Engineer Keenan stated he would leave that for Architect Jarmel to answer, but that is the highest point of

the roof line. Architect Jarmel stated the building has a full gable and the location of the balloon, although dipping a little bit with the wind, is approximately where the gable will be. Member Hoffman stated my point is that it should be all the way to the edge of the building line and not set back 10 feet in order to get a true perspective. Both Attorney Lorber and Architect Jarmel stated we can move that. Attorney Lorber is encouraging everyone to go down on the street to take a look.

Attorney Mondello asked if there were any questions of the Board Members with respect to Engineer Keenan's testimony – hearing none, seeing none. Residents within 200 feet of this project have any questions for Engineer Keenan on his testimony.

Melissa Anderson, 1025 Ringwood Avenue – Why did you decide to put the building in the front and not flip the whole thing; with the parking lot in the front, building on the back side because of just driving by and blocking sunshine? Attorney Mondello believes this has been asked and answered about one hundred times, but if you would please indulge this resident. Engineer Keenan stated certainly. The problem is the elevation difference between the property itself and the road. If we take the building and slide it to the back, we cannot get up from the road to get to the parking area in the elevation that the building needs to be at. We have to have this long driveway coming in, which if we take the building and slide it to the back, we are going to be coming right into the building. In addition, we don't want to make a condition where the residents are shoved right into a hillside, and everyone on the first floor is going to be in darkness. Mrs. Anderson questioned if it is a two-way driveway? Engineer Keenan stated it is a two-way.

Attorney Mondello asked if there were more questions of the residents within 200 feet with – hearing none, seeing none. Any questions from residents.

Melissa Anderson – If this plan is for 34 units in the three-story building, how many units would it be for the two-story? Engineer Keenan stated 34. Attorney Lorber, just so it is clear again, that is only something we can talk about; the application is for a three-story building. A two-story building, at least conceptually, would require the elimination of, I

believe, 8 parking spaces, and we added those parking spaces because the Board asked us to. If we were to go to a two-story, we would have to reduce the parking spaces down by 8, but we would also be reducing the height; so it is one or the other. We have not made an application for a two-story building.

(Please let the record reflect that Member Covelli has arrived at 10:30am)

Joe Lochli – 8 Tremont Terrace – In talking about a conception of a two-story, even though your application is for a three-story building, at the January meeting you mentioned a time crunch for purchasing, are you going to bring in plans for a two-story? Attorney Lorber, again subject to the Board's approval, on Wednesday night I am going to ask for an approval of the location and the use. If the Board then wants to see a conceptual or more formalized two-story plan, we will put it together but we have to know that the use is approved because we have asked for a use variance and if the location is approved because, as Engineer Keenan testified to, we can't move the building and, quite frankly, we do have the time deadline. That is the way I would like to work it, but it is all up to the Board. The Board could tell me no and at the end of the day my client is going to have to decide whether he wants to go forward or not.

Engineer Nash, the Board's Engineer, commented you seem to be very dismissive to moving the building back. You say it is going to be dark and that is the reason; that the first floor units are going to be dark. To me, that is not a reason. All you have to do is raise it up a little bit. I don't think that, if the building is that far back, if it is up 5 more feet that it is going to be an issue for anybody. And then the other issue is the driveway. You have to engineer something. You are very dismissive about three things – the driveway can't be any other place but there; the building can't be any other place then where it is; and then you haven't done the geo-technical site work. You don't even know what is under the ground where you want to put things. You are going to come out here and start doing work and it is going to cause you a lot of cost because you don't have the information and you're making decisions on lack of information. Those are the things you really have got to answer. I don't have a solid answer and am not comfortable with it.

Engineer Keenan touched on a couple of things. We have a pretty knowledgeable basis of the geo-tech. It wasn't a full geo-tech evaluation, but we've dug approximately 12 test pits in this area. The only area we hit was that wood over there, but what we found here was pretty solid and compacted. In the areas where there was a lot of fill, in the parking area, the test pits were dug 10 to 12 feet and in the area of the building was probably about 3 to 4 feet because we hit bedrock. There is really kind of a gap in the native soil here. I agree with you about setting the building back. I think it is a negative aspect if the people on that first floor are looking at this hillside. To me that is not the only aspect. The bigger aspect is getting from the road to here. We have a road coming up now, but I can't put that road back because it is not going to comply with the County's standards or RSI standards. So to be able to get from down there to up here is a challenge and if I have a building back there that is higher, I have to get up even higher, which is going to be a bigger challenge for me. Engineer Nash commented that you could put parking underneath then it serves some of the problem of the area required department. Engineer Keenan stated then I need a height variance. Engineer Nash commented so. I sit as an advisor to the Board and if you see that you need to raise the building and it causes a height variance and you want the project, you have to fight for the variances that you need to get the project built if that is what you want. You have to pick your battles.

Member Covelli questioned if you have investigated anything in the back that we spoke about at the last meeting? I apologize for being late I had some family issues to attend to. Have you done that? Engineer Keenan stated yes. We just took a walk over there and I marked on the ground basically the site features that were proposed in that area and you can see the pink line over there is the drive aisle that swoops up and it comes around and the property corner is really right where you are seeing that distant orange flag. You can see the tree back there that is marked with pink, that is the property line between the orange flag and there. I painted the line on the snow to indicate where that property line is. If you go back there you will see it is a pretty small area that we are looking to put that play/fitness area, but it is not going to fit much more. There is a flat area right behind the property line and it dips down and there is a flat area down there with some chairs and things like that down there. That is not our property; it is the adjacent property of

JCP&L. Member Covelli questioned whose property is after that? Engineer Keenan stated, with the help of Member Covelli, the Water District and then the Borough.

Member Covelli questioned if you have approached any of them for an easement for you to run the driveway out that way. Then we go back to where we tried to share with you that you would then be using a controlled intersection at Doty Road to go north and/or south or if you want to go down to the highway you could take Greenwood Avenue or you could take Ringwood Avenue, which as you can see today is an extremely busy road. Member Ludwig stated people are not supposed to make a left coming northbound on this road into that shopping center. People do it all the time and the police do not enforce it and now it will be a permitted use turning left. When people are turning left during a high traffic period, the traffic backs up through the traffic light so you are compounding an already existing problem that was addressed when that building was okayed.

Attorney Lorber, just in response, we did present our Traffic Expert, we do have County approval and we have not approached any of the public entities. I believe that answers all the questions. We have approval to come out the way we designed it and I think that is the way we are going to present it. Member Covelli stated that is your prerogative. But with that said, you haven't answered my question in that your traffic study said what it said and you paid for that study and you also have an engineer plan and it is going to cost you money to build this. While our approval or disapproval is not based on economic hardship, but rather physical features of the property, we are asking you to consider and all you said was no I haven't looked at that and we are not going to do that, we are going to do what we presented. Attorney Lorber stated I can consider it, but I can't consider it unless there is an approval and, if we don't get that approval, we can still do it the way we presented it. I just want to make it clear that you guys have rightfully asked us to do a number of things and we have. We are here today, we put in the playground, we've changed the parking and added parking spaces and we've added the elevator. We have done just about everything you have asked us to do. The additional fire hydrants, we will be presenting a landscaping plan with additional landscaping on Wednesday, as you have asked, but at some point in time we are going to have to know if we can go forward with this project or not. I know it is not economics, but it is economics; everything is economics as someone running for President once said. The fact of the matter is we have to know what it is going to cost us

because, at some point in time, we can't afford to do the project and we are at that point in time. We have to have a vote on Wednesday and I mentioned that last time because if it is going to cost us "x" number of dollars, which is substantial to extend our contract, then my client is not going to pay it because my client is out and has spent a substantial amount of money already and, at the end of the day, he has to know what he can and can't do. If you vote it down, you vote it down and if you approve it, you approve it. We understand that. We are big boys. But at some point, we have to know, for example, if we have to speak to these people and get these easements that we can still do this. We would be more than willing to do it, but if we can't get the owners of the properties to say yes, then we have to know that we can go out the front. Member Covelli stated we understand your points. As we have not yet voted, and there will be an opportunity for us to do that, I think you have gotten certain indications from the Board and I think we have demonstrated a willingness to try and work with the applicant. With that said, you make our job easier when you ask us to vote if we know what is on the table. So, if we knew you made every good faith effort to secure an easement and that was shut down, and it cannot be considered, not through you not trying, but because you can't get it, that presents one set of facts versus you give me an approval and I will figure out if I want to do it or how hard I can push that. It is basically what you just told me. Attorney Lorber stated no. I said that we would be more than willing to do that, but this came up at the last meeting and, quite frankly, it is not something we thought of because we don't own the property, and we knew we had County approval to come out onto Ringwood Avenue before we ever attended one meeting, so it is not something that would cross my mind or my experts' mind. Quite frankly, we have an approval. This came up at the last meeting and it had not been raised before and you have to give me time and be fair to me because I have tried and gone out to be fair to everybody on the Board. I don't have time, at this point, to go and contact all these people and negotiate with them, which is what you are asking me to do. I certainly can't do it between now and Wednesday. As you may or may not be aware, I had some issues last past month with a death in my family that caused some problems so that even if this issue was raised before, I couldn't have done it. I am willing to do it but, in my opinion, there has to be some give and take and if I say I am going to do it, and I work very hard for my client, I'll go talk to all those entities and document everything, but I need to know that if it doesn't

work out, that I have an approval to come out onto Ringwood Avenue. Otherwise, you are talking about another five or six more months that I don't have.

Attorney Mondello commented that it would be highly unusual but, if the Board was inclined, when it is time to vote, and if they do vote in the affirmative and approve the relief sought, it could be placed in the Resolution as a condition that Attorney Lorber investigate and produce certain evidence that he did try and he gets something in writing as to whether or not the easement was either approved or flat out denied. It is fairly unusual to have something like that in a Resolution after the fact, but it is certainly possible and I have certainly seen derivatives of something like that. Attorney Lorber stated and, of course, I would have to come back to the Board with another plan and/or revision, and I would be willing to do that. Attorney Mondello stated that Attorney Lorber may be suggesting, and I am not forcing his hand or telling the applicant what to do, a certain type of bifurcation where the Board votes on the use variance and then he comes back with a more detailed plan; almost like site plan versus use variance.

Attorney Mondello - any more questions for Engineer Keenan up to this point?

Melissa Anderson – I have questions on placement of fitness/playground area and dumpsters.

Is that playground going to be for everybody? Attorney Lorber stated just for the units that are here.

Mrs. Anderson comment we have an overwhelming population of bears, raccoons, etc., and are constantly removing and picking up our own garbage in that area, why did you decide to put the dumpster by the property versus the fitness area? The dumpsters should be next to each other like over there by the shopping center, not near a residence. Can they be flipped? Engineer Keenan advised there are a couple of reasons as to why they are located as they are. The dumpster location is a convenient location for pick-up and drop off. The dumpster trucks can get in it and access that area fairly easy and easy for residents so they can come out and utilize it. That was really the purpose of putting it there. The problem down there is that grade is going to be a lot lower where we really couldn't put the dumpster down there. Mrs. Anderson questioned what about the smell? Better for the

dumpster to be by the shopping center where there already are dumpsters rather than near a residence and if the area is lower it is probably even better. Engineer Keenan stated the dumpster itself is going to be fully enclosed and screened and I don't expect there to be any major problems or it to be an eyesore.

Joe Lochli – This is about the driveway discussion about getting approval to use other properties. Personally, I am sorry for what happened with your family. I was there at the last meeting and it has been a month since it was brought up about you finding out about this, so it is not a couple of days, it has been a month. Is it that your client doesn't want to even entertain that?

Attorney Mondello stated that I had asked for questions based on the testimony of the engineer. This has been asked and answered.

Attorney Mondello closed this portion of the public meeting with respect to Engineer Keenan's testimony. We won't entertain any more questions on this and it is my understanding that we are going to continue the site visit.

Engineer Keenan explained that everyone was heading up to the north end of the property to see the north end of the building which is located behind a wood pile.

Robert Anderson – Owner of Adjoining Property Located At 1025 Ringwood Avenue
Mr. Anderson doesn't live there, but he has tenants that live at this address.

There are some stakes here and I would like to know what they are for? Engineer Keenan gave a brief review of where everyone was. There are four sets of stakes back where we are. The stake right behind everyone here is the building corner for the three-story building that we have submitted. That would extend to that stake over there out towards Ringwood Avenue and that is the three-story building configuration. Where we are standing now, is where we extended the parking lot around and we had a double loaded drive aisle for parking up adjacent to the building and parking on the left-hand side that was added as part of that first set of revisions. The other set of stakes that I put one in right behind here and then one out in that corner where you can see I again painted the

snow and that would be the building corner if the building was changed to a two-story building and extended out to the north. Then that would take up the area that was occupied by the parking lot.

Chairman Dunning asked where the property line actually ends?

Engineer Keenan stated, without the plan in hand, he believed it was 8 feet beyond the pavement.

Mr. Anderson stated that the property line is on an angle to Ringwood Avenue. The old man that lived in that house told us that the property was these big trees on the outside of them. According to our survey, the corner of the garage clears the property line by 1-1/2'. It is on an angle and our driveway does encroach. The light post is on the developer's property. This gives you a perspective of our concerns regarding the snow. As you can see our plow guy puts the snow right there. Our driveway is already eroding. When that development over there was done, water erodes in between them and we have a grievance with the town because it constantly asks us about debris falling, but we never approved that project next door. We had to sue the person that sold that property because they cut our driveway without our permission and we are concerned about us having certain grievances with this developer cutting our driveway and doing all sorts of things like that and then the town questioning us on further debris going down there. The concern is, if there is parking lot here, and they pile a large amount of snow here, it is going to melt and continue to erode our driveway and then more debris is going to go into the street. That is the concern.

Attorney Mondello asked if there were any other questions now that we are at this section of the property; questions only.

Chairman Dunning questioned what the flag up in the tree was for? Engineer Keenan stated that flag is the corner of the parking lot if we went with the two-story configuration. The parking lot would come down and terminate right where that is.

Attorney Mondello stated again, we are missing some Board Members, and they are going to have to read the Minutes in order to vote on this application.

Any other questions.

Mr. Anderson commented that he did not realize that was going to be the end of the building. Would it be possible to move the balloon over to here so we could see, from our tenants' perspective, what the building is going to look like?

Chairman Dunning stated I think for everyone's benefit, we should see the balloon in both places. We are all going to walk down and look at it from the south side and then Engineer Keenan is going to move the balloon to over here and we will all approach it to the north side.

Engineer Keenan stated both balloons are on the string in answer to a question if the balloon was going to be at the height of the three-story building or two-story building.

Member Hoffman stated, from perspective, the height here is not the same elevation height on the south side. It is relative so it is only going to be an estimation, not an accurate account. Your base elevation is higher here than the elevation down there. Engineer Keenan stated he will adjust the height. Down at the lower end, the ground is actually a little higher.

Attorney Mondello stated the Board Members are walking down to Ringwood Avenue to observe the balloons. Please no comments. Let the record reflect that everyone is walking along Ringwood Avenue to get to a spot where they can observe the balloons that were installed by Engineer Keenan, the applicant's engineer. The Board Members are sort of scattered. None of them are clustered. There isn't any conversation going on between the Board Members. The Chairman is walking towards the balloon to ask Engineer Keenan to move the balloons to the front of the building.

Attorney Mondello asked all Members to gather together at the base of the driveway on Ringwood Avenue to view the balloons from the position of the street.

Attorney Mondello stated now that the Board has reconvened at the sidewalk here to observe the balloons that Engineer Keenan has relocated, are there any questions from the Board Members?

Chairman Dunning, asked if the lower balloon would be basically the height of the corner of the building? Engineer Keenan stated that the lower balloon would be the height of a two-story building; that would be the peak. Architect Jarmel stated it would be lower. It

would be about 10 feet; a little lower than the pink balloon. Engineer Keenan stated it would actually be a little bit higher than the pink balloon (higher, not lower).

Architect Jarmel stated there was a question earlier whether or not the building had a full gable end and the building actually has a hip end so it actually slopes back. However, at each end, there is also a small dormer so the dormer height is a little bit lower than the actual ridge. Where the balloon is located now is approximately halfway on the side of the building so the height is approximately where the ridge would be but it would be back further.

Attorney Mondello – any other questions for any of the applicant’s experts with respect to the position of these balloons – hearing none; seeing none we will close this portion of the of the meeting. I don’t believe there is anything else to discuss and I don’t believe there is any other testimony. The residents who have attended should understand that there will be a very large portion at the meeting, before the Board votes, for your comments and questions, if there are any. We are going to conclude the meeting. Can I have a Motion to Adjourn?

MOTION TO ADJOURN AT 11:10 AM: made by Member Covelli, seconded by Member Levine. Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary