

**BOARD OF ADJUSTMENT MINUTES**

**June 2, 2021**

**REGULAR MEETING**  
**ZOOM VIDEO CONFERENCE**

**8:00pm – Meeting Opened by Vice/Acting Chairman Bruce Grygus**

**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 Suburban Trends on January 17, 2021 and May 16, 2021 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, on the Borough’s website and a copy thereof has been on file with the Borough Clerk and will be posted on the front door of Borough Hall on the day of the meeting.**

**ROLL CALL: Vice/Acting Chairman Bruce Grygus, Members Frank Covelli, Donald Ludwig, Bridget Pasznik Michael Levine and Helena Aumenta and Attorney Ronald Mondello and Engineer Christopher Nash**

**ABSENT: Chairman Jack Dunning (excused absence) and Member Phillip Stefanowicz**

**Application ZBA2021-05 – Hoogmoed, Robert, 43 Laura Avenue (Block 221/Lot 8)**

**Attorney Mondello swore in the Applicant, Robert Hoogmoed, 43 Laura Avenue, Wanaque.**

**Attorney Mondello: Mr. Chairman, I am in receipt of the notice of publication to the newspaper and the notice that was given to residents within 200 feet. I would deem the application complete from a legal perspective. I would turn it back to the Applicant and ask him a simple question. What do you want to do and why do you want to do it?**

**Mr. Hoogmoed: I am looking to put an add-a-level on my house expanding already existing in order to make my home more comfortable for me and family.**

**Attorney Mondello: Well, when you say more comfortable for my family and I, can you be a bit more specific. Meaning are additional children on the way, do the in-laws come over every weekend and have to travel great distances so they need to sleep over so I'll turn it back to you.**

**Mr. Hoogmoed: No, sir. My girlfriend and I got engaged so she will be moving into the residence with me as well as her daughter. Right now it's a three bedroom, one bath house, and we're looking to turn it into a four bedroom, three bath house. The rooms are very small. Our main living area is a living room, kitchen and dining room totaling about 400 square feet together and**

the biggest bedroom in the house is 12X12. You can imagine with five people here and one bathroom you have to get creative to get in there in the mornings before school and work.

Attorney Mondello: Thank you. Mr. Chairman, back to you.

Acting Chairman: Okay, I guess the best thing to do would be to go over the engineer's letter from May 20. Chris, do you want to take that?

Engineer Nash: Surely, Mr. Chairman. There were just a few things that need to be tightened up, if you will, from the architect's plan. I think there was an attempt to, you know, meet certain offsets, but they didn't account for some of the eave overhangs and things like that. I would expect, particularly to for the property to the north, because it was it looks like from the architectural drawings that the eave at the northwest corner would extend over the property line and that's something that we don't want to have happen. I don't think the Applicant wants that to happen either. I'll just ask the Applicant has your architect reviewed my letter and has he commented on it? Are they going to make any revisions based on the letter?

Mr. Hoogmoed: Yeah, certainly. We have a couple of options. We can completely remove the eaves on the bravo and delta side of the house so the north and south side of the house and just finished flat off with the wall with a facial board. He talked about maybe putting like a 45 on the back of the house in order to maintain the proper distance. To me, I think that'll look odd, I would just assume remove the gable eaves.

Engineer Nash: And to be clear, it's not to meet a proper distance. It's to not have your house overhanging on your neighbor's property.

Mr. Hoogmoed: Understood.

Engineer Nash: Okay. Sorry I'm an engineer and I deal with the black and whites.

Engineer Nash: So, Mr. Chairman, do you want to just run through the zoning table?

Acting Chairman: Yeah, that's fine.

Engineer Nash: There are five (5) variances that were identified. Lot area and lot width and are two variances that run with the property and it's not a function of a structure on the lot, so those are two variances that the property is saddled with. The lot depth was okay; it meets the minimum for the zone. I also, may I back-up and say, the reason the Applicant is here at all is because it's actually a Use Variance because it's a residential use in the business zone, so Attorney Mondello, I don't know if that is a game changer in your mind, but it is an expansion of a non-conforming use. I think it's proper to use the requirements of the B Zone because that's the zone it's in as opposed to using let's say the R-10 bulk requirements. Actually it's a little easier to meet the B Zone bulk requirements than it is the R-10 so this is a better way to fly for the Applicant. There is a deficiency in the front yard. The required is 20 and the existing is 14 but they're adding a porch to the front of the house and the porch is connected to the house. You're allowed to have a porch, but it does cut into the front yard so there is a variance required for that. For the side yard, any 10' and the existing is 1.3' and they're reducing it to .83' and that's at that northwest corner and that's at the ground line. At the beginning of the meeting, we were talking about the eave

overhangs further than that so if you're doing what your architect suggested, no eave on the north side of the house, that would make that variance just .83'. The side your total is 25 and the existing is 10.3 and this has been reduced to 9.83 minimally. Those are the variances that the Applicant needs to have. I did have a couple other questions. #5 in my letter there's a chimney on the south side of the house and I would assume that the chimney is going to remain and it's just something that was omitted, not purposely, by the architect. Is that correct Mr. Hoogmoed?

Mr. Hoogmoed: No sir, that chimney is going to be removed. Prior to me buying the house there was a coal burning stove in the basement that was converted to gas. The chimney liner and stuff has deteriorated so I'd like to remove the chimney completely.

Engineer Nash: Alright, so you're just going to have a pipe through the outside wall of the house up through the roof?

Mr. Hoogmoed: No, I wouldn't need a chimney.

Engineer Nash: We talked about #6. #7 also, there's an eave or a soffit on the front of the house that appears to be more than one foot and I'm sure your architect can make some minor revisions to eliminate that issue.

Mr. Hoogmoed: Yes.

Engineer Nash: Okay. Those are all the technical issues I had with the application, Mr. Chairman, and it appears they are all going to be resolved.

Acting Chairman: All right. Thank you, Chris. I have a question for the Applicant. Your survey shows the wooden deck at the rear of the house, the architectural drawing for the rear elevation is not showing it obviously. I'm assuming the deck is going to remain because you're just adding a level to the second floor correct?

Mr. Hoogmoed: No sir, the deck was actually removed. It was it was unsafe. When I bought the house, it was rotted and nothing was done to code.

Acting Chairman: Okay. Are you proposing to add any decks to it?

Mr. Hoogmoed: No, not a deck but a concrete patio or pavers.

Acting Chairman: Alright.

Acting Chairman: Anybody have any questions for the Applicant?

Member Levine: It looks like you have a concrete patio existing in the back of the house.

Mr. Hoogmoed: Correct.

Member Levine: So, you said you're going to add a new one?

Mr. Hoogmoed: No, that's existing; that's staying.

Member Levine: Okay. Thank you.

Acting Chairman: Chris, do we have an ordinance regarding number of curb cuts?

Engineer Nash: Not that I'm aware of.

Acting Chairman: Perhaps that's just on a county road that?

**Acting Chairman:** All right, any other questions for the Applicant from the Board? Seeing and hearing none at this time, we'll open it up to the public. Does anyone in the public have a question and a question only at this time for the Applicant? If so please raise your hand.

**Attorney Mondello:** Those folks may be on mute because there was some background noise when Mr. Nash was testifying. So if you are interested in asking a question, based on the Applicant's testimony, please unmute yourself and feel free to do so.

**Acting Chairman:** Seeing and hearing none, we'll open it up to the public. Does anyone from the public have a comment they'd like to make regarding this application? If so, please unmute yourself and identify yourself. All right, again seeing and hearing none, I'll ask for a Motion.

**Attorney Mondello:** So Mr. Chairman, if I may jump in. and Mr. Nash is correct, because this structure is in a B Zone, not residential, and presumably, this house pre-existed the prohibiting ordinances, we are now in the same category of some of the other D-2 Variances that this Board has seen where there is some type of an expansion or exacerbation of a use that is prohibited in that particular zone. I'm not sure that it has tremendous weight with respect to the Board's deliberations, but I just make that known that a D-2 Variance is required.

**Acting Chairman:** Duly noted. Alright, so we'll be looking for a Motion to Approve the Use and the 5 Bulk Variances.

**Member Pasznik:** I would like to make a Motion to Approve all the variances outlined in the Engineer's table and also the Use for the D-2 Variance.

**Acting Chairman:** Any discussion on the Motion?

**Member Covelli:** Was her motion seconded? I'll second her Motion.

**MOTION TO APPROVE APPLICATION:** made by Member Pasznik, seconded by Member Covelli. Voting Yes were Acting Chairman Grygus, Members Covelli, Ludwig, Pasznik, Levine and Aumenta  
Motion Carried

**Application ZBA2021-03 – Buske, Thomas & Judith, 1161 Ringwood Ave. (Block 448/Lot 1)**  
**Peter Lefkowitz, Esq. of Nurik & Lefkowitz for the Applicants, Thomas & Judith Buske**

**Attorney Mondello:** Mr. Chairman, I did have an opportunity to review the notices sent to residents within 200' as well as the publication in the newspaper. I would deem the application complete from a legal perspective.

**Acting Chairman:** Alright, there's been some various submittals on this so, before we start, I think maybe we'll just make sure everybody's working off the same sheet of music here. The most recent letter from Chris was May 18, 2021, Chris?

**Engineer Nash:** Yes.

**Acting Chairman:** Okay, and then you had architectural that were submitted 20-156 was the job number and dated 1/6/21. Then we have an updated site plan that was dated stamped 5/14/21.

**Attorney Mondello:** Mr. Chairman, if I might be able to clarify. I was trying to clarify the record. I have a May 14 letter from Mr. Nash. Are we saying that four days later, he sent another one?

**Engineer Nash:** It is May 18<sup>th</sup>.

**Attorney Mondello:** I seem to be the lone child with a May14th, but I will find it.

**Board Secretary:** I will e-mail it to you.

**Attorney Mondello:** Mr. Lefkowitz, we're going to turn it back to you with perhaps a brief summary of this application, who is the Board going to hear from this evening, what type of witnesses etc., thank you.

**Attorney Lefkowitz:** This is an application for a Use Variance with three bulk variances and request for three waivers. This property is on Ringwood Avenue. It has, what's been used in the past, as a small home that looks like a one family structure. We propose to bring that into conformance by having a commercial use on the first floor and an apartment on the second floor. We are also proposing to construct two garages on the property; one in association with the office, which is a commercial garage. You'll hear testimony regarding these need to use from the engineer, Mr. Hogan, and you're going to hear from our planner, Mr. McDonough, and you're going to hear from the architect, James Cutillo, and if it's necessary, we do have the Construction Manager for the business here, Mr. Hill who will testify. We're also proposing to construct a private, two car garage. The intended use is to be used by only the owner of the business, Mr. Buske, to keep two private vehicles in there. The purpose of the purpose of the commercial garage is for the repair and maintenance only of my client's construction vehicles. There is not going to be storage of any construction materials on the property. And hopefully, we're going to hear testimony that in the near future, we may be able to remove the vehicles and have no parking of the vehicles on the property. They'll be stored elsewhere, but we still would use the commercial

garage for the storage and maintenance of those vehicles, should they become necessary. So having said that, I'd like to call on my first witness, which is Joseph Hogan.

Attorney Mondello swore in Joseph Hogan, 170 Kinnelon Road, Suite 36, Kinnelon, NJ.

Attorney Mondello: Mr. Hogan, I'm sorry, but are you the architect?

Engineer Hogan: I'm the engineer.

Attorney Mondello: Okay. Mr. Lefkowitz, if you'd like to briefly *voir dire* Mr. Hogan, I don't think the Board has had the pleasure of him appearing before.

Attorney Lefkowitz: Certainly. Mr. Hogan, can you tell me what educational degrees you hold?

Engineer Hogan: I graduated from Stevens Institute of Technology with a Bachelor's Degree in 2013.

Attorney Lefkowitz: What professional licenses do you hold?

Engineer Hogan: I obtained my New Jersey Engineering License in 2018.

Attorney Lefkowitz: What is your position at Map Engineering?

Engineer Hogan: I'm the Chief Engineer at Map Engineering.

Attorney Lefkowitz: As such, were you involved in the creation and modification of the plans that were presented here tonight?

Engineer Hogan: Yes, I was.

Attorney Lefkowitz: Have you testified before any professional boards before?

Engineer Hogan: Yes, I've been before several boards throughout Northern Jersey from Ho-Ho-Kus to Jefferson, Franklin Lakes, Kinnelon, and I'm sure there's a few that are missing.

Attorney Lefkowitz: In your testimony you have before these boards had the subject matter have been similar to those to which your about to testify here tonight?

Engineer Hogan: Yes.

Attorney Lefkowitz: Okay. Mr. Mondello I would offer Mr. Hogan.

Attorney Mondello: Any objections from the Board Members? So Hearing none, seeing none, Mr. Hogan is admitted as an expert in the field of engineering. Your witness. Mr. Lefkowitz.

Attorney Lefkowitz: Mr. Hogan, could you give us an overview of the property as it is maintained now today?

Engineer Hogan: So today, there's just one building on the property. It currently appears to be under renovations. To my knowledge, it has two apartments. The back of the property is just all basically stone and gravel on the ground being used as storage for some trucks for the Buske Company.

Attorney Lefkowitz: Can you put up the site plan? Can you share that with us?

Attorney Mondello: I will take care of that in a minute. Go ahead, Mr. Hogan.

Engineer Hogan: This is the property as it exists now. As I mentioned just one single existing residential building currently, and basically the entire back of the property is just crushed stone

and gravel. So what we're proposing to do is convert the existing residential dwelling into a mixed use building with an office on the first floor and an apartment on the second and build two additional buildings on the property; one will be a commercial garage, as Mr. Lefkowitz mentioned for the repair and maintenance of construction vehicles being used for the company running out of the office, and a detached personal garage with two parking spaces in it for use by the owner.

**Attorney Lefkowitz:** How is the property accessed?

**Engineer Hogan:** The property will be accessed through Cole's Avenue. We're proposing a parking lot with 9 spaces plus 2 in the garage totaling 11. That is one of the variances we are looking for since we are required to have 12 spaces. However, based on the usage of the property, we don't expect any issues arising with parking.

**Attorney Lefkowitz:** Mr. Hogan, we're seeking a variance about the size of each parking space, is that correct?

**Engineer Hogan:** Yes, we are proposing parking spaces at 9X18 versus 10X12 and that's really just so we can get closer to the number of spots required.

**Attorney Lefkowitz:** Which is what?

**Engineer Hogan:** 12 spots required versus the 11 that we have. If we were to go the 10 X20 spaces, we would lose at least 1 more.

**Attorney Lefkowitz:** You heard reference to the May 18<sup>th</sup> letter from Mr. Nash, have you had an opportunity to review that letter?

**Engineer Hogan:** Yes, I have.

**Attorney Lefkowitz:** Can you address his concerns in the letter as it pertains to the engineering aspect of this application?

**Engineer Hogan:** So we have added a lighting plan. I believe that is Sheet 5. So I did do the lighting plan as required. It's just using mostly building mounted lights and just a couple polls, mainly just to illuminate the parking area.

**Attorney Lefkowitz:** Will the rear of the property be illuminated?

**Engineer Hogan:** There are 2 lights which will partially illuminate the rear of the property.

**Attorney Lefkowitz:** I direct your attention to I guess would be, let's call it just the left hand side of that drawing. and near the end, you have 0.0 along the line, what does that indicate?

**Engineer Hogan:** That indicates that the proposed lighting will not be reaching that point. By the time you get to those shots, there won't be any light from them.

**Attorney Lefkowitz:** What about to the properties to, I believe on this drawing north is at the top, so if I were to refer to there, will there be spill over to the neighbors with this lighting plan.

**Engineer Hogan:** There is just a very, very slight amount of spillover. However that is really dissipated just when you get to the end of the right of way.

**Attorney Lefkowitz:** Okay and what about the other side?

**Engineer Hogan:** Again, there's just a very, very slight bit of .1 foot candles and that's only going to be on the first couple feet of the property, if they even get over the fence that currently exists there.

**Attorney Lefkowitz:** I'm going to direct your attention to #5 of Mr. Nash's letter about his comments, the lighting, the landscaping plan, the traffic report and the environmental impact statement for which we're seeking waivers. Can you address why we are requesting waivers for each of those requirements?

**Engineer Hogan:** Although we're not proposing any landscaping at this time, so no need for a landscaping plan unless the Board determines differently. Regarding traffic report and environmental impact statement, even though the use of the property is changing, it's not being increased, really. So we don't really see the need for a traffic study traffic report. As far as the environmental impact, we are proposing seepage pits to account for any additional runoff created during any storms. We're not proposing any construction or any disturbance within the floodway or Flood Hazard Area.

**Attorney Lefkowitz:** The Zoning Table contained in Mr. Nash's letter, have you had an opportunity to review that?

**Engineer Nash:** Yes, I have.

**Attorney Lefkowitz:** Do you agree with his categorization of the front of the property having two front yards and one side yard?

**Engineer Hogan:** Yes, I do.

**Attorney Lefkowitz:** That's correct, okay. And you can note on there that he says that we do need the three variances for those, but they're existing, and they're not exacerbated by this Application. Is that correct?

**Engineer Hogan:** Correct. They're existing non-conformities and there are no modifications being made to the exterior of the building to exacerbate those.

**Attorney Lefkowitz:** What's going to be the use if you know, or the intended use, of the rear of this property?

**Engineer Hogan:** The rear of the property will be used just for storing vehicles on site as necessary for the maintenance and repair through the commercial garage.

**Attorney Lefkowitz:** The bulk variances are again only for the setbacks. Is that correct?

**Engineer Hogan:** Correct.

**Attorney Lefkowitz:** We're requesting a waiver for the aisle. Why is that?

**Engineer Hogan:** Yes. So the parking aisle is required to be 25 feet wide and we're proposing 19.7 feet.

**Attorney Lefkowitz:** Could you just indicate on the drawing the parking aisle so we're all looking at the same thing?

**Engineer Hogan:** The parking aisle is just the width from the end of the spaces to curb that has to be placed along the property line. Basically, we can't really meet 25' while getting any parking spots in the area. We're also proposing the parking to be utilized in a one way, one direction,



**fashion so you're not going to have cars passing each other. I believe cutting back in the parking aisle is really necessary to kind of make this work.**

**Attorney Lefkowitz: #13 on page 4 of the letter, Mr. Nash recommends that the two eastern parking spaces be dedicated to the residential use. Is there a problem with that?**

**Engineer Hogan: No, no issues with that.**

**Attorney Lefkowitz: Okay. Is there anything else on Mr. Nash's letter that you need to address, specifically the 10 cubic yards of fill?**

**Engineer Hogan: So there is a little bit of grading being proposed to go along with the new buildings. However it is just that it is a very little bit of grading. This area around the commercial building will be raised up, maybe 6" so there's really minimal site work. So just 10 cubic yards spread over a pretty significant area so it's not going to change much from what's existing today.**

**Attorney Lefkowitz: Do you believe we'll need a Flood Hazard Area permit?**

**Engineer Hogan: No, I don't believe so.**

**Attorney Lefkowitz: If we if it's determined that we do, is there a problem getting that? We have no objection to getting that correct?**

**Engineer Hogan: No, if it's required.**

**Attorney Lefkowitz: What about the stormwater management plan? There's a concern that the seepage pits haven't been tested and there's no calculations. When is that going to be done?**

**Engineer Hogan: We have done the calculations to show that they will handle the runoff for all the required storms. What we do still need to do, which we will do during the construction, is dig a test pit or soil log in that area just to confirm that the soil conditions can basically handle what we want to do.**

**Attorney Lefkowitz: There was an issue regarding the size of the curb cuts as they exist now. How do we plan to address that?**

**Engineer Hogan: We're proposing 16 foot wide curb cuts. According to the Borough Code, they should be, I believe it's 20'. Again, we're proposing the parking area as a one way street, basically. In an effort to kind of discourage anyone from using it the wrong way, we wanted to keep the curb cuts a little bit narrower. I don't see any issue with extending them to 20' if the Board deems it necessary. But like I said, we're just trying to discourage people from going the wrong way.**

**Attorney Lefkowitz: We'll save it for the architect regarding the garages. Is there going to be handicap parking?**

**Engineer Hogan: Yes, there is one ADA. Space numbered 9.**

**Attorney Lefkowitz: What about the garbage? Where's the garbage going to be stored?**

**Engineer Hogan: The garbage is going to be stored behind the commercial building. We have a dumpster area proposed back there.**

**Attorney Lefkowitz: Does that serve us privately?**

**Mr. Hogan: I believe so.**

**Attorney Lefkowitz:** We'll adjust it to the Construction Manager, then, just to be sure. Is there anything else you can tell us about the property that you feel that's important for the Board to know regarding this application?

**Engineer Hogan:** I think the only other thing worth mentioning again, with the parking. We are coming a little too close to this side property line. We're proposing the parking at 5', where 10' is required. And again, same as the parking aisle width, it's really kind of a tight area to get some parking in so we're pushing it to 5' in order to make sure that we can get some spaces in there.

**Attorney Lefkowitz:** Okay. I have no further questions of Mr. Hogan at this time.

**Acting Chairman:** All right. I have a couple questions of the engineer. You have a tremendous property here. I have a concern due to the fact that you are requesting a waiver to go with a narrow parking space. If you get a large SUV in there, is there any opportunity to deepen that parking area and perhaps go angle parking since it's one way?

**Attorney Mondello:** So while Mr. Hogan is thinking about the answer two quick things. If Board Members are not speaking, please mute yourself. I can hear somebody's TV, and I'm the guy that the judge yells at if I can't protect the record. I lost track of what the second one was, but back to you Mr. Hogan.

**Engineer Hogan:** If we were to switch it to angled spacing, I think we'd end up losing a couple more spots.

**Engineer Nash:** Mr. Chairman angle parking is not as efficient as head-in.

**Acting Chairman:** I understand that, but you could make the parking deeper. I just have a concern with if you put a big SUV in one of them places and your narrow and you're trying to back out now without hitting that curve.

**Member Covelli:** Actually, Mr. Chairman, I have a question that kind of leads to your point. When I reviewed this plan, I was wondering why Building B, the proposed detached garage, which is the two parking stall garage for the private or personal vehicles of the property owner, why it's located out so far away from the structure? Where you could flip that building closer to the rear of the structure and literally run the parking spaces as far out as you wanted and wouldn't even need the variance for the extra spot. Is there a reason that a building is so far out in the middle of nowhere?

**Engineer Hogan:** As its intended for the personal use of the owner, he's not going to be the one living there so we want to make sure that any residential, or any residents of the building, would be able to park as closely as possible to the building.

**Attorney Lefkowitz:** Mr. Hogan, is there any issue, and again I'm assuming north is at the top of this drawing, is there any problem with moving that building to the left, or to the west even more than having the parking spaces wider?

**Engineer Hogan:** Moving the detached garage further to the west or on the plan to the left side, we get into the Flood Hazard Area, which has more requirements that we'd need to in order to try and do something there. We're trying to keep all the disturbance outside of the floodway and flood hazard.

**Attorney Lefkowitz:** What if you What if you rotated the building 90 degrees because the building seems to be wider than it is deep and you could pick up a few feet that way? Would that make any difference?

**Engineer Hogan:** I think that way the entrance in or the access to the building would conflict with the parking lot.

**Acting Chairman:** Well, how are you planning to access that garage? I mean if it was flipped you would have all its own area in the back, you just couldn't come into that and access it from west to east?

**Attorney Mondello:** Mr. Chairman, I just thought about the second comment. You are breaking up considerably and I'm not sure what the bandwidth is where you are but you may want to consider killing your video when you're speaking. Of course I leave that up to you but you're breaking up considerably.

**Acting Chairman:** All right, hang on.

**Member Covelli:** Or he can dial in with his phone and kill his audio.

**Attorney Mondello:** I took the liberty of stopping your video, Mr. Chairman, but you are muted.

**Acting Chairman:** Alright, is that better, Ron?

**Attorney Mondello:** It certainly is.

**Acting Chairman:** Okay, so I'm just leaving it at that then. I was going to sign in on a different device but that's fine.

**Acting Chairman:** If you were to flip that building as the attorney just said, why couldn't you access that building from all the depth of that property and access it from west to east?

**Engineer Hogan:** it's something we could look into. But as I mentioned, I think there'll be a little bit of a conflict with the parking, like trajectory for the parking lot.

**Acting Chairman:** As I said I have a real concern with that aisle width with today's SUVs and add in a narrow parking space just exacerbates the aisle width.

**Who's going to testify exactly what is going to take place on the site? I was of the understanding that everything was going to be stored inside the garage. Now that there seems to be some talk of some equipment being stored on there. There's nothing showing here what that equipment is going to be with regards to a traffic plan, how it's going to access the site, how is the garbage truck going to access the site? The garbage couldn't be any further away really from the residents. So who is going to actually testify as to what exactly is going to be done on this site day to day?**

**Attorney Lefkowitz:** Mr. Hill.

**Acting Chairman:** Okay. On the plan, you're also showing a proposed topsoil stockpile. What is that?

**Engineer Hogan:** It's a temporary, I guess, like a feature, it's required for Soil Conservation District plans. Basically, any topsoil encountered in the area of disturbance will basically be stockpiled and surrounded by a silt fence so that it can be protected and redistributed after the construction is completed.

**Acting Chairman:** All right, so that's going to be for construction, it's not going to be for use of the business after everything is done?

**Engineer Hogan:** No. Like I said it's just a temporary thing during the construction of the buildings.

**Acting Chairman:** With regards to a landscape plan, again, not knowing what the intensity of the site's going to be as far as and what type of vehicles are going to be coming on and off the site, it's a little difficult to adequately consider a request for a waiver, in my opinion, for a landscape and a traffic report until we know exactly what is going to be going on the site. Are you proposing to have any fuel storage there?

**Attorney Lefkowitz:** I think when Mr. Hill will testify regarding those issues. We're not there yet.

**Member Covelli:** I guess, I'm going to tell you, I'm still stuck on Building B, and why we can't reconfigure that to add the parking, both the width and the additional spot, and remove that. On a lot this size, I really can't believe we're being asked to provide a variance for a parking spot on 47,000 square feet.

**Engineer Hogan:** I mean the back half of the property is basically unusable due to being in the floodway and Flood Hazard Area. Even though it is a significantly sized lot, there's a lot of room that we can't really do much with.

**Member Covelli:** Mr. Hogan, really, you don't want to go with that answer. You could do better than that. The bottom line is there's plenty of room for the structure to go in that area that you're proposing to do parking there anyway. What's the difference between a big truck and a parking stall? I think that needs to be rethought.

**Member Levine:** I have a couple of questions. One in case of fire, how are the fire trucks getting in and out?

**Engineer Hogan:** I just imagine on Cole's Avenue, just as they would for any of the houses back there right now.

**Member Levine:** But you have some buildings further down on the plans, are they going to be able to put out a fire from the street.

**Engineer Hogan:** That I'm not really sure about.

**Member Levine:** Okay, my other question is I'm still not clear as to what your business is. You're storing commercial vehicles and you're maintaining commercial vehicles, but what is the business? How do you make money?

**Attorney Lefkowitz:** Mr. Hill will testify to that.

**Member Covelli:** May I ask a question counselor? Would it be appropriate to suspend Mr. Hogan at this point and have Mr. Hill give us a little bit more information? Because I feel we are against the wall with Mr. Hogan right now and perhaps he can lend some more expertise once we have a better idea of what we're talking about.

**Attorney Lefkowitz:** Certainly. So we'll excuse Mr. Hogan for now, and I'll call Ed Hill.

**Acting Chairman:** We are going to have to bring back Mr. Hogan at some time, though, so that we can open him up to questions from the public.

**Attorney Lefkowitz:** Yes, absolutely.

**Engineer Hogan:** Before we do, should I keep the site plan on the screen for now?

**Attorney Mondello:** I think you should probably remove it unless the Board Members want it to be up. Hearing none, seeing none, I would take it down.

**Attorney Mondello:** I'm asking Mr. Hill to unmute himself. He's figuring out how to do that now.. Welcome, Mr. Hill. Would you please raise your right hand? Do you swear or affirm the testimony you are about to give be the truth, the whole truth and nothing but the truth so help you God?

**Mr. Hill:** I do

**Attorney Mondello:** Put your hand down. Please state your name spell your last name. Give us your office address.

**Mr. Hill:** Ed Hill, 104 Beach Avenue, Pompton Lakes, New Jersey. Your witness Mr. Lefkowitz.

**Attorney Lefkowitz:** Mr. Hill, you heard several of the questions that were posed by the Board to Mr. Hogan regarding the use of the property.

**Mr. Hill:** Yes.

**Attorney Lefkowitz:** Okay. Well, first, what business is going to be operated out of the current structure once it's remodeled?

**Mr. Hill:** Tom Buske & Son Construction, which is a site construction company. We provide storm drainage systems, we deal with the Highlands Act and all environmental issues as well. So we're aware of the flood zones. What you don't know and what we haven't talked about is we have purchased a farm in Jefferson, New Jersey, and we're about to close on that. A lot of our materials and equipment will be stored over there. Here, in Haskell, it's like the best location because we do go to the rock quarries all the time, we go to the asphalt plants all the time, it's right next to 287, and it's so conveniently located. For the past couple of years, we have been spending a lot of money on truck repairs, outsourcing it to Go Ahead in Pompton Lakes, to Amel's up in West Milford to Malanga's in Pompton Lakes. We feel that it would be better, more convenient for us, if we could do the repairs under a structure. Right now we can't do any repairs. other than like changing a light bulb or a windshield wiper in the site that we're in.

**Attorney Lefkowitz:** Well, you jumped ahead of me there a little bit. What is your position with Tom Buske?

**Mr. Hill:** I am considered the Director of Operations.

**Attorney Lefkowitz:** Okay and to answer the question I recently was asked, what going to be used in the residence once it's remodeled? What is that going to be used for and who's going to live there?

**Mr. Hill:** It's going to be our office. The downstairs will be our office.

**Attorney Lefkowitz:** Actually, I think Mr. Vice Chair, it would probably be best if the Board Members can direct the questions they had directed to Mr. Hogan, if they could direct them to Mr. Hill at this time.

**Acting Chairman:** Okay, Mr. Hill, I'll ask you. What do you anticipate? I mean, I was back at the site three, four weeks ago. There's fuel storage tanks there, there was a steel container storage container there, there was piles of construction debris, and I'm also trying to ascertain exactly what is your site is because there seems to be some other stuff going on there too, that may not be on your site so I would like to know exactly how do you envision this being different from what I saw three weeks ago? What kind of trucks and how many trucks or pieces of equipment or trailers or lowboys, or do you envision coming in and out of this site, on a daily basis and/or being stored on this site, and not inside the proposed repair bay?

**Mr. Hill:** Most of our business is not in the physical place here. We are a site contractor so most of our equipment and trucks go out. They're not located on the site daily. We will not have storage containers because they're all going to be eliminated. The purpose of putting up the building is to store whatever materials we need, which is not like asphalt or stone or blocks or anything, just your basic construction materials. Also repair is basically to do the repair of trucks that we have here.

**Acting Chairman:** How many and what type of trucks do you envision coming on and off the site at any given time?

**Mr. Hill:** We have 5 dump trucks. We only have 1 lowboy and we have a couple trailers. But again, all, that is not necessarily going to be here. We have this site that we're going to be developing up in Jefferson.

**Acting Chairman:** I just can't get a clear understanding of what it is exactly that you're asking for with, with regard to the storage of vehicles to be repaired. I mean, if you only have those amount of trucks, I find it hard to believe that if one comes in for repair, that it just couldn't go inside the building and stay there.

**Mr. Hill:** Well, it's also the storage of the dump trucks themselves. Because again, it is so convenient. It's so we can just go to the quarries.

**Acting Chairman:** Do the drivers of those trucks then show up at your site in their personal vehicles? Is that calculated into your parking calculations?

**Mr. Hill:** Yeah, we only have three drivers.

**Acting Chairman:** You just said you had five dump trucks.

**Mr. Hill:** We only have three drivers.

**Acting Chairman:** Again, tell me on any given day, what you anticipate is going to be stored there?

**Mr. Hill:** There might be a piece of equipment that might be getting a repair, there might be a couple of trucks waiting to be swapped out like if they're dropping off a piece of equipment with one truck, they bring it back, grab another truck and go out.

**Acting Chairman:** Didn't you just say that this was going to be used to store all your trucks?

**Mr. Hill:** You say going in and out. So once they go out it's not like they come back and forth.

**Acting Chairman:** They go out in the morning, and they come back in the afternoon.

**Mr. Hill:** At night.

**Acting Chairman:** But that's going to be five dump trucks, at a minimum, and then possibly some trailers or front end loaders or back hoes equipment like that.

**Mr. Hill:** Not that many pieces of equipment here because, again, the whole idea is going up to Jefferson Township where we'll actually be able to sell soils and material out of that yard.

**Member Covelli:** Mr. Hill, this is Frank Covelli. You were nice enough to offer to give me some explanation at the site earlier today. And I told you I really couldn't listen to anything because you needed to be testifying before the Board.

**Mr. Hill:** Yes, sir.

**Member Covelli:** I think, and I don't want to necessarily speak for my colleagues if I'm at a school, but I think you're sensing a little frustration of the Board Members in that we're trying to understand what the Applicant is trying to propose to do at the site. With that said, I think that you, Mr. Hill, Counselor, Mr. Hogan, needs to understand when you say terms like some vehicles, a few vehicles, you're not helping us understand. When I went to the site today, should I start rattling off what was there? There were dump trucks from a company located in Pompton Plains on the site, and I'm talking about tandem axle dump trucks, big trucks. There were several trailers on the site. There are construction trailers on the site, there are shipping containers on the site. There's a lot of stuff going on, on this property as we speak. Yet, as you testified to us tonight, we're being led down these little platitudes of, well, you know, just you know, you kind of drop in a vehicle to get service so, you know, maybe, I don't know, there were two drivers so they left with one vehicle and left two or something of that. We're getting these platitudes; we're not really getting down to what it is we're trying to understand. Myself, I'm a little frustrated with where we are with this application and I'm trying to work with you to get towards an end. But I'm not sensing we're getting there. So I'll shut my mouth now, but I said my piece.

**Mr. Hill:** I appreciate your honesty. I'm just a little nervous more than anything. Very nervous, extremely nervous. I don't talk in public that much.

**Member Covelli:** Don't be nervous.

**Attorney Lefkowitz:** Alright, so if you could address in specifics, Mr. Hill, what is going to be on the site, on the site, on any given day?

**Mr. Hill:** I'll go for the max. There is going to be the dump trucks, one tractor

**Attorney Lefkowitz:** I don't mean to interrupt you, but I understand what the Board is trying to get from you. How many vehicles can fit in the garage, the commercial garage that you're proposing?

**Mr. Hill:** Three (3)

**Attorney Lefkowitz:** Okay. So at any given time, how many dump trucks can be in the garage if you have materials in there?

**Mr. Hill: Three (3)**

**Attorney Lefkowitz: At the end of the day, and I don't want to put words in his mouth, but I believe that's what Mr. Covelli is trying to get is at the end of the day, when the work is over,**

**Mr. Hill: What is going to be left on the site?**

**Attorney Lefkowitz: What is on this site?**

**Mr. Hill: Okay, there's going to be well, if we put two inside, there'll be 3 dump trucks.**

**Outdoors, a service truck for mechanic work, if we have to go on site, we have a service truck. We only have 1 tractor trailer lowboy that's for moving equipment. Then we have 2 trailers that are what we call tagalong trailers, there's a gray and a black one. The containers that were mentioned, they're going to go because we don't need the storage anymore for that. If there's some maintenance on pieces of equipment, you'll have pieces of equipment that'll have maintenance on. If there's a truck that's got to be taking a piece of equipment out the next day to a site, that piece of equipment is usually on the trailer that's ready to go the next day.**

**Attorney Lefkowitz: Mr. Covelli, did that answer your question?**

**Member Covelli: Yeah. Mr. Hill, I don't want you to be nervous. I think the Board wants to work with you, understand it and believe me we try to work with every applicant because we like to see everyone as a success story. But with that said, there's a lot of room on this site, as everyone's noted, including the site plan. With that said, I've looked down this property for no less than a year and there have been a lot of vehicles parked on it. Vehicles are not a bad thing. You obviously have vehicles to serve different functions for the business. I think we're just looking to understand what is a realistic expectation of how many vehicles, because you can park an awful lot of vehicles on 47,000 square feet, give or take a few 1000 for the buildings that are there. So we're just trying to understand how many vehicles you're actually going to have there. And then maybe talk about, if there's going to be vehicles outside, that's not the end of the world. Are you going to screen them? What would you do to make the site the least intrusive and understanding that some of your neighbors aren't necessarily the best either, but they're not before us right now. I know that the Construction Official is working on some of the neighbors in the area. We're just trying to understand better how we can work with you to make this a good application that everyone can live with.**

**Acting Chairman: Frank thanks for saying that. My concern Mr. Hill is what you have today may be very different than what you have two years from now, which would be great for you. You may find a need to double your number of dump trucks and get another lowboy and then all of a sudden, we have a site that has a lot more intensity on it, than what was originally there. So we would like to see something quantify and even maybe in a defined area to say this is where all of our outdoor storage is going to be.**

**Attorney Lefkowitz: Mr. Hill you would have no objection to that if the plan was looked at again, and designating an area and perhaps coming up with some sort of screening so that the vehicles aren't as, and I'm sorry, Mr. Vice Chairman, and perhaps you can let us know. I mean you can't really see anything from the road because it's so far back because of this topography. Is it the Board's desire that this be screened from the neighbors, the apartment, because it's something**



that can be done but if we had some more direction about what you were concerned with, we could address it more efficiently.

**Member Covelli:** As you have utilized the site thus far, and this is one person's perspective, you look down Coles Avenue and you see your vehicles parked in the rear of the property, or to the west of the property if we're looking at it in a north/south venue, near the Post Brook, but yet, there's white vinyl fencing on the southern side of the property and I don't know whether that's the property owner's or the neighbors, but all of that is hidden from Coles Avenue and thereby hidden from Ringwood Avenue. So perhaps that would be a screened area to park vehicles that you would look down Coles Avenue and not even see anything. And yet there's a lot of land there. I don't know. I don't necessarily want to design the applicant's property. I'm just saying what is it that you're interested in proposing to us? Because I know what they're doing right now, I know where things are, again, what I've seen in the past, and when I went down there today and saw Mr. Hill what I saw. So just looking for, you know what we've been saying, a little clarification on how they want to lay it out. They have to make the property work for them obviously. We're not here to either dictate how it's supposed to look aesthetically or how it works for them as a business, but they have to give us some direction.

**Attorney Lefkowitz:** Oh, absolutely and Mr. Hill, it is possible to step back and perhaps reconfigure some of the planned parking areas for these trucks to address this issue?

**Mr. Hill:** Anything's possible. Yeah, not a problem, we can take care of that. Most of the trucks that we have, like you said, that's to the south behind the white fence, you really can't see and the purpose of the Garage B is used as a screening device to for the for the yard, not all the way straight in the back of the yard, to us that's why we were using that. We also thought that we might need to put up some greenery along the fence line, you know, some tall, tall green trees if need be.

**Attorney Mondello:** I'm also hearing that the Board would like some finite numbers as to the maximum amount of vehicles that would be on the site at any time. Perhaps put that on the site plan because it's certainly a reasonable condition that would be placed in the Resolution if the Board was so inclined to grant the relief sought by the Applicant

**Acting Chairman:** Yeah, I agree with that Ron, like a not to exceed.

**Acting Chairman:** Are you proposing any fuel storage on the site?

**Mr. Hill:** No. We have an account with Malanga's. We have an old tank that's here now, but when we get rid of the containers, that's all going to go as well. You know Malanga's we've had an account with them for 15 years or something like that. Malanga's is a fueling place that we use.

**Attorney Lefkowitz:** So there will be no storage of fuel on this on the site, correct?

**Mr. Hill:** No Fuel.

**Acting Chairman:** Just a suggestion as you really look at this, you know, perhaps, if you could come up with a way to almost kind of make all that western part of the property almost be not accessible once you determine what your parking needs are that you're going to request.

Whether that would be to, I don't know, it's quite a wide expanse to put a planting, but just something so that you just can't grow as it appears to have on the current site now.

Attorney Lefkowitz: Mr. Hill, did you understand what he was saying?

Mr. Hill: Yes. We could come up with a plan. John might have some input too. Yeah, whatever you guys want to do, we'll do. Tell me what we should do, Pete.

Attorney Lefkowitz: Is John here?

John: I'm right here Pete.

Acting Chairman: Counselor, before we go to John, does the Board have any other questions for Mr. Hill?

Engineer Nash: Mr. Chairman?

Acting Chairman: Yes, I was going to go to you next, Chris.

Engineer Nash: All right. I'll wait.

Member Aumenta: I actually had a question regarding the business. What times typically will the trucks be coming in and out in the morning, in the afternoon and in the evening?

Member Pasznik: That's exactly what I was going to ask too Helena.

Mr. Hill: We normally leave around 6:30/7:00am and we get back around 4:30/5:00, somewhere around there.

Member Pasznik: Is it just Monday through Friday?

Mr. Hill: Usually, sometimes there's a Saturday, but that's about it.

Member Levine: When the trucks come back in the evening, you're going to be making a left turn into the property?

Mr. Hill: They make a left turn into the property. Yes.

Member Levine: They will possibly be tying up traffic, either way.

Mr. Hill: You mean make the left onto Coles?

Member Aumenta: Yeah, getting off of Ringwood.

M. Hill: I thought he meant off of Coles, I'm sorry.

Member Levine: No, off of Ringwood.

Mr. Hill: Yeah, depending which way they're coming from, it could be either way.

Member Levine: What's the length of your vehicles?

Mr. Hill: Normally what we run are the triaxle dump trucks.

Member Levine: Which is in feet, how much?

Mr. Hill: I don't really know. You see them all the time up and down the road. I'm sorry, I don't know.

Member Levine: Any of your vehicles have trailers behind them?

Mr. Hill: Yes, sir.

Member Levine: That would be quite a bit longer.

Mr. Hill: Yes.

Member Levine: Can you approximate the total length?

Mr. Hill: 50'

**Member Aumenta:** Then what about the equipment that's coming in for repair? Would that be coming in on a truck as well?

**Mr. Hill:** They'd be coming in a trailer, yes.

**Member Aumenta:** Is there any concern with the radius of being able to make that turn from Ringwood Avenue onto Coles, because it's pretty tight? Having to backup and move the trucks back and forth in?

**Mr. Hill:** No, no concern at all.

**Attorney Lefkowitz:** Have you been doing it?

**Mr. Hill:** Yes.

**Attorney Mondello:** I believe, if I'm not mistaken, that is what the Board Members are referring to? (Google Map Picture of Property On Screen)

**Mr. Hill:** There is no problem making that turn.

**Member Aumenta:** What about a garbage truck that would need to get in there? Are there going to be dumpsters that a garbage truck has to get in, try to turn around on the property and come back out again?

**Mr. Hill:** Well, yeah, but there'll be plenty of room in the back; like they said it's opened up.

**Attorney Lefkowitz:** The dumpster appears on the site plan.

**Mr. Hill:** I think the residents upstairs would use the regular garbage, right? Collecting from the as a resident on the street as the come by, Gaeta.

**Attorney Mondello:** Mr. Chairman, are you with us? I don't see the Chairman. I'm going to see if I can call him. He must have lost his bandwidth.

**Member Pasznik:** Ron, I know that there was a power outage on the Wanaque side by Grove. I don't know exactly where Bruce is, but he certainly could have lost power, hence internet, so I'm not sure if you want to try to maybe call his cell.

**Member Covelli:** Counselor, how did you want to proceed at this point with respect to the testimony your client is providing?

**Attorney Lefkowitz:** I think we still need to go back to Mr. Hogan, because that still needs to be opened up still to the public if there's any questions, but I think we could call Mr. McDonough if we get the Chairman back.

**Engineer Nash:** I still have a couple of questions.

**Attorney Lefkowitz:** For whom?

**Engineer Nash:** For the engineer?

**Attorney Lefkowitz:** Why don't we call him back then and address those questions?

**Attorney Mondello:** Yeah, if we could just perhaps, wait another minute or so, the Chairman is not in New Jersey, and he is logging back in so if we could just perhaps wait a minute or two.

**Attorney Mondello:** In the meantime, I presume this is a Google image of the site.

**Mr. Hill:** That's a long time ago.

**Attorney Mondello:** 2013, you're right.

**Attorney Lefkowitz:** I would say that I don't know if that's relevant at this time.

**Attorney Mondello:** I would tend to agree if it's from 2013.

**Attorney Lefkowitz:** Google isn't always on the mark, right?

**Attorney Mondello:** I see that the Chairman is now connected, and I'm going to ask him to perhaps shut the video again, because he had some bandwidth issues. I stopped his video. Mr. Chairman, if you could unmute yourself.

**Acting Chairman:** This one might be better, Ron. This is 5G and I was using their Wi Fi here. I might be alright on the video here.

**Attorney Mondello:** Okay, so I'll ask you to start the video. There we are.

**Attorney Lefkowitz:** Alright, so why don't we recall Mr. Hogan.

**Attorney Mondello:** Mr. Hogan, you remain sworn in. Please unmute yourself. Thank you, sir.

**Attorney Lefkowitz:** Mr. Nash, you had questions for Mr. Hogan.

**Attorney Mondello:** You are muted, Chris.

**Engineer Nash:** Thank you. Item 5 in my letter, the applicant is requesting waivers. So the waivers are a function like, for instance, the landscaping plan, it's a function of what's going on in the site. Once the Board has a better understanding of what's going on at the site, they would then either grant the waiver or say no, we're not going to grant the waiver we need landscaping plan because there are impacts. I think as the Board and as I am getting a better sense of the use, but we still haven't got any quantity, trucks per day, that kind of thing, what can be expected on calls, how it impacts that existing house to the north, if any activities do and also, I don't know, but another thing that was kind of brushed over is item 14 in my letter. We've had a couple other applications in town where there's a proposed mixed use, and they want to use residential, mixed with whatever business type use, and commercial use in this case, so the applicant just says, we're going to have an apartment upstairs in the building, and, you know, we're all fine with that. But then there are issues like, where do these people have any kind of outdoor space in their live? Mr. Covelli was talking about the fact that this is a very large property, and everything's being squeezed towards the Greenwood Avenue side, just to stay away from the from the floodplain, I suppose. But what that does is squeezes the whole backyard in any kind of open space for these residential people that are going to renting this building.

**Engineer Hogan:** We are proposing a raised deck to basically attach to the apartment on now give the residents outdoor space to use.

**Engineer Nash:** On another application we talked about it's not going to be like a young family with kids, it's not going to attract anything like that, so the potential tenants are a limited, smaller subset, if you will, just because of the nature of the use of the site trying to mix the residential use with a commercial use. They don't go together too well, particularly in this case, were, it's a very small property for the residential use. I'm just pointing that out. I do have one other question, with the amount of trucks that are going to use Coles, are they going to be ultimately causing the pavement to fail? Is there the potential for that? We don't know, because we don't know what the use is.

**Acting Chairman:** Okay, when I got knocked out there, Ron, did we open up Mr. Hill to the public?

**Attorney Mondello:** No, Mr. Chairman, what happened is, we went to Mr. Hogan. He was actually the first to testify and he probably should be responding to members of the public first.

**Acting Chairman:** Does any Members have questions of Mr. Hogan before we open it up to the public?

**Member Levine:** The residential portion seems to complicate the whole situation. Is it just the financial aspect of getting rent that we have decided to go residential? Or is there any other purpose?

**Attorney Mondello:** So I'm guessing that maybe perhaps, I may be wrong, but Mr. McDonough may or may not be able to address that question. Mr. Hill, if you can answer it, please do.

**Mr. Hill:** You can let John answer it. What are we going to do with it? It's upstairs. We're not that big of a company. We only need a small space downstairs.

**Attorney Mondello:** Well, we haven't called Mr. McDonough. That's at another point in time. That appears to be his answer, Mr. Levine.

**Member Levine:** Okay, understood.

**Attorney Mondello:** It's money.

**Acting Chairman:** Any other questions? All right, at this time, we're going to open it up to the public. Any members of the public have a question, and a question only, for the engineer at this time. If so, please unmute yourself and identify yourself.

**Mr. Issad Johri** from 1169 Ringwood Avenue, Haskell

**Attorney Mondello:** I've asked Mr. Johri to put his video on. There you go. Your address is 1169 Ringwood. So that the board members understand, this would be your property 1169?

**Mr. Johri:** That is correct.

**Attorney Mondello:** This map is from 2001.

**Mr. Johri:** I bought my house in 2000.

**Attorney Mondello:** What is your question for Mr. Hogan who provided engineering testimony?

**Mr. Johri:** Okay, so all it comes down to is I brought this house in 2000, and I moved in with my family.

**Attorney Mondello:** I'm sorry to interrupt. There will be a portion Mr. Johri where you can say, I like this application and here's why or I dislike it.

**Mr. Johri:** Okay, I hear you. I'm going to get right to the point. The construction debris is not suitable to look at as a family, the swapping of tracks as well, and the dust.

**Attorney Lefkowitz:** I'm going to object. He's not asking a question.

**Attorney Mondello:** All right, take a breath. Mr. Lefkowitz. Some people don't understand the process. This is their first introduction to the quasi legal system.

**Mr. Johri:** Okay, so why doesn't Mr. Hogan ask me like specific question, I would give him specific answer. The house the shaking of the house.

**Attorney Mondello:** Alright, let's just listen to me carefully. This is a period where members of the public who have listened carefully to, or haven't listened, but have questions for Mr. Hogan as to his testimony. He said, for example, there wasn't going to be a lot of traffic and then we heard some testimony there was going to be X amount of trucks, you can ask him questions about his testimony, not we don't like this and the debris is not appropriate, etc. So I'm going to now ask you to unmute yourself and see if you can put forth a question for Mr. Hogan.

**Mr. Johri:** Okay, Mr. Hogan. The amount of traffic coming to the back facing my house is tremendous. The house shakes, all our walls are cracking, repairs and no one pays for except me. So what do you say about this?

**Attorney Mondello:** So let me try to help, Mr. Johri. So Mr. Hogan, he has indicated that the trucks I guess, due to their weight, have caused some damage to his house. Is there anything that can be done to ameliorate that problem. eliminate that problem? I think that's what the question might be.

**Engineer Hogan:** During the construction on the site, and the grading for the new buildings, the ground throughout the area should be stabilized at the end that might give a little more stability to the ground and prevent further damage to the house. I would expect that, and based on what exists on the property today, versus what it will be moving forward, I'd expect it to be less traffic overall.

**Attorney Mondello:** So, Mr. Johri, I'm going to guess that the next thing that you say may really be along the lines of comments as to why you don't like this application. You don't like the current business.

**Mr. Johri:** I am against this application all the way.

**Attorney Mondello:** All right, so why don't you reserve those comments for the period when the public can comment on the application, fair enough?

**Mr. Johri:** Okay.

**Attorney Mondello:** Thank you, sir.

**Acting Chairman:** Are there any other members from the public have a question, and a question only at this time, for the engineer regarding his testimony? If so, please unmute yourself and identify yourself. All right, Seeing and hearing none. I guess, Ron, before we move on, we should probably open up Mr. Hill to questions from the public also. Just at this time, are there any members from the public who have any questions, and questions only at this time, for Mr. Hill's testimony? All right, see, I'm hearing no one.

**Attorney Mondello:** Miss Birson, you are experiencing very poor bandwidth. I'm going to ask you to stop your video and now unmute yourself and let's try it from the top.

**Mrs. Birson:** Can you hear me now?

**Attorney Mondello:** Yes, you're breaking up a little bit, but we certainly can hear you. So if you could be so kind as to identify yourself, spell your last name and give us your address.

**Mrs. Birson:** Kelly Birson, and I live directly across the street at 1162 Ringwood Avenue. I just had a few questions for Mr. Hill regarding the amount of trucks that go in at all day whether they

are our company trucks but there's also other construction truck. trucks that come out of the street. My house shakes too from the stuff that goes on there. (Some of her comments were not recorded because she didn't have good internet.

**Attorney Mondello:** Mrs. Birson, I cannot hear you. I cannot make out what you're saying. Sorry Bruce, there was a lot of background coming from your hollywood square. Mrs. Birson I would suggest that you call in, use the telephone number. I will see you and I will make sure that your questions are addressed, but I couldn't make out any words, well very few words, so I would suggest that you call in. Any other any other members of the public have questions for Mr. Hill on his testimony? Questions for Mr. Hill on his testimony. Again, Mrs. Birson, I would highly recommend that there is a phone number that you can call and you won't have bandwidth problems, obviously and we will hear you. All right. Back to you, Mr. Chairman, apparently there are no questions for Mr. Hill.

**Acting Chairman:** All right, Counselor. Did you want to bring your next witness?

**Attorney Lefkowitz:** Yes.

**Member Covelli:** Mr. Chairman, before we proceed, I want to ask a question of Mr. Hogan, based on Mr. Johri's question. I really don't believe that Mr. Hogan answered his question at all. Mr. Hogan, Mr. Johri asked the question that he has cracks and the like what would be done to avert that situation and you answered that the base would be stabilized and you would believe the traffic going to the site would be lessened. And I want to know how you made that statement, how you quantify that statement, that there would be less traffic entering the site; less truck vehicular traffic entering and exiting the site. How did you make that determination based on Mr. Johri's question?

**Mr. Hogan:** So I made that determination just based on what exists on the site today. When I drove by the site, there were more than five trucks out back and, moving forward, as Mr. Hill stated, there'll only have five trucks running. So if there's only going to be five trucks that would create less traffic, then the greater than five trucks that are there now.

**Mr. Hill:** Can I just say something point. Our trucks come in and leave empty. We go and get filled up, deliver and then come back empty. Ringwood Avenue, up and down all day long, you got these triaxle dump trucks loaded to the brim, anybody can go there. I'm not saying that we're not causing any vibration. If we get the opportunity to put the building in place, one that I'll eliminate any of Mr. Johri's concerns with the building debris, because it won't be there anymore. There'll be a building and there'll be nothing going near that section of his property anyway. Anything that goes on to his property will be in the garage, which will be on a piece of concrete, which is usually 10" thick. So that should eliminate Mr. Johri's concern. But again, especially with the lady across the street, she's saying her house is vibrating too. I don't see how that's coming from us as much as just normal vehicular traffic of heavy trucks. I'm sure anybody will tell you that this is the most main strip for coming out of the quarries and out of the asphalt plants.

**Member Covelli:** Thank you Mr. Hill that was a very thorough explanation, and you certainly gave your best to provide a thorough answer. I'm ascertaining from your answer that you're thinking that part of the solution to Mr. Johri's vibration concern is that Building C will mean that the vehicles are further away from his property. And that when they are, let's say, going into Building C for a service, that the concrete slab under Building C will be such that it will be strengthened over the earth and that is being driven over currently.

**Mr. Hill:** Right, that's exactly it. You won't have that opportunity of any pressure points, because it'll all be on a 10" slab of concrete.

**Member Covelli:** Thank you, Mr. Hill. That was a thorough answer. I appreciate that.

**Mr. Hill:** I had to make a comeback.

**Attorney Mondello:** I do believe that Mrs. Birson has dialed in and I got up to look at a small piece of paper. To unmute yourself Mrs. Birson, I think it's \*6 or \*9. Okay, we can hear you.

**Mrs. Birson:** Can you hear me?

**Attorney Mondello:** Yeah perfectly. Yes.

**Mrs. Birson:** Okay, I'm really sorry about that.

**Attorney Mondello:** Don't apologize. Why don't you?

**Mrs. Birson:** My question to Mr. Hill was, I lived directly across the street at 1162 Ringwood Avenue, so my house faces yours, and there is an enormous amount of trucks that come out all day. I hear you saying that there's only going to be about five vehicles. I know there's multiple companies that have vehicles there so I'm just wondering, do you rent the space out to these companies, such as Bigfoot and the other construction company trucks that you have back there?

**Mr. Hill:** Bigfoot and the dumpster company that's on the other side of Coles Avenue, we have nothing to do with them. They do come in and out all day long. They have a crane truck that comes out and they bring real heavy loads of wood and they store logs on their site. Maybe that's where the shaking is coming from, I don't know. I don't want to throw anybody under the bus or anything, once we leave during the day, we don't come back until the end of the day. We make our money on site digging.

**Attorney Mondello:** So, Mrs. Birson, I apologize. I had to mute you because I couldn't hear Mr. Hill. So I've now unmuted. Do you have any other questions for Mr. Hill?

**Mrs. Birson:** Yes, my husband and I both do. I also brought up the last time, but it didn't go through clearly, was also the shaking of the house, because at times, it was a while ago, but I feel like you're almost breaking rock or something back there because there's a lot of dust coming up, and it would shake our house when you would do it. Is that part of your construction that you're doing back there?

**Mr. Hill:** Where? I don't know.

**Mrs. Birson:** It was to the left of the back of the house that this was occurring. We would hear large bangs and bangs over and over and over and over again.

**Mr. Johri:** May I speak please?



**Attorney Mondello:** No, not yet. Mr. Johri I muted you for a purpose. Please stay muted. It's not your time. Please be patient. So I believe Mr. Hill what, I'm sorry, I forgot her name, but she's asking, 1162 Ringwood, is that there are other functions that are occurring on the site, and they simulate breaking rock and you know, this is someone who lives there 2/7, are you able to say that's wrong, that business doesn't occur? I don't know what you're talking about, or does something like that occur?

**Mr. Hill:** I'm not sure what she's talking about. I know that, you know, when things come out of like the logging and trucks and stuff, there's a lot of big bangs that actually scared me. But I know that once we're out of here and over in Jefferson, there won't be anything here anyway, as far as any kind of, you know, machinery or anything like that.

**Mrs. Birson:** If you don't mind, I'm just going pass you on to my husband. He has one quick question.

**Mr. Birson:** So I'm a diesel mechanic for 30 years, what you are telling me is wrong. I actually work on the same machines.

**Attorney Lefkowitz:** Mr. Mondello: can we at least get his name.

**Attorney Mondello:** Alright, just hold on one second. I'm sorry, Mr. Birson, we're going to need your full name, and you are commenting. You're essentially telling Mr. Hill that he doesn't know what he's talking about. We'll entertain that later on in a comment period but now specific questions as to his testimony. So please give us your name and ask a question. Either \*6 or \*9 to unmute yourself.

**Mr. Birson:** Do you hear me now sir?

**Attorney Mondello:** Yes, sir. Please state your name.

**Mr. Birson:** My name is Ildar Birson. When I got a Pizza One and pick up pizza, I actually watched them crush rock. The whole house shapes. It's not it's not brain. It's not Bigfoot bringing logs. He brings it from a little crane. You guys are running 50 ton lowboys, you guys got big 250, 303, 320 backhoes on it. They weigh 40,000/50,000 pounds apiece. You're probably running 100,000 pounds across the road. You widen the front driveway.

**Attorney Lefkowitz:** Mr. Mondello, that's not a question.

**Mr. Birson:** No, no, no. My question is the exhaust brake. How are you going to control that? Why are you guys making new exhaust brakes every day? There's a lot of noise. You guys constantly in the morning, 6:30 in the morning, when you leave Cole Avenue, and you get to the stop sign on Ringwood Avenue, (sound effect brrrrrr) with the exhaust brake, no need for that. You tell me only couple of trucks. I have a ring doorbell and if I show you the footage all day of how many trucks coming in and out, it's going to make your story not feasible. So please, before I show you the tale of the tape, I've have a ring doorbell always on and always catching Coles Avenue. It's constantly catching trucks in and out; not only at six, not only at five, but at one, I got two, and ten at 9:30 and 11:3, all times of the day.

**Attorney Mondello:** Mr. Birson, there is going to be a period where you know, (cut off)

**Mr. Birson:** He said that there's going to be no traffic. And he's going to say all his equipment is on the road. But that's not true because he uses the yard as his crusher yard. If I walk across the street, you probably have 30 pieces of equipment.

**Attorney Mondello:** All right. I'm sorry, Mr. Birson. We understand this may be, you know, your first entree into a zoning board meeting, but we're trying to follow some procedure and I'm the guy who gets yelled at if this goes to Superior Court so, as much as I'm used to it, I hate to get yelled at. This is only a period for question. So I'm going to ask you to hold those comments for the period when you can explain to the Board what really goes on there from your perspective. Fair enough? And you can unmute yourself hitting I believe \*6 or \*9.

**Mr. Birson:** I do have a question. He explained how it's going to lessen the traffic here when the buildings put up, and everything's going to move to Jefferson. And my question to you is how cause right now I see a lot of traffic coming in and out. We can actually be less. He even said it was a great location, the quarry is here, the highway is here, Braen is here, so explain to me, Mr. Hill, how it's going to lessen the traffic and the footprint of what's going on the property right now?

**Attorney Mondello:** Fair enough, sir. Fair enough. Go ahead, Mr. Hill.

**Mr. Hill:** Great. Again, it's it is a great location, because we're near the quarry and asphalt plant and when we leave in the morning, we go get filled up, and we make our deliveries. I've stated a few times, I think its 30 acres or 34 acres up in Jefferson is where, you know, the material yard and the equipment yard will be. I can't stress anything more than that to tell you that we're actually buying a farm up in Jefferson to not have the situation that we have here, all right. As far as any crushing or any material storage, bulk storage or anything else, it's going to be in Jefferson. It's not going to be, you know, here. That's the answer that it's not going to be here once we can get out of here.

**Attorney Mondello:** Alright, thank you, thank you, Mr. Hill. Mr. Birson, if you have any other questions, you can unmute yourself. While you're doing that, Mr. Chairman, may I go back to Mr. Johri?

**Mr. Birson:** I do have one more question. He just said that he was getting 36 acres in Jefferson. Why are you cramming the garage in Haskell then if all your equipment and trucks are going to be in Jefferson? Wouldn't it be more feasible if you made your garage in Jefferson? Why are you going to stick it like right behind residential housing? There's a pizzeria, nobody really wants to deal with the dust and the dirt while they're eating, or if you're sitting on your patio like the quality of life. I want to sit outside and enjoy a nice day. I got to listen to the trucks and the cars and go home to your houses with no dust and with no trucks. Do you understand what I'm saying? If you have this much crap you acquired, why are you putting it in Haskell? Why are you sticking it on this little lot?

**Attorney Mondello:** All right Mr. Birson, before Mr. Lefkowitz objects. So Mr. Hill, the question is, you know you're buying this big piece of property in Jefferson so why not put the garages there?

**Mr. Hill:** Because it's 45 minutes away from here.

**Attorney Mondello:** And how is that a negative impact to you?

**Mr. Hill:** 45 minutes each way. Right, here we go to work and this is convenient. It's the space to go. People go to New York because it's the place to go. This is actually, you know, a perfect spot for a site contractor or a tree company or concrete company or an asphalt company. It's because it's right here, the supplies, you're near the supply and demand.

**Attorney Mondello:** Okay, and perhaps I didn't understand so why are you buying this property in Jefferson, if everything you need is here in Wanaque?

**Mr. Hill:** Because we don't have enough room to store exactly what everybody's complaining about. We want to move the big stuff out of here. That's the plan. We're going to have the garage here to do repairs, maintenance, to store like, stupid stuff. We're going to have our office here because it's convenient. Rt. 287 is right here too. It's perfect for us.

**Attorney Mondello:** But if you brought the big stuff to Jefferson, it's still 45 minutes away.

**Mr. Hill:** But we don't use everything every day. I don't know how many how many pieces of equipment we have off the top my head, but we have a bunch of excavators and we don't use every excavator every day. There are some applications where you need a small one. If we're doing a sewer in somebody's backyard, we use a little mini excavator. We can't bring a big excavator to that it won't even fit behind the house. We're down in Morristown right now with a gigantic excavator, and, you know, we're using that. So the whole idea is that the equipment, it doesn't have to be stored here. The question is being answered by everybody, by we get out of here. We're not planning on having our operation as far as the material storage, equipment storage or anything like that. We're here to make it convenient to get out, we got to make money, everybody's got to make money. So for me to spend, you know, 45 minutes each way or 40 minutes each way, paying a guy, paying fuel and everything else, this is the perfect location for us to be at.

**Attorney Mondello:** Mr. Chairman, with your permission, I know that Mr. Johri wanted to ask a question, may I ask Mr. Johri to unmute himself and ask his question.

**Mr. Johri:** Sir, good evening. How are you? And I would like to wish you good luck. As you said, you know, 45 minutes will already make money, correct. We'll all work and make money just to survive. Surviving is the key. So now, sir, he talking about 45 minutes is that 45 minutes save the atmosphere, the noise, the damage that occurred to my home? I'm speaking for myself.

**Attorney Mondello:** Mr. Johri you're still, and I know what you're trying to say, and I'm sorry that we're turning this into a game of Jeopardy at this point. But again, those are really comments. I mean, there's no answer to, is the 45 minutes worth the damage to your house, the noise etc.? It's almost rhetorical. Why don't you just again, sort of wait in the wings for an opportunity to just say whatever you want. All right, sir.

**Mr. Johri:** Sir may I finish please sir, with all respects.

**Attorney Mondello:** If you're not going to ask a specific question, but go ahead, give it a fourth try.

**Mr. Johri:** Okay, I'm going to ask you one question. I would just like to ignore the whole picture. I'm just going to ask him question. What about the baseball field next to the pizza place, we have the strip mall, that's our kids, our kids 3, 4, 5 years old, breathing wherever they come along? I mean, is it like safe for our kids? If it's safe for our kids I mean, I tell you guys go for it. That means for the future.

**Attorney Mondello:** All right, so there's a question. So, Mr. Hill, what he's saying is, and I think you've got it, there's a baseball field in close proximity to the site in question and as a result of the trucks, dust, dirt, small particles.

**Mr. Johri:** I mean, if we care about our kids, I mean, if as parents if you have an obligation, to preserve, to live and to survive, and to make money, whatever is in your head. I mean, come on, surely, dummy.

**Attorney Mondello:** Alright, so the, I don't know if you've gotten your arms around the question, but succinctly as I was saying, this dust, etc., and again, there's no foundation that that's what occurring, but let's assume for a minute it is, and I don't know if you can opine whether or not that is safe for children, but that's the question that Mr. Johri is posing to you.

**Mr. Hill:** I believe it's safe. I bring my grandkids down here. The owner brings his grandkids down here. Bigfoot has their kids over here all the time. I have no problems at all. Matter of fact, I have a few of my scouts come down here, and they earn a little extra money by cleaning equipment. So I mean, if I thought there was any kind of a health problem, I wouldn't expose my own family to it.

**Attorney Mondello:** Alright. Fair enough. Thank you for the answer. Mr. Chairman, back to you to see if there are any other members of the public that have any questions on the testimony for Mr. Hill.

**Acting Chairman:** Any other members of the public have any questions, and questions only at this time for Mr. Hill's testimony?

**Attorney Mondello:** Hearing none, seeing none, I suspect that Mr. Lefkowitz would like to move on to his next witness.

**Attorney Lefkowitz:** Yes, please Mr. McDonough.

**Attorney Mondello:** Sworn in John McDonough, 101 Gibraltar Drive, Parsippany, NJ , right off of Route10.

**Attorney Mondello:** Board Members, and I don't mean perhaps Mr. Lefkowitz still wants to dive into it, but I certainly can tell you that Mr. McDonough has appeared before me and other boards on numerous occasions and his credentials far exceed this zoom meeting. But I leave that to Mr. Lefkowitz if he wants to *voir dire* Mr. McDonough.

**Attorney Lefkowitz:** I defer to you, Mr. Mondello. Yes, I would offer Mr. McDonough based upon his stellar qualifications that you're well aware of.

**Attorney Mondello:** Any Board Members have any objection to admitting Mr. McDonough as an expert in the field of planning? Hearing none, seeing none, your witness, Mr. Lefkowitz?

**Attorney Lefkowitz:** Thank you. Mr. McDonough. Are you familiar with the property?

**Planner McDonough:** Yes, I am.

**Attorney Lefkowitz:** What did you do to become familiar with this property?

**Planner McDonough:** We conducted a standard planning analysis. We reviewed the existing conditions, we reviewed the proposed conditions and we take that back to your zoning regulations. Whenever an applicant is asking for relief, which is exactly what the applicant is doing here, we take it back to the statutory criteria for that relief. Our land use law recognizes that zoning is not meant to be inflexible and does give a Board, such as this, the power, the authority to grant relief from certain zoning regulations when appropriate statutory criteria are met. And they are met here.

**Attorney Lefkowitz:** How is that sir?

**Planner McDonough:** Okay. So, Mr. Chairman, I think you're out there somewhere. With your permission, I'd like to share the screen and just give you a quick little tour of the property and the surrounding land use context. So what I'm going to show are 11 slides here.

**Attorney Lefkowitz:** If I could interrupt you for one minute. If we could mark this, Mr. Mondello?

**Planner McDonough:** Unless the Board prefers, otherwise, I'll just call it A-1, Sheet 1, Slide 1, 2, 3, 4, and work my way down that way.

**Attorney Lefkowitz:** Very good.

**Attorney Mondello:** I apologize. I had a glitch here. I'm sorry, I couldn't hear what you guys were saying.

**Attorney Lefkowitz:** We're saying we'd like to mark this?

**Attorney Mondello:** A-1

**Planner McDonough:** Okay, so again, A-1 is just going to give us a sense of site context, site condition, all of which goes towards the particular suitability aspect of the test that's before the Board. We do have an applicant here, as outlined very well in your board professionals report, seeking relief as to use with respect to the contractor yard and with respect to the commercial garage. You've just heard about the space planning as to where those structures would go and the additional parking.

I think it was Mr. Covelli, it might have been the Chair, actually raised what I think is the heart of the application here. It's really a space planning exercise. We see this a lot with outdoor storage, contractor yard types of facilities. And this is really an opportunity for a better integration with the neighborhood here. So let's go through the slides, see what's out there and again, with that predicate there, that the spirit of this application is to have better integration with the neighborhood, better definition of space, better organization, and the like.

We're talking about a single tax lot, Block 448/Lot 1, which does have frontage on Ringwood Avenue. For orientation purposes, north is going to be straight up. Another benchmark we'll use

here is Greenwood Avenue running north and south to the left. Then we've got Cole's Avenue, which does service about four or five lots as well. So effectively, we're a corner lot here. We are also somewhat of a flag lot which does lend to the suitability of this rear space back here for contractor yard. To that extent, the stem, if you will, of the flag masks the actual utilization in the back. I know there are homes here, and we'll talk about that as well, but the applicant is proposing to renovate, rehabilitate, and beautify that building along the front, there's going to be a nice porch element that's incorporated when it's finally finished, and I think that'll go right along the spirit of what the public realm wants to see, as we look from Ringwood Avenue. With proper planning, there are ways I think to mitigate the visual impact of what's going on in the back there and then, of course, we can look at functional considerations as well.

So with that, this is what you see from the air on the subject property. It is cleared out in the back, you can see the vehicles that are there. I went back and looked at some historic aerials and it looked like this opening in the back happened sometime around 2010. I think the people who live there may know better, but it looks like, prior to that, this space may not have been this way and then over time, it did certainly, I'll say aggregate, to what we see back there now. Again, you get a sense of the build out of the area, we've got the smaller lot build out in the front, and we're continuing that pattern. So again, this is not a land use that is, I'll say, in your face on the road, it is maintaining a nice building on the public realm, which I think goes towards site suitability as well. We'll come back to the landscaping. We'll look at some drone shots that we took just yesterday. This third frame of A-1 is actually a mod for land use, color coding classification and mod four is how our tax base classifies land use. I think whenever there's a residential component, that's where this gold color comes in and that's why we see a lot of gold in the area. It's certainly a residential area, but we know the subject block does have a non-residential component as well. Also, importantly, non-residential or red shows up along the corridor of Ringwood as well. So we do have sort of this co-mingling of residential and non-residential uses, which is exactly what the zone wants here as well. The entire site, the entire surrounding area is in this B Zone District, which interestingly, does not permit residential on the ground floor along Ringwood Avenue. I know the public may not like this, but those residential uses are something that's actually not permitted by zoning. You may be grandfathered, but this is a zone that wants commercial on the ground level, residential up above, which is exactly what the applicant is doing here. We do have the R-10 on the other side, I think that was Mr. and Ms. Birson, who live on the other side there, they are in a residential zone. But interestingly, the string of residential uses that we've heard from on the Ringwood side, I think are actually non-conforming with respect to the zone. This is what we saw Sheet #5, we'll take it for, I'll say, a little spin around the neighborhood. We floated the drone up above the site, it's going to verify I think what Mr. Covelli, or some of the Board Members who said they went out to the site, we're not hiding anything here. This is a view, I'll say looking to what would be to the west from Ringwood Avenue, Ringwood Avenue being in the bottom here, and then looking at Greenwood to the top of the page. A couple of things jump out here; you can see the flag shape of the property, certainly being used for outdoor storage of construction related materials. Typically the big three we see in a contractor yard would be

vehicles, would be materials and would be equipment. I agree with where this was going in terms of constructing some sort of space plan for the back there. I think you heard through Mr. Hill's testimony that the intent is to move a lot of these vehicles off of the site from what's presently there now. What I also like is that there is going to be some internalization of what now happens in the open air environment, so that also goes towards the planning argument and I think of site betterment in terms of overall better site organization. Typically, when I deal with these outdoor storage applications, we do see some type of a plan. It could be pockets, blobs, pods, whatever you want to call them, when we define where vehicles can go. It doesn't necessarily have to be the number, but it just could be a space plan, where equipment can go, put caps on the height, I don't know, you can't have cranes sticking in the air or, or material piles over a certain height. But again, reasonable conditions to control the use to safeguard the public and also give our applicant here some flexibility, which is I think is really important, especially considering the fact that if the applicant came in with a permitted use here, you may not get the same controls that you could implement with a use variance application. Again, reasonable conditions could safeguard the public.

We'll just float you through very quickly again, we'll keep looking at this green building, which is unfinished at its present condition. Envision a nice porch along the front and this mixed use aspect with the access to the back. One of the things that do jump out very nice frame around the property in terms of the mature vegetation, which again, does help buffer the property. We do have a fence that's running along the perimeter presently against those homes that we see on Ringwood as well. There is abundant outdoor storage in the area already. We start to see that in the right hand portion of this particular photograph. So the applicant is not necessarily doing something here that is foreign to the landscape, but is actually, I'll say, part of the local landscape. We also can see that baseball field that one of the members of the public referenced as well. There is some separation, this is not right on top of the ball field *per se*. Now we're just going to gradually spin you around the property in a counterclockwise fashion and I can keep coming back to these. But again, the key point here is you can see the nice wrapping around the property. I'll say the suitability of the site for storage, primarily by virtue of the sheer size of the property, this is a property that is almost five times larger than the zoning requirement so it conceivably could, I guess, be cut up five different ways with maybe a road coming in, and five different commercial uses back here. We'll get into all the things that could happen back here, because this is your B Zone District which does allow for a wide variety of commerce oriented uses that I believe to go well into the evening and maybe operate around the clock, I'm not sure. Again, I'm just spinning you around counterclockwise around the property, you get a sense of the relationship of what's happening relative to those neighbors. I think the spirit here is to maintain some sort of positive integration with that neighborhood. Almost taking you back home here and then finally, the last view takes you back to where we started. We basically went full circle around the property. Again, just to emphasize, the trees, the nature of the site itself, and I'll see an opportunity for improved zoning with the use aspects that the applicant is seeking here.

In terms of the B Zone criteria and what is allowed here in the zone, we've always got to look at the departure from the zone scheme. Whenever we consider impacts on the neighborhood, what could be a retail sales is a permitted use here. So you could have a convenience store here, which could operate on a 24/7 basis. I know the practical reality of having something way in the back there probably doesn't make sense but the zone plan does say that's okay. Again, a coffee shop any type of restaurant use, an eating or perhaps even a drinking facility being back there, a bar that goes into the late night hours, and an office building. Interestingly, garages and filling stations are a permitted use in the B Zone as well. There's some limitations or restrictions that tie back to how many were in the area in 1958, so I haven't researched whether we're at that tipping point yet or not. Either way, the zone plan does contemplate garages and filling stations as a permitted use in the District. So again, what's nice about this application here is some of the things that you would not necessarily get with permitted use: control on the number of employees, control on the hours of operation, control on the space plan, which I think again is a reasonable condition that could be imposed here. It may not be something that we necessarily get with, I'll say, a big box retail back here or some other type of non-residential use., Key point being it is a non-residential zone, so always look at that, that degree of departure.

**Attorney Mondello:** So Mr. McDonough, quick question, is the baseball field within 500' of this site?

**Planner McDonough:** I'd have to check to be sure. I don't know if it's in our notice ring or not; that would be the 200' foot mark. I'm just looking at this scale here, this bar. So it conceivably is, yes.

**Attorney Mondello:** It looks like it's not.

**Planner McDonough:** Within 500'?

**Attorney Mondello:** Oh, sorry. Yes, within 500'. Thank you.

**Planner McDonough:** Yeah, bar is 400'.

**Attorney Mondello:** So I guess the ordinance you were referring to allows garages, filling stations, motor vehicle service stations, but no entrance can be within 500' of a playground.

**Planner McDonough:** Well, that's interesting, because the entryway may actually be 500' away. So I don't know that that necessarily forecloses it or not. Again, all I'm saying is the zone plan does consider, in this general area, filling stations and garages. It's not necessarily conducive to this site, it could be somewhere outside of that 500' ring, which would certainly have influence on this particular area.

**Acting Chairman:** Would that garage be part of the filling station use or a garage as is proposed as this?

**Planner McDonough:** I think the point, Mr. Chairman, is that it could be, I don't think it's separate and apart from the filling station, but that repair garages are contemplated as part of the zone scheme, which is something the applicant is proposing here.



**Planner McDonough:** In terms of the relief, just to run through it, I'm watching my clock here, it's a D-2 Variances; one for the contractor yard and one for the commercial garage. We'll talk about the positives and the negatives associated with the application as a whole, interrelated or subsidiary relief, as specified by our engineer here related to the parking count with ten (10) spaces being proposed with 11 being required, maybe there can be some movement in that regard on such a large site, I think we'll see. You've heard that the testimony as we stand now is that the supply will meet the demand for the needs of this particular operator. Interrelated setback relief for the parking spaces at 5', whereas 10' would be required. Again, we're dealing with relatively, I'll say, narrow frontage we're working with. And then finally, design exceptions related to the parking stall dimensions, which really need to meet a lower standard of reasonableness that our engineer testified to the with the 9X8, versus the 10X20, and the parking aisle width as well. Again, I fall back on the testimony of our engineer that the site will function safely and efficiently. In terms of the positive criteria that are met here, we look at several purposes of zoning that are being advanced by the application as a whole. Number one is purpose (a) the promotion of the general welfare, and that points to the general welfare being advanced because the site itself is particularly suitable for the use. I believe the site is particularly suitable for the use here by virtue of its oversized size, again, more than five times the size of what the zoning plan contemplates, so there is opportunity for maneuverability here of those larger vehicles. And also the shape of the property, which allows for some masking of the yard in the back. Again, we can revisit what's going on with this fence in the back and the integration with the neighbors. The condition of the property being generally clear, generally flat and ideally suited to accommodate the development. And then just again, pointing to our context here that outdoor storage is something that we do see. I think this was a particularly good view as well, you can see all the vehicles and this is Page Number 10, or Slide Number 10. All the vehicles on the land use that would be just to the right in this particular photograph. We do see vehicles as well, adjacent to that home. I think we had our interested party talk about the impact of this property, but it looks like their vehicle storage immediately adjacent as well, actually on both sides, so we give some deference to that as well. Also, we look at the advancement of purpose (a) the promotion of a desirable visual environment by virtue of the investment that the applicant is putting to rehabilitate this building in the front. On Google, you can actually go back in time and look at street views of what this property looked like before the applicant took it over back in 2015 from 2008 is going to be a drastic improvement from the street side of what this property looked like. So I think that's part of the package here as well and certainly helps mask what's going on in the back from the public realm. Also, I would say the Board can find favor with purpose (g) the provision for a variety of uses and appropriate locations falls back on the suitability of the site as to why I think suitability and that purpose is met here. Then finally, the planning goal for efficient land use, taking a site that is already developed, already disturbed, repurposing it, and again, internalizing what we presently see as being largely externalized on the property. With respect to the negative criteria, based on the testimony on the record, you've heard operational testimony, engineering testimony, relief can be granted here without creating any

substantially adverse impacts on the on the surrounding public. The public has raised some good questions here. I think our applicant has responded again, with the attempt that vehicles are intended to be moved off the property, that's really the premises of this application here. Again, maybe as a condition of approval, some sort of space plan so your Zoning Officer has something to come back to if there is a complaint as to where things can go on the property. Again, giving our applicant some flexibility here in terms of what can go in that space, defining the space and defining the height. There are performance controls that are built into your ordinance and into any land use ordinance that would affect any land use on this site or any site in town. You have a noise control ordinance. If there's a problem here with noise, I think you actually have under your noise control ordinance chapter 82 a noise control officer, so a complaint can be waged in that regard as well. The complaints about engine braking, engine idling, dust control, all of those types of things would go towards ordinary performance standards that, again, could be a condition of approval here. The applicant certainly is bound by those. All said for all of the reasons that I stated, I believe the statutory positive criteria are met, that the purposes of zoning are going to be advanced here. On the flip side, all relief can be granted without substantial detriment to the public good, or without substantially adverse impacts to the surrounding properties and certainly without substantial impairment to the intent and purpose of your zone plan and ordinance. The lower level relief, the C relief, I would offer up as a better zoning alternative for the property that's reconcilable under the C-2 criteria, whereby the benefits of the application as a whole would substantially outweigh the detriments. All of those positives really, I think, tie together as one integrated thing. For all those reasons, I think this application does warrant approval. I think it's a good application here and we'll give the Board an opportunity to, I'll say, put a rope around this use. It takes the unknown out of the equation in terms of what could go back there. For all of the reasons stated, I believe approval is warranted and the statutory criteria for approval are met.

With that, I'll pause and finally take this off the screen. I'll put it back on if the Board wants me to answer or any redirect or questions from the Board or public.

**Attorney Mondello:** John, let me let me jump in real quick here. Is the applicant going to be occupying the entire commercial level?

**Planner McDonough:** I will defer to Ed here. I don't know if this is all going to be the lower level interrelated 100% to the tour operator here. Looking for Ed's face.

**Mr. Hill:** I'm here. The bottom space is very small to begin with. It's not a big house. So I think it's like 1000 square feet or something like that.

**Attorney Mondello:** So the answer is yes.

**Mr. Hill:** Yes, we're taking the bottom space for Buske & Sons Construction.

**Attorney Mondello:** Mike, I have a question for you. You know, the noise control officer, they have to have a degree, they've got to use all kinds of equipment, does Wanaque have something set

up to, you know, meet the requirements of this section 82-3 Noise Control Officers that Mr. McDonough referred to?

**Mr. Hafner:** Yes, they actually do. It all falls under the Health Department and Health Department is right now controlled by the County, so we use the County Noise Control Officer.

**Attorney Mondello:** Okay, so Wanaque doesn't have its own but you rely upon the New Jersey Department of Environmental Sciences.

**Mr. Hafner:** Passaic County has trained personnel that do come up with their decibel meters and do take readings when we do get a complaint.

**Attorney Mondello:** Okay, thank you for that, I appreciate it.

**Acting Chairman, Mr. McDonough,** I have a question if I could. You seem to feel that this is going to make the appearance from Ringwood Avenue better and it's going to blend in with the neighborhood. Could you point out to me another residential structure on Ringwood Avenue that abuts a commercial property with a 40' tall building?

**Planner McDonough:** I'm not sure I understand the question.

**Acting Chairman:** This proposed garage is over 40' tall. Is there any other residential property along Ringwood Avenue that has a commercial property abutting it that is 40' tall?

**Mr. Hill:** It's not 40' tall.

**Acting Chairman:** If you look at the architectural is it.

**Mr. Hill:** 40'tall is like four stories.

**Acting Chairman:** Yeah, look at the architecturals. I just added it up.

**Mr. Hill:** Are you talking about Building C?

**Acting Chairman:** Yes.

**Mr. Hill:** No, it's like for garage.

**Acting Chairman:** The architectural is showing 40' tall.

**Attorney Lefkowitz:** We have the architect who is going to testify.

**Planner McDonough:** And if it helps streamline things, I have the architecture right here. I certainly don't want to step on the architect's toes. I have the dimension on the plane and its showing 17'.

**Attorney Lefkowitz:** Yeah, I want to know what you're looking at Mr. Vice Chair.

**Planner McDonough:** I think I can clarify this very, very quickly. I think what you're looking at Mr. Chairman is right here. This is a floor plan. This is the flat part. This is not an elevation. I see the 40 right there.

**Acting Chairman:** Okay, because that appears to be a front elevation.

**Attorney Lefkowitz:** No, it's 40' deep.

**Planner McDonough:** Yes, this is your front elevation right there. It's 17'. And again just to remind the Board, this is what you see out there but this is what you're going to get out on the road to- a beautiful building.

**Attorney Lefkowitz:** We have Mr. Cotillo, the architect who can testify tonight.

**Attorney Mondello:** Any other questions from Board Members for Mr. McDonough?

**Mr. Johri:** Yes, sir.

**Attorney Mondello:** Well, that's for Board Members at this point. I'm sorry, Bridget. Go ahead.

**Member Pasznik:** I don't have a question. I just had a comment. I appreciate your presentation. It was excellent and it made it a lot easier for me to understand the application and the visuals. So I just wanted to say thank you. I appreciate it.

**Attorney Mondello:** I told you his credentials far exceed the zoom.

**Member Pasznik:** They certainly do.

**Attorney Mondello:** Any questions from Board Members for Mr. McDonough? All right, Hearing none, seeing none. Mr. Chairman, could we now ask members of the public if they have any questions for Mr. McDonough?

**Acting Chairman:** Sure. Why not?

**Attorney Mondello:** I see that Mr. Palatucci has unmuted himself. If you could be so kind as to just identify yourself, spell your last name and give us your address.

**Mr. Palatucci:** Thomas Palatucci and my address is 400 Central Park West, Apartment 4B, New York, New York, 10025. I'm here because my siblings and I jointly own the lots at 1151 and 1149 Ringwood Avenue. Just to orient you that's the same side of the street as 1161 and it's just north of Coles Avenue. My question for Mr. McDonough is he says that by granting these variances and approving this plan, it will better integrate the use of this parcel into the surrounding area. I question how that's possible because the current use is not in compliance with Zone B, because it requires the parking of several commercial vehicles on the lot as Mr. Covelli noted earlier. I understand from what Mr. Hill said that we're told to expect that eventually the heavier traffic will be decanted to this site in Jefferson and that it really will only go down to some traffic in the mornings and traffic in the evening. But I also note that the people across the street, Mr. and Mrs. Birson, are saying that there are other activities that are taking place, and that may or may not be true. Let's assume that there is a period where the traffic decreases, but let's also hope that their business increases and that at some point, why would we not expect that there will again be commercial vehicles that don't fit into garages, stored on site, visible from the street, which is not in compliance with the mixed use zoning of this area?

**Planner McDonough:** I think there's two parts to that question. First, let me put it on the screen if I may to help everybody with orientation. I think Mr. Palatucci, if I'm looking at it again, Sheet #11 on A-, the green building is the subject; your two lots over?

**Mr. Palatucci:** Yes. So to the right of 1161, those two buildings and the property behind them.

**Planner McDonough:** Okay. So, again, we've got good separation here between the sites.

**Mr. Palatucci:** That's because of our trees, that's why there's good separation.

**Planner McDonough:** Again, I can't ignore that they're there. The other point, in terms of integration with the neighborhood as a whole, it goes around the whole ring around the subject property. This is a Business Zone picture and I don't know picture an L shaped retail center here with the service court, right up against the back of these dwellings here, you'd get the same truck

loading or worse, you could get food waste back there, you know. This could be a logical area for a service court associated with I'll say a railroaded, retail building that's sideways, and then a parking area coming off of the road. Again, I'm just saying these are things that can be contemplated under the zone scheme here that may be fully conforming under the zone scheme. Whereas here, we have an opportunity to put reasonable conditions on this use so that it will integrate with the neighborhood and not cause harmful effects that could be realized under a permitted use.

**Mr. Palatucci:** Well, I don't want to belabor the point, but I will just sum up by saying I respectfully disagree with you. We are not looking at a food service court or some other hypothetical use of the property; we're looking at a very specific use of that property. The current use, without these approvals, is not in compliance. We're told to expect that it will be in compliance if this package is approved. But what I'm saying is we have no assurance that this will not go out of compliance again in the future, at which point, you know, as they say, the horse is out of the barn.

**Attorney Lefkowitz:** Excuse me, Mr. Palatucci. Mr. Mondale there's still no question. I mean, and I took a breath this time, as you suggested, but there's no question.

**Attorney Mondello:** Mr. Palatucci, to the extent possible, if you could please join in on the Jeopardy game, there will obviously be an opportunity for you to comment as to why you think this is a very poor idea.

**Mr. Palatucci:** Okay. Thank you. But I wanted to challenge what Mr. McDonough said about better integration into the neighborhood. Thank you.

**Attorney Mondello:** Any other questions for Mr. McDonough with respect to his testimony from either Board Members or Mr. Nash?

**Engineer Nash:** Yeah, just a comment. Mr. McDonough has threatened to put in a gas station, he's threatened to put in a strip mall, and he's threatened to put in a coffee shop. That's ridiculous. The gas station would not be permitted since it's within 500' of the playground. The other uses that he's threatened they wouldn't fit on that site. They're not appropriate for the site in terms of the access. So, you know, I think he should stop threatening the Board with the use and scare the Board into agreeing to this use because maybe it's less obtrusive to the town than some other fictitious use.

**Attorney Mondello:** Thank you for that. Mr. Nash. Any other questions from Board Members for Mr. McDonough? All right, then hearing none, seeing none, any members of the public have any questions for Mr. McDonough? Go ahead. Mr. Johri, do you have a question for Mr. McDonough, keeping in mind there will be a period for you to comment.

**Mr. Johri:** Okay, I don't use my by the way. I mean, use my breaks up the, the Mayflower. Let's put it this way.

**Attorney Mondello:** Thank you, I think.

**Mr. Johri:** Honestly, I mean, I have like a ton of notes here so I don't know where to start from. I mean, like I say again, I'm going to go back again to 2000.

**Attorney Mondello:** It's probably me, I'm probably not being clear enough, but I promise you that there's going to be a period where you need not play jeopardy. You don't have to put your thought into a question. You can just have a stream of consciousness and explain why.

**Mr. Johri:** Okay. Question. It's a question. Okay. Are we turning our town into a dumpster?

**Attorney Mondello:** Alright, let's stop there. Mr. McDonough, are we turning Wanaque into a dumpster?

**Planner McDonough:** No.

**Attorney Mondello:** Could you please explain why.

**Planner McDonough:** Because we are taking a land use and putting controls around it, reasonable controls.

**Attorney Mondello:** What are those reasonable controls going to be?

**Planner McDonough:** Those reasonable controls can be related to the space and the organization of the space to ensure that we have safe circulation into those or around those pods that I talked about so that you get better and clearer definition as to where the applicant can put what and its relationship to Mr. Johri. Mr. Johri, I think your lot was that residential lot in the middle there that I showed that was surrounded by outdoor storage on all sides. So reasonable controls spatially and performance wise as well. We take it back to the regulations in the ordinance there with respect to your normal performance standards; vibration, noise, glare, all of those things, and lighting.

**Attorney Mondello:** Thank you.

**Mr. Johri:** So, sir, with all due respect, so I understand they make their own money on site at all hours so they did this all hours, let's put it this way. I mean we're talking Jefferson. All I've been hearing is Jefferson, Jefferson, Jefferson, Jefferson, from three trucks we switch it to five trucks, loading, loading, going back and forth, and so forth. So, I mean, with all honesty, I'm even right in front of the room, where I'm sitting right now, I see trucks. I see them carrying, like loads and loads and loads and putting them back in woods, in bushes and everything, and shaking the houses. So do these people have any heart? That's my question. Do they do they have any hearts?

**Attorney Lefkowitz:** Mr. Mondello?

**Attorney Mondello:** Yeah, Mr. Lefkowitz is going to object to that question whether or not they have any, any hearts. I guess a doctor would be better suited to opine as to whether or not they have functioning hearts. With that Mr. Johri, I am going to mute you.

**Mr. Birson:** I would like to ask the question, Mr. Birson across the street at 1162.

**Attorney Mondello:** Go ahead, Mr. Birson.

**Mr. Birson:** Why does the garage have to be so close? I know what Mr. Johri is trying to ask is why is the garage going to be so close to the fence line? Like with all the property and space, why isn't it set back more? Why does it have to be directly close? You're going block the sunlight. There used to be a little garage in the back that was a temporary garage you guys put up and it

blew over with the wind and that alone took all the sunlight between Mr. Johri's yard and the yard next to him, which is right next to Tom Buske's yard and why, you know, with all the space? My other question is...

**Attorney Mondello:** Why don't you let him answer that first one? I don't know whether Mr. McDonough is suited for that, or if we have to bring Mr. Hogan back. But Mr. McDonough, to the extent possible, you know, why does the garage have to be where it needs to be?

**Planner McDonough:** I'll take a stab at that, Mr. Birson. If I can't answer it, maybe we'll get somebody else. Are we talking about B or C, or both?

**Mr. Birson:** I'm talking about the big commercial garage. I know the whole deal, like you guys want to store trucks. But here's another question. If your trucks Monday through Saturday, when is the maintenance of these trucks going to take place? On Sunday? Like, let's make noise now day. Because if you work Monday through Saturday at night time, when do you expect to use the garage that you're putting up? You have spent a lot of money on the commercial garage, and you just only got to park trucks in it? When are you going to fix the trucks when everybody's working? When's the repair going happen? Hopefully not on Sunday, right, because that wouldn't be part of the zoning would it?

**Attorney Lefkowitz:** Mr. Mondello, I think that's a question for Mr. Hill.

**Acting Chairman:** I think right now we've got three different questions for three different people. All right. We are we are well past our deadline for testimony. It's clear that all of these professionals are going to have to come back for the next meeting. I would highly encourage any members of the public and we can broach these questions once again, because we do not have the time to bring all three of these back on to answer these questions at this time. We have other business that we have to take care of on the Agenda, and we are now 10 minutes past our curfew.

**Mr. Birson:** So can my first question be answered by Mr. McDonough then? Why does the garage have to be so close?

**Acting Chairman:** That's really a question for Mr. Hogan.

**Attorney Lefkowitz:** Why don't we allow Mr. Hogan answer that at our next continuation?

**Attorney Mondello:** I have to keep jumping back and forth. I'm charged with keeping some semblance, some order to this proceeding do that due process is afforded to the applicant, due process is afforded to the residents, and that the Board has an accurate record so that they can decide this application either for or against, so we can't have people yelling. Otherwise, I'm going to convert this to a webinar where you will only be able to speak when I bring you in as a panelist, and I really hate to do that. It's not the time to speak now, Mr. Johri. So the Chairman has indicated that this application is going to be carried to the next meeting in a minute. Jenn is going to tell us when the next meeting is and then this Board is going to continue with the other business that it has.

**Acting Chairman:** Thank you, Ron. Alright, so Jenn, before the people get off, what are we going to do for the July meeting? Is there anyone that can fill in for you, or are we going to change the date or what's our plan for that?

**Board Secretary:** I didn't advertise for it. I don't know if I can get somebody to fill. Honestly, if you do a zoom meeting, you probably can do it without me. All I'm doing is taking roll call.

**Attorney Mondello:** Mr. Chairman, I would agree with Jenn's comments. She can confirm that I typically record the meeting and I send it up to an AI server that does its best to transcribe.

**Acting Chairman:** I mean that that presents another hole because our Board is going to go back to two in person meetings for July. We need to be lockstep with the Governing Body has made that decision. We've had our counsel look into see if we have a legal requirement to provide a virtual option, which we do not. The Borough has no intention of providing any kind of virtual option at all for any of these meetings so effective July we will be going back to in person meetings. So with that said, we're going to have to determine if then we will have to carry till a different date in July or to August. We just cannot justify any longer not being in step with the rest of the Borough.

**Attorney Mondello:** So, Jenn, are you available? The July 9 or July 16?

**Board Secretary:** I'm gone from the 2nd to the 11<sup>th</sup>. I'd be back at work on the 12th.

**Attorney Mondello:** Got you, that's Monday. So you would be available then I guess the 14th.

**Board Secretary:** I have to make sure nobody else is meeting here, and then I'd have the Planning Board meeting on the 15th.

**Acting Chairman:** Okay, so why don't we look into that and Jenn you get back to us and let us know if that's feasible, and then whatever notice we have to put out.

**Attorney Mondello:** Well, Mr. Chairman, there's a problem. If we can't tell the folks that are attending right now that the next meeting is July 14, the applicant will have to redo notices if we're not certain.

**Attorney Mondello:** I'm going to turn this back to you Mr. Lefkowitz. I do believe, I'm guessing, that the Borough Hall will be available for a Zoning Board Meeting at 8:00pm or whatever 7:30pm on July 14<sup>th</sup>, but if there is a problem

**Attorney Lefkowitz:** My suggestion, as an old planning board attorney, set it for the 14<sup>th</sup> and then you can adjourn it but that way, you can know you can notice it, but we won't have to notice every one again. If you set it tonight, you can set the date tonight and then if you have a lack of a quorum or a lack of facility, you can notice for that and just carry it to another date. If you set a date tonight.

**Attorney Mondello:** I understand that but how do we get that message to residents within 200' that the meeting was adjourned if we don't show up and they show up.

**Attorney Lefkowitz:** The same way you would notice any other closing or any other time when the meeting can't be held. If we were not the only applicant, what would you do, you do the same thing.

**Attorney Mondello:** Alright, fair enough. So any of the Board Members have any problems with that date of July 14th?



**Member Levine:** Not at the moment. Why don't we just postpone it to the August meeting?

**Attorney Mondello:** You could certainly do that. It's up to the Board.

**Acting Chairman:** Do we have any other applications that are ready, Jenn?

**Board Secretary:** No, I don't have anything new.

**Attorney Mondello:** Good suggestion Mike.

**Mr. Hill:** Is it possible for us to approve the house to start working on? I mean it's in pretty rough shape.

**Attorney Mondello:** No.

**Mr. Hill:** Can't do anything?

**Attorney Mondello:** No. In fact, the Board might, who knows, may deny your application. All right so, Mr. Chairman, is that the mantra we're going to simply carry this to the August meeting?

**Acting Chairman:** As long as you're going to confirm that we can do that and still meet our all our requirements legally, Ron, that's what we'll do.

**Attorney Mondello:** Well, certainly, Mr. Lefkowitz is going to waive any time requirements at least until August 4<sup>th</sup>. Of course he knows he has to do that, otherwise, we just

**Acting Chairman:** I meant with regards to notifying the public.

**Attorney Mondello:** It's sufficient that we're notifying the public right now that it's going to be carried to the August 4th.

**Attorney Lefkowitz:** I'm sorry. The meeting is August 4<sup>th</sup> Mr. Mondello?

**Attorney Mondello:** Correct.

**Attorney Lefkowitz:** Okay.

**Acting Chairman:** So we're carrying it to the 4th or we're going to shoot for the 14th.

**Attorney Mondello:** I'm hearing the 4th.

**Acting Chairman:** That's okay. Can we get a Motion to carry this application to the August 4 meeting?

**MOTION TO CARRY BUSKE APPLICATION ZBA2021-03 TO THE AUGUST 4, 2021 IN**

**PERSON MEETING:** made by Member Levine, seconded by Member Pasznik. Voting yes were

**Acting Chairman Grygus, Members Covelli, Ludwig, Pasznik, Levine and Aumenta**

**Motion Carried – No opposition**

**Attorney Mondello:** For those members of the public, the next meeting will be in person at Borough Hall on August 4<sup>th</sup>. That's what I'm hearing from the Chairman.

**Attorney Lefkowitz:** Mr. Mondello, what time would that be?

**Acting Chairman:** 8:00pm.

**Attorney Lefkowitz:** Thank you.

**AttorneyMondello:** Thank you very much. All right. August 4<sup>th</sup> we will see at Borough Hall.

**Mr. Johri:** Thank you so much for your love. Okay. This is something that, you know, I'm not against.

**Attorney Mondello:** Mr. Johri, I'm sorry, but you cannot comment about the application at this point. We look forward to seeing you at Borough Hall. Back to you, Mr. Chairman, next to matter of business.

**Acting Chairman:** All right. Item #3 on the Agenda:

**PUBLIC DISCUSSION:** Anyone from the public have anything to discuss with the Board? Hearing and seeing no one.

**RESOLUTION: ZBA2021-04 Sahanas, Charles , 5 Humber Place, Wanaque**

In the matter of Charles Sahanas, he came before the Board for an Interpretation that a taxidermy business was a customary home business. After much deliberation, a lot of questions, a lot of testimony and testimony from some of his neighbors, the Board did, in fact, decide that it was. I did circulate the Resolution and I'll entertain any questions or comments the Board may have at this juncture. Hearing none, seeing none, I'd ask for a Motion followed by a second and I will call those Members eligible to vote.

**MOTION TO MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY:** made by Member Ludwig, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig and Aumenta **Motion Carried**

**CORRESPONDENCE:** None

**VOUCHERS:** submitted by Ronald Mondello, Esq. for Sahanas Resolution in the amount of \$450, and attendance at the June 2, 2021 Meeting in the amount of \$400.

**MOTION TO APPROVE:** made by Member Ludwig, seconded by Member Pasznik. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig, Pasznik, Levine and Aumenta

**MOTION TO APPROVE MAY 5, 2021 MINUTES:** made by Member Ludwig, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig, Pasznik, Levine and Aumenta

**ENGINEER'S REPORT:** None

**DISCUSSION:** None

**MOTION TO ADJOURN AT 10:52PM:** Motion carried by a voice vote.

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Jennifer A. Fiorito, Board of Adjustment Secretary