

REGULAR MEETING

Salute to Flag: 8:00pm

OPENING STATEMENT:

This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends on January 19, 2020 and May 3, 2020 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Vice Chairman Bruce Grygus, Members Frank Covelli, Bridget Pasznik, Don Ludwig and Michael Levine and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Chairman Jack Dunning, Member Larry Malone

Mayor Mahler swore in the New Member, Helena Aumenta, Alternate #2

Application #ZBA2019-10 – 895-897 Ringwood Ave., LLC

895-897 Ringwood Avenue (Block 305/Lot 12)

Vice Chairman Grygus: I believe the Applicant has withdrawn their application.

Board Secretary: Yes. We received an e-mail from Attorney Bavagnoli, Esq. and they've withdrawn their application.

MOTION TO DISMISS APPLICATION WITHOUT PREJUDICE: made by Member Ludwig, seconded by Member Pasznik. Voting yes were Vice Chairman Grygus, Members Pasznik, Ludwig and Levine. Member Aumenta: Abstained.

Member Covelli: Please let the record show that I am abstaining on this application. I've participated in no way in any of the testimony and therefore abstain on this vote as well.

ZBA2020-01 - Alla, Artan - 7 Mann Place (Block 464/Lot 16)

Attorney Mondello: I've had an opportunity to review the notices and I would deem the application complete with respect to Legal Notices. Therefore, jurisdiction is vested in the Zoning Board to hear this application.

Attorney Mondello: Who is going to be testifying Mr. Alla? Is your Engineer going to be testifying or both of you?

Mr. Alla: Let's have the Engineer first because he knows more.

Attorney Mondello: Swore in Tyler VanderValk.

Engineer VanderValk: I am employed by Houser Engineering at 1141 Greenwood Lake Turnpike, Ringwood, New Jersey.

Attorney Mondello: I don't know if the Board is familiar with Mr. VanderValk. I'm familiar with his firm but I don't believe that Mr. VanderValk has testified before the Wanaque Zoning Board before is that correct?

Engineer VanderValk: That is correct.

Attorney Mondello: Would you briefly give the Board the benefit of your credentials?

Engineer VanderValk: Yes. I graduated with a Bachelor's Degree in Civil Engineering from NJIT, a Licensed Professional Engineer in the State of New Jersey, in good standing and current. I've testified in numerous boards throughout the state and, for whatever reason, just haven't made it to Wanaque yet.

Attorney Mondello: Could you give us one or two boards that you have testified before in the County of Passaic.

Engineer VanderValk: Sure. Wayne, Bloomingdale.

Attorney Mondello: That works for me. Any objection from the Board Members admitting Mr. VanderValk as an expert in the field of Engineering? Hearing none; seeing none, please tell the Board what your client would like to do, why he wants to do it and what are the variances he is seeking.

Engineer VanderValk: Okay, so, the short version is the applicant is seeking to reconstruct a dwelling that happens to be in the Business Zone requiring a Use Variance. There are some existing non-conformities which also then bring on board some Bulk Variances as well. I'm going to use the share screen feature here so you can see the plan and I can point to some stuff while I speak if that's okay with the Board?

Attorney Mondello: That would be great.

Engineer VanderValk: This is the plan that was submitted (Board Members can see the plan on the screen) and there's no changes from that. Do you see the top right hand corner with the tax map at the moment? This is the variance map that we prepared, last revised March 2, 2020 so it should be what you have on record. So let's get started. The subject property is 5000 square feet. It's a 50 by 100 lot. It's a rectangular lot. The lot is located directly behind the Stop & Shop right near the 287 ramp. Mann Place runs directly behind the Stop & Shop. On the tax map you can see the outline of the building just to the south of Mann Place and that's the Stop & Shop building

and the shaded lot being our lot. Mann Place is a 25' wide right-of-way with an improved road that also acts as sort of an alternative access to the parking lot for Stop & shop as well as it sort of dead ends right into the parking lot. The subject property has historically been utilized as a single family use dating back to 1912 according to the public records that I was able to see. There are four such lots on the north side of Mann Place 50 X 100. Of the four lots, three of them have single family homes on them; our subject property as well as Lots 13 and 14 and Lot 15 being vacant. All four of which are also located in the Business Zone. You can see this dashed line that runs up the center of the adjacent road, and then along the rear of our property, that's the zone boundary. So you can see to the rear here we have the R-10 Zone adjacent to us with all single family residences in the neighborhood there. Then forward of our property to the south is still the Business Zone and that's the Stop & Shop.

The Applicant like I said, I'm going to pan over here to the plan, proposes to reconstruct the existing dwelling. The existing dwelling has been outlined here in the red or the pre-existing structure and that's where the building historically has been. And then the dark shaded structure represents the proposed reconstruction. You can see there are slight modifications, mainly just to shift this slightly away from the property line. As well as reconstructing the dwelling, we have a front stoop that goes down to a walkway to a front paved area for off street parking. Not only does the application not increase any existing non-conformities, but it actually brings things closer to conformance, although still requiring variances. I am going to pan out once again over here to the bulk table. Now this is in the Business District so the Bulk Variances really are subsumed in the Use Variance, but just to work through it anyway the required lot area in the Zone is 10,000 square feet where we have 5,000. That's an existing non-conformity that's not changing, but a variance that's required. Similarly, the lot width requirement of 80' where 50' is provided no change by the application, but a variance is required. The lot depth is conforming at 100' and the required front yard setback of 20' where we provide 28.3' where it was previously 28.5' that just had to do with the orientation of the structure that wasn't quite square. As far as the side yard setbacks, you can see 10' is required and only 0.6' was provided on the western side of the property were 14.3' was provided on the eastern side of the structure.

Under the new reconstruction, we're going to increase the western side to 2.6' and also increase the eastern side, approximately two feet to 16.5'. Required combined side yard setback of 25', where the existing is 14.9' and we're bringing that a little closer to conformance, but not quite there at 19.1'. Those two side yard requirements both require variances under the new application; although I would note that we are improving upon an existing non-conformity. As far as the rear yard setback, 25' is required where we have 42.5' and that's remaining unchanged in the post construction condition. Building height is 27' approximately that's referenced right off the architectural drawings where 35' is required. The existing height of the structure is unknown, although it was two stories. As far as the building coverage were permitted 30%, which again, it's a Business Zone so it's not really applicable, but we're well under 18%.

So again, as far as the variances, the Use Variance here is the fact that we are located in a Business Zone, while being a single family use which is not permitted. The fact of the matter is this use has been a long standing use, like I said dating back to 1912 and has been occupied during that time. The new owner now would like to reconstruct the dwelling to bring it up to current building codes and to obviously put a better aesthetic on it, which would be good for the surrounding area. Beyond that, we're also surrounded by other single family dwellings so we're not out of place, having been there for such an extended period of time. We don't anticipate obviously any negative

impacts on the neighborhood, seeing as that house has been there for so long without any negative impacts.

Also as far as the Bulk Variances, I would just mention that those are existing non-conformities that were slightly improving and overall this results in a betterment to the property and betterment for the neighborhood. So that really ends my summary. I know we have a report from the Board Engineer. I don't know if you want to get to that later or ask questions first.

Member Levine: I went to the site and what's left of the existing house isn't much. Obviously, you're going to knock it down. But what of the existing structure do you plan to keep?

Engineer VanderValk: Right, so a little history here when the owner purchased the property, he initially obtained building permits for a simple renovation. Once he started gutting it a little bit and getting into the foundation of it, and what not, he found that was not going to be feasible. There were deeper issues that needed to be fixed. So he started taking it completely down, at which point he was notified he needed to stop because the reconstruction would now require the variances. So that's why the house looks the way it is. The demolition had already begun. And yes, the intent is to try to use portions of the foundation, and that's really about it. Since we're sliding east to west, we wouldn't be using the side foundations, but we'll be trying to use pieces of the front and the rear.

Member Levine: I didn't see much that you could save.

Engineer VanderValk: And that's possible that will need to be evaluated for sure. The owner has no intent on putting a new structure on something that's going to be bad for him in the long run,

Member Levine: Or even the foundation. I didn't get up close to it. I was on the side in the road because it was pretty overgrown with the debris.

Vice Chairman Grygus: Do you know if your client attempted at all to purchase Lot 15?

Engineer VanderValk: I don't I'm not aware. But I do not believe so. If you look at the 200' list that was provided there's not even a point of contact for that property. So I don't even know how he would go about getting that.

Attorney Mondello: Bruce I could swear him in and he can answer the question.

Vice Chairman Grygus: Yeah, I think just to get it on the record, Ron, I mean, that could essentially alleviate every required bulk.

Attorney Mondello: Mr. Alla, I am going to swear you in. Can you hear me?

Mr. Alla: Yes.

Attorney Mondello: All right. Would you please raise your right hand? Do you swear or affirm the testimony about to give you the truth, the whole truth and nothing but the truth?

Mr. Alla: Yes sir.

Attorney Mondello: Please state your name, spell your last name and give us your address. You can put your hand down.

Mr. Alla: Artan Alla, 15 Broad Street, Apartment 227, Pompton Lakes, NJ, 07442

Vice Chairman Grygus: Mr. Alla, Do you know who the owner of block 15 is; your adjacent lot?

Mr. Alla: Same person who owned my lot owns Lot 15.

Vice Chairman Grygus: So do you own both lots?

Mr. Alla: No only Lot 16 because they say from the tax assessment they say the bank only owned Lot16 and the bank only sold to me only that now both. I own now only Lot 16.

Vice Chairman Grygus: He only sold you Lot 16 and he owned both of them?

Mr. Alla: Yes. Let my son explain to you.

Attorney Mondello: Okay, hold on, raise your right hand. Do you swear or affirm the testimony about to give me the truth, the whole truth and nothing but the truth?

Drini Allah: Yes sir.

Attorney Mondello: Please state your name, spell your last name and give us your address and you can put your hand down.

Drini Alla: Address is 15 Broad Street, Apartment 208, Pompton Lakes, NJ, 07442.

Attorney Mondello: And you are the applicant's son? Correct?

Drini Alla: Correct.

Vice Chairman Grygus: Could you just explain to us the ownership of Lots 15 and 16 and how they that may have changed.

Drini Alla: I haven't really been much involved but from my understanding what I heard when we went to the tax assessment, they said that something about long time ago, the owner of Lot 15 and 16 they sold Lot 15 or something to get some money. It makes no sense to me what happened really but, uh, pretty much the owner that owned both properties sold half of the property for some money and then just abandoned the rest of the house or something like that and on from there on, it became two properties. I'm not quite sure hundred percent, but it's a little confusing. We tried to figure it out how to get the other side as well to combine both of them. They were saying that you have to go back again to history and figure it out but it was a little confusing. I really don't know and I apologize for my own knowledge but if something confusing like that.

Vice Chairman Grygus: Ron, I mean it may be a moot point to this application, but should they have merged?

Drini Alla: We tried.

Attorney Mondello: Well, if the two lots were both undersized, and they were owned by the same individual or corporation, whatever the case may be, by operation of law, they would have merged. But that's not the case anymore, because he bought it.

Vice Chairman Grygus: Any other questions?

Engineer Nash: Yes, I had my virtual hand up. Yes. Just two questions or points for the Engineer. You seemed to address everything in my letter adequately. But I just want to put on the record, if everyone has a copy of my letter, just item 9 in my letter. So Mann Place ends but it continues into the parking lot of Stop & Shop, so I just make sure that, during construction, when deliveries are made, they're not made from the Stop & Shop parking lot, but from Mann Place. That's one item and then the second item I just want to ask the Engineer, the front yard setback, is the intent that the home is going to be parallel with Mann? Because your front yard setback dimension shows to the southeast corner and the southwest corner is a covered porch, which you would measure the front yard setback from the covered porch that's included. I just want to make sure that which dimension is the shortest one.

Engineer VanderValk: Right yeah, that's the shortest dimension.

Engineer Nash: The southeast?

Engineer VanderValk: That's correct, yes. Just one item I'd like to address on your letter if we may. Item 7 brings up the concrete pad which happens to straddle the property line with Lot 15. So gaining permission to remove that from Lot 15 may be difficult. Our plan ahead had indicated to possibly saw cut that and just leave the half that's on 15, since we don't have a right to touch that. I just don't want to create a scenario where we agree to get their permission, and then due to a lack of communication or something, we just can't do it.

Engineer Nash: I'm not asking you to provide proof that you obtained the permission.

Engineer VanderValk: Understood.

Vice Chairman Grygus: Yeah, we can't give you permission to take something. No.

Engineer VanderValk: Yeah, I understand that. I was just wondering if we could cut it in half and leave the half that's there on the other property, but I got the message.

Vice Chairman Grygus: Any other questions for the Engineer or the applicant? Hearing none, I'm not going to see any. Anyone from the public who may be in have any questions, questions only at this time for the Engineer?

Attorney Mondello: Mr. Chairman, I've tried to unmute everybody and it doesn't seem to be working for some of the folks. If they have a question, you need to unmute your microphone and ask the question of Mr. VanderValk, if you have a question.

Vice Chairman Grygus: Hearing none at this time then I would open it up to any members of the public who would have a statement about this application. All right, hearing none.

Mr. Engineer or applicant is there anything else you'd like to add to your application?

Engineer VanderValk: No, I think that wraps it up for us. Thank you.

Vice Chairman Grygus: All right. Ladies and gentlemen, I'm looking for a motion on this application.

MOTION TO APPROVE APPLICATION: made by Member Pasznik, seconded by Member Levine.

Vice Chairman Grygus: And then before we make a vote on it, let's just annotate that you're making a Motion for the Approval of the Use Variance, and the Four Noted Variances that were listed on the Board Engineer's report.

Member Pasznik: Correct.

Attorney Mondello: And the only condition that is in the Board Engineer's Report that the applicant has agreed to it that deliveries must be made from Mann Place.

Vice Chairman Grygus: Okay, we got a Roll Call.

Voting yes were Vice Chairman Grygus, Members Covelli, Pasznik, Ludwig, Levine and Aumenta

Motion carried

Vice Chairman Grygus: Ron, do you want to give them any kind of speech?

Attorney Mondello: Yeah, I mean, I sort of shied away from it especially since there's no objectors, I don't think I need to tell them that they have 45 days to file an appeal. And I don't think they would, but if there was anybody in the audience that wants to file an appeal, they have 45 days from the notice of publication to do that. Apparently that's not going to happen. So congratulations and good luck.

ZBA2020-02 – 5 Bailey Women, LLC – 93 Ringwood Avenue (Block 204/Lot 2)

Vice Chairman Grygus: All right, before we go into the application. Mr. Bailey, could you tell us Do you have anyone else that's on that's going to testify besides yourself?

Mr. Bailey: No, just I will be testifying.

Attorney Mondello: I have had an opportunity to review the notices that were sent in the publication in the newspaper and I deem the application complete. Mr. Bailey, would you raise your right hand? Do you swear from the testimony about to give me the truth, the whole truth and nothing but the truth?

Mr. Baily: I do.

Attorney Mondello: Please state your name, spell your last name and give us your address.

Mr. Bailey: Jeff Bailey, 547 Ringwood Avenue Apartment 1F, Wanaque, NJ.

Attorney Mondello: Mr. Bailey, why don't you tell the Board what you want to do, why you want to do it and what variances you're seeking.

Mr. Bailey: So we have purchased a home in a Business Zone. We're seeking Use Variance for that home, and we're also seeking a variance for the lot width where 80' is required and existing is 75' now. What we're doing to the home is we are reconstructing the interior, new siding, new roof on the exterior and we also want to add a small front porch.

Vice Chairman Grygus: Jennifer, do you have any plans of his that are scanned in?

Board Secretary: No.

Vice Chairman Grygus: Mr. Bailey, your front porch is going to be covered, correct?

Mr. Bailey: It is; correct.

Vice Chairman Grygus: But it's going to be open?

Mr. Bailey: Yeah, it's going to be open. It'll just have a roof and pillars.

Vice Chairman Grygus: Questions from the board?

Member Ludwig: Well, to me it looks like none of these setbacks are going to change; it's just existing.

Vice Chairman Grygus: It is just the lot width.

Member Ludwig: That's existing, and the use is existing. If I'm not mistaken, that's the way it was.

Vice Chairman Grygus: Yeah. Chris indicated in his report it's an expansion of a non-conforming use because the footprint is being expanded a little bit. Correct me if I'm wrong, Chris.

Engineer Nash: That is correct. That is why they are here.

Member Ludwig: Okay. I thought because it maintained the same setback.

Vice Chairman Grygus: Any other questions from the board? If not, maybe Chris go over any questions you may have.

Engineer Nash: The Applicant is expanding a non-conforming use that brings it to the Zoning Board. They are not creating any variances by expanding by putting the addition on. The only variance that exists is lot width, and they can't do anything about that since it's a different non-conformity that doesn't pertain to any alterations to the property. It's just what it is.

Member Ludwig: And use also, correct?

Engineer Nash: Right. It's an existing use that is not permitted, but they are expanding it. They need approval from the Zoning Board to expand.

Vice Chairman Grygus: Chris, Items 6 and 7 on your letter dated March 6th, were they addressed?

Engineer Nash: I was expecting that they would be addressed during testimony.

Vice Chairman Grygus: Okay, so Mr. Bailey, do you have the Engineer's report in front of you?

Mr. Bailey: I do.

Vice Chairman Grygus: Okay, if you could go to item 6, which is right under the variance table, and if you could address items 6 and 7 for the Board and Engineer.

Mr. Bailey: Item 6 I believe what the Engineer is talking about in this item is the difficulty in verifying the front setback of the existing front side of the house. The front side of the house, I believe the Engineer was not able to visit the site, but look at it online, the front of the house now has an existing covered porch that was converted to an enclosed porch many years ago. That is the, you know, the true front of the house, and that's where the front yard setbacks were measured from. The porch that we want to add is going to be, as you're looking at the house from Ringwood Avenue, to the left of that existing enclosed porch, and it's going to be the same. The front yard setback will remain the same. It's going to be the same depth as what the porch is now. I don't know if that explains that.

Attorney Mondello: Mr. Bailey Yeah. Why don't you address number 7 "any structures on the property such as sheds being removed or need to be identified"?

Mr. Bailey: No, there are no other structures on a property, just the house.

Attorney Mondello: I would ask whether you have any plans, in the future, to enclose this new porch that you are creating?

Mr. Bailey: Absolutely not, sir. This is why we're here tonight because that's something that I really wanted to do, and that porch will remain open.

Engineer Nash: Can I just clarify just one thing that was said. The Applicant indicated that I was not able to visit the site that's not true at all. I just want to explain it. There are applications like this one that there's really no need for me to go to the site and you know it's good for you that I don't go to the site because there would be less escrow charge. I deliberately didn't go to the site because the variances were such that I didn't need to see anything. Very clean application. Other applications I do go to the site that I need to go to the site, the Board needs to go to the site, so just wanted to explain that.

Mr. Bailey: I apologize for the misunderstanding and I think you for saving me some escrow money.

Engineer Nash: There is no need to apologize. I just wanted to make sure the Board, and particularly the new Board Members, may wonder why some applications I go to the site and some I don't it's. It is done with intent.

Mr. Bailey: Thank You.

Vice Chairman Grygus: Any other questions from the Board? Hearing none, we will open it up any members of the public who may be listening to this application for questions of the Applicant at that time; questions only. Hearing no one, at this time we'll open it up to any members of the public who may be listening in that wants to make a statement about this application. Hearing none, we're looking for a Motion for the Use Variance and one pre-existing Bulk Variance.
Attorney Mondello: It's D2 Variance, which this Board is very familiar with.

Member Covelli: Mr. Chairman, I would make the Motion to Approve this application subject to the Bulk Variance listed on #5 of the Board Engineer's report with respect to lot width, where in the B Zone 80' is required and 75' is both existing and proposed. Therefore, a variance is needed for the 5' additional plus the additional clarification provided by the Applicant during this testimony.

MOTION TO APPROVE APPLICATION: made by Member Covelli, seconded by Member Ludwig. Voting yes were Vice Chairman Grygus, Members Covelli, Pasznik, Ludwig, Levine and Aumenta
Motion carried

ZBA2020-03 – Belfiore, Anthony & Marianne – 1 Fifth Avenue (Block 413/Lot 27)

Attorney Mondello: I have had an opportunity to review the notices I would deem them complete and jurisdiction is vested in the Zoning Board. Mr. Belfiore, can you please raise your right hand? Do you swear from the testimony about to give me the truth, the whole truth and nothing but the truth?

Mr. Belfiore: Yes.

Attorney Mondello: Please state your name, spell your last name and give us your address.

Mr. Belfiore: Anthony Belfiore, 31 Walsh Drive, Mahwah, NJ.

Attorney Mondello: Would you please tell the Board what you want to do? Why you want to do it and what are those variances that you're requesting the Board grant?

Mr. Belfiore: It's pretty straightforward. Just like the prior person who was on I want to put a roof over the front porch, not front porch, the front step which is the entryway. It's not a porch. It's just basically the stairs into the house. My in-laws who live there are elderly, I want to put a cover over it so they don't slip on the stairs. Then the other piece of it is I would like to add a 12x15 addition to the back of the home to extend their dining room, which they'll be switching that with their current living room. It would be analogous to the addition that their neighbors put on their house right next door to theirs. When we looked into it, my wife and I looked at what people typically did, and so we went with something that had been approved before.

Attorney Mondello: Mr. Belfiore, you said that this home is occupied by your in-laws. Did I get that right?

Mr. Belfiore: Yes, sir. I own the home but my, my in-laws live there.

Attorney Mondello: Back to you, Mr. Chairman.

Vice Chairman Grygus: All right. Any questions for the Applicant?

As per the Board Engineer's report, it looks like five of the variances are pre-existing, non-conforming, and it's just the front yard and the rear yard that are going to be exacerbated a little bit.

Mr. Belfiore: Yes, sir. Also on point 5 on the letter I received from Mr. Nash, about an existing shed on the property, there used to be a non-conforming shed on the property that my wife and I moved last year. We actually took down and put in a new shed, which is in the back left corner of the property now, and is now appropriately 5' from the rear and the side, according to code in town, you know, off the property line. The old shed was actually only 1' off the property line when we bought the house. So we changed that last year. We have the permits from the town.

Attorney Mondello: Our quick question, Mr. Rob Belfiore any future plans to enclose this new covered porch that you are installing?

Mr. Belfiore: No sir, we just want to keep their feet dry when they're coming down.

Vice Chairman Grygus: Any other questions for the Board? Chris, are you okay with your letter?

Engineer Nash: Yes, everything is good. Nothing else to add to it.

Vice Chairman Grygus: All right with that, then we'll open it up to any of the public that might be listening in and have any questions, questions only at this time for the Applicant? Hearing none, we'll open it up to any members of the public who may be listening in that want to make a comment about this application. Hearing none, I'm looking for a motion.

Member Ludwig: I'll make a Motion to Approve. I guess we need 3 variances here.

Vice Chairman Grygus: It is all 7, but 5 of them are pre-existing, so if you just want to make it based upon the variance chart that's in the Board Engineer's letter.

Member Ludwig: That sounds like an easy way to do it. Well, I will make a Motion to Approve it based on the Board Engineer's list of deficiencies.

MOTION TO APPROVE APPLICATION: made by Member Ludwig, seconded by Member Pasznik. Voting yes were Vice Chairman Grygus, Members Covelli, Pasznik, Ludwig, Levine and Aumenta
Motion carried

ZBA2020-04 – Bayside Associates, LLC - 852 Ringwood Avenue (Block 307/Lot 2)

Attorney Mondello: Mr. Martin why don't you please enter your appearance for the record and give us a little background here.

Attorney Martin: Yes, thank you Mr. Mondello. Edward Martin, Esq., 52 Skyline Drive, Ringwood, New Jersey, on behalf of the Applicant, Bayside Associates, LLC. This application relates to property that I'm sure most of you are familiar with. It's on Ringwood Avenue at 852 Ringwood Avenue. The property is owned by Sierra Landscape, and my client, Bayside Associates, LLC, is a contract purchaser of this property and the contract is contingent on this application, among other things, but this is the main contingency of the deal. My client would need this Variance to purchase the property and utilize it the way in which they would like I'm scheduled to have three witnesses. Mr. VanderValk is on I see and he is my Professional Engineer. I have a Professional Planner, Jessica Caldwell. She should be clicking on any moment. And I also have my client Mr. Matthew Allen; he is one of the principals in Bayside Associates. I don't see him on my screen. I don't know that he's present at this moment. You know, I had let them know a few moments ago to click on. To be honest, we weren't sure how quickly you folks were going to go with the other applications so I don't know if you want me to start. I can start with Mr. VanderValk and work that way or I can make a phone call and take a moment to get Mr. Allen. My plan was for Mr. Allen to testify first as the principal of Bayside.

Attorney Mondello: I think that you can start off with Mr. VanderValk and, just by way of a brief administrative matter; I noticed that the notices were adequate and the jurisdiction is vested in the Zoning Board to hear the application. I think also notice that this was the subject of a prior application before the Zoning Board of Wanaque, and I'm assuming that you were aware of that Mr. Martin, and how is this application any different than this previous application that was filed, if you know?

Attorney Martin: I received documents from Board Secretary actually regarding a prior application, but I assume you're referring to an application made by the current owner, Sierra Landscape and, again, this is the business that was there. I don't believe my client ever made an application as to this property Mr. Mondello, if that's what you're saying.

Attorney Mondello: No, Joseph, Gerald and David Longo filed.

Attorney Martin: My understanding is that they were the owners before Sierra Landscape. They sold the property to Sierra Landscape and it was almost the same type of scenario. Sierra Landscape was under contract to buy the property also with a contingency that their Use Variance be granted way back when. So that application again relates to a prior owner and actually the seller to my client and that Resolution and those records relate to that. Mr. Longo and his brothers and his father were the original owners before Sierra Landscape.

Attorney Mondello: All right, fair enough. Okay. Why don't we swear in Mr. VanderValk, and as soon as he is done we can get your clients sworn in. Mr. VanderValk, thank you, and even though you remain sworn from the prior application, I guess you have double duty this evening, do you swear and affirm the testimony about to give me the truth, the whole truth and nothing but the truth?

Engineer VanderValk: Yes I do.

Attorney Mondello: And you were previously accepted as an expert in the field of Engineering. I'm sure the Board hasn't changed their mind in the last 20 minutes, so we're witness Mr. Martin.

Attorney Martin: Thank you, Mr. Mondello. I assume then I don't need to qualify him as an expert.

Attorney Mondello: We already did that. He has double duty this evening. He was here on another Application.

Mr. Martin: Mr. VanderValk: Obviously I was going to go through some questions about your background. But after that, I was simply going to ask you, if you could, give the Board a summary of your site plan? Well, let me start with that. There's a site plan I submitted to the Board dated February 14, 2020. Is that a site plan that was drafted by you?

Engineer VanderValk: That's correct.

Attorney Martin: Okay. Could you give the Board a summary of that site plan as best as you can, and then I can ask you some more specific questions.

Attorney Mondello: Do you want to share the screen again Mr. VanderValk.

Engineer VanderValk: Yes, I think that would be helpful.

Engineer VanderValk: Okay, so I'm going to bring up that site plan that Mr. Martin just mentioned. A site plan was consisting of three sheets. The first one being kind of an overview of the property since it's a fairly large lot and then the second sheet is more detailed, so we'll get to that. But you can see it's quite an irregular shaped lot. This is on Ringwood Avenue. It consists of 2.8 acres and it's located on the east side of Ringwood Avenue just about 120' north of Father Hayes Drive. Right near the Catholic Church there on Ringwood Avenue.

The site was previously a landscape contractors yard, which was used for material and equipment storage as well as a number of landscaping displays that they had constructed throughout the property. There also exist a few structures on the property, a few smaller structures which were used for the commercial use. And then there's also a dwelling on the property which was rented out to residents who resided there. The entire frontage of the lot, as I'm sure you're all familiar as you drive by, has kind of become inundated with these landscape features that I guess the previous company was attempting to promote their business by building walls and planter boxes and columns and paver patios and whatnot throughout the property. Much of that has all fallen into disrepair and become overgrown through neglect. The southern portion of the lot, I'm going to zoom in a little bit here, this area that I'm circling with my mouse has also been filled with different displays and walkways and retaining walls. There is also the remnants of an old greenhouse towards the southern corner. And that looks like it's almost completely fallen down at this point. The areas to the north, sort of behind the dwelling structure and to the north of the garage structure, were mainly used for stockpiling materials or different equipment storage in the past. Portions of this area are paved, and then there's a narrow driveway that goes down to a gravel area at a lower level. The rest of the property is largely wooded towards the back. A large portion of that is within the floodplain of the Wanaque River, and that all remains untouched. As far as what the Applicant is seeking to do, I'm going to turn to the second page here for some more detailed views. You can see the majority of that development is taking place on the front portion of the property, adjacent to Ringwood Avenue. Essentially what the Applicant is looking to do is to leave the dwelling on the property and continue to rent to the tenants that are there. Then he would like to use the remainder of the property as Top Rate, his business, which is mainly to rent or to sell different types of equipment and he will explain that in much more detail during his testimony and I'd rather rely on his description of that, but essentially it's rental and sales of these different types of equipment.

The first thing that we're intending here to do is to clean up the site. We want to remove all those displays. We want to take out all those landscape features that were constructed by the current

owner or the previous user. And we want to get that out of there and clean up the frontage. Also, what we're going to be doing is resurfacing the parking areas and the storage areas and properly striping that for parking and to separate parking and access from the different areas of storage. The circulation begins with a two-way driveway out into Ringwood Avenue. Once you enter the property, we're providing six (6) parking stalls directly north of the access driveway. Those will be provided with curb stops adjacent to the dwelling. Those six (6) spots will primarily be used by employees and by visitors. The Applicant has indicated that he anticipates having two (2) employees on site at any given time. And then to the south of the entrance driveway, we will have this rectangular area which will be used for the display of sales and rental equipment. Towards that the end of the access driveway, nearest to the two commercial structures, we have provided an ADA accessible stall with the proper signage and striping. Then there's another three (3) parking spots behind the dwelling, which will be for the primary use of the residents of that structure. In accordance with the municipal ordinances ten (10) parking stalls are required for this project. And as you can see ten (10) stalls have been provided. As we move further back on the property along the access driveway to the north, you can see additional areas that I've highlighted that are currently paved to be used for additional storage of the equipment. We then have the additional overflow down onto the gravel if necessary, but we're not proposing to construct any expansion of those areas, or changes to those areas other than cleaning them up and getting them resurfaced as needed.

As far as the structures and how they'll be used, as I mentioned, the dwelling will continue to be rented to the current tenants or new tenants. I'm not sure the situation there. But then there's two structures to the rear. One is a two story garage structure with a sort of lean-to behind it. It's labeled as a shed here but it's not even so much a shed. That portion of structural will be removed, it's sort of just a roof area, and it's not in good shape at all. That will be taken down. The garage structure, I know on the first sheet of the plan, I had labeled that as a maintenance garage and, I want to make clear now that the intent is not to do maintenance, or repairs in this garage to the equipment that they're renting. They have a separate facility to bring the equipment to and to do that. That will not take place on this site. That garage will mostly be used for storage of smaller equipment and some parts, but there's not a mechanic for the different equipment that's going to be operating out of this. That was not the intent of that garage. The second story on that structure will be used as the owner's office. That's where he'll run his business out of. This second structure, further to the south, that will be their retail space. So in addition to the rental and sales of the equipment that they'll be storing outdoors, they'll have some smaller types of equipment, whether it's pumps, or hoses or things like that, that they would be selling to people who walk in off the street, if those are parts that are needed. In addition, that office would facilitate the rental operation, signing paperwork, that sort of thing for people that are coming to the property. Bear with me as I look at my notes.

In addition, we're going to be providing a new dumpster enclosure, refuse enclosure, for garbage, so the garbage will be screened from view.

In addition to these improvements, we will also be updating the sign. I believe that there was a previous sign, I think the sign part of it has been taken down, but the columns still remain. So we're going to continue to use those columns. Here's the detail of it here on my plans. These columns are existing today, as well as the timber beam that stretches across the columns. We're going to be hanging a new sign on that which indicates that Applicant's business, as well as the street number, phone number, etc. That sign is conforming as far as height. As far as area, the setback is non-conforming but that's an existing non-conformity, that's where the previous owner

had their sign. So we're just looking to use that and replace the graphics on it. Also, the width is non-conforming if we measure from outside of column to outside of column. Other than signage itself, it's really just limited to the piece that hangs from the timber beam. That also is an existing non-conformity that would remain as we change out the sign.

Some other improvements that we'll be doing to the property include some landscaping and lighting. This is back to sheet two on the left side of the sheet. So once we get out all of that overgrown landscaping and all the retaining walls and the miscellaneous features that have been constructed at the front of the property, we're going to provide some blue spruces to provide a good screen to people driving by on the road so they're not getting a detailed look at all the operations. It's shielded it off pretty well, and additional smaller plantings around the sign. As far as lighting there's going to be four (4) new building mounted fixtures to provide, as you can see, somewhat limited amount of lighting. I mean, we're not going to really brighten this up. We understand there's some residents to our south. So you know, we're looking at a maximum of two and more like an average of point five foot candles through that parking and driveway area, and that's really just for safety and some limited security lighting.

Let's see what else I have here. So overall, really the intent here is to, while getting the Applicant an approval to operate his business out of this property, we will really want to clean it up. I drive past this property every day on the way to work, and it has become a bit of an eyesore and it's time to get that cleaned up and looking fresh and the outcome would like to bring the new use in there. Now we do have a Planner who would testify regarding the Use Variance. This is in an affordable housing zone. In fact, this property, and this property alone, was carved out for that zone, and this use is obviously not affordable housing. So we'll require Use Variance and testimony will be provided regarding that.

There are some other variances as well and those relate to existing, non-conformities of the existing structures. If we look at the book table on sheet one, you can see that the house structure is located closer than 40' to the front property line at 32.1. That's existing, non-conforming that will not be changing as part of this. Then there's also a rear yard setback on a number of these smaller structures, which would require variances as well. Again, we're not looking to change those since those are existing. We want to utilize those with just some minor updates on the interior. In fact, we'll actually be improving the setback to the garage structure, because we'll be taking off that roof structure that's attached to the back of it. But it would still it would be non-conforming, just slightly better than what it was, and then obviously, taking down the greenhouse structure so those non-conformities go away as well. That really concludes the items that I had to discuss regarding Engineering.

Vice Chairman Grygus: Well, I guess it's a little difficult to go with questions, not knowing exactly what the use is going to be.

Engineer VanderValk: Yeah, we'd like the Applicant to kind of speak to that a little bit more as far as his operation and how it works. If you want to come back with more questions on the Engineering side, that's fine with me.

Vice Chairman Grygus: Does anybody have any questions of the Engineer they want to ask without having the Applicant explain first?

Engineer Nash: Is it appropriate to go through my letter?

Vice Chairman Grygus: Yeah, I was going to get to that eventually, Chris, yours and the county's. But again, not knowing what you propose uses. It's kind of difficult.

Attorney Martin: Mr. Allen is now with us, and I think that might be a good way to kind of circle back and explain the application a little bit more from his standpoint. If you want me to do that now.

Attorney Mondello: Mr. Chairman, I do believe that there may be an objector I'm not sure. Suzanne Raoul. She was mentioned in the 1999 proceedings as an interested party. So I'm going to try to unmute her. Mrs. Raoul, do you have any questions for Mr. VanderValk? Questions Only.

Mrs. Raoul: Okay. Um, let me see.

Vice Chairman Grygus: Yeah, I was going to open that up after we knew exactly what was going on.

Attorney Mondello: I think Mr. Chairman that would make most sense if she had questions on the testimony of Mr. VanderValk to do it now. Okay.

Attorney Mondello: Mrs. Raoul do you have any specific questions on that testimony that Mr. VanderValk just presented to the Board?

Mrs. Raoul: On his report, I do have some questions. Number one, it says that there is no storm water management proposed. Can you tell me why that is?

Engineer VanderValk: Essentially, most of the improvements here are resurfacing improvements. In other words, right now that main front area has a lot of paver stones, has a lot of stone gravel areas, has a lot of paved area and we want to clean that all up, but in the end, it's going to remain those types of hard surfaces. Overall on the project, we're increasing the impervious, but a nominal amount where it's not a major development. In addition, the increased runoff that would come off of that impervious surface, all the grading on the property pitches directly back to the river so it wouldn't have an immediate impact on any of the neighbors. For those reasons, we haven't provided any additional stormwater management. Basically the path and direction of current runoff would continue on to the new development without major changes.

Mrs. Raoul: So you're saying that the runoff will go to the rear of the property and down the embankment?

Engineer VanderValk: Yes, that's correct.

Mrs. Raoul: Okay, so you consider the pavers that are presently there and some partial macadam all to be the same types of impervious surfaces and that you're just doing plain macadam?

Engineer VanderValk: Certain areas will be paved, that's correct, and there will be some areas that will be gravel. Yes, all those hard surfaces are treated largely the same, except for gravel. Gravel has a higher infiltration rate obviously than a paved surface but we typically don't treat paver patios any different than macadam simply because the fines end up filling in between those stones and it doesn't really drain anything anyway.

Mrs. Raoul: Understood. On item Number 42 on your report, you indicate that the project proposes improvements to the existing, I love your word, disturbed and neglected areas. No improvements beyond the existing disturbance limits are proposed. So that means there are no anticipated new structures at this time that you are requesting.

Engineer VanderValk: At this time that's correct, yes.

Mrs. Raoul: Okay. I think that's all I have for you right now. Thank you.

Attorney Mondello: Thank You. Back to you Mr. Chairman.

Vice Chairman Grygus: Are there any other members of the public that have any questions and questions only for what the Engineer has presented at this point in time? Okay, Mr. Martin, your next witness.

Attorney Martin: Yes, I'd like to call Matthew Allen who is one of the principals of the Applicant, Bayside Associates.

Attorney Mondello: Welcome Mr. Allen if you'd be so kind as to raise your right hand. Do you swear or affirm the testimony your about to give be the truth, the whole truth and nothing but the truth?

Mr. Allen: Yes.

Attorney Mondello: Please state your name, spell your last name and give us your address. You can put your hand down.

Mr. Allen: Matthew Allen and my address is 23 Fisk Road in Wayne, New Jersey 07470.

Attorney Mondello: Your witness Mr. Martin.

Mr. Martin: Before I begin, though, I noticed the other principal of the Applicant is also on. I don't know if he would like to also testify or even answer questions, so we may want to swear him in just in case. His name is Nick LaPoma.

Attorney Mondello: Nick, I'm trying to unmute you. There we go. Mr. LaPoma, do you intend to give some testimony as well?

Mr. LaPoma: Sure.

Attorney Mondello: Okay, do you swear and affirm the testimony your about to give be the truth, the whole truth and nothing but the truth?

Mr. LaPoma: I do.

Attorney Mondello: Please state your name, spell your last name, and give us your address.

Mr. LaPoma: Nicholas LaPoma and my address is 83 North Serven Street, Pearl River, New York, 10965.

Attorney Mondello: Okay, Mr. Martin, your witnesses.

Attorney Martin: All right. Mr. Allen, just for the record again, state your relationship to the Applicant which is Bayside Associates, LLC.

Mr. Allen: I am a managing member of the LLC.

Attorney Martin: Okay, and you just heard us reference Mr. LaPoma. Is he also a member of the LLC with you?

Mr. Allen: Yes, he is. And he is manager of Hudson Machinery.

Attorney Martin: Hudson Machinery, just to clarify that, is a related entity to Bayside. Is that fair to say?

Mr. Allen: Yes.

Attorney Martin: Am I correct Bayside has a contract right now to buy the property that we're discussing this evening. Is that correct?

Mr. Allen: If the Board grants us the approval, yes.

Attorney Martin: So it's contingent on this application, among some other things, but this is certainly a big contingency of the deal. Is that correct?

Mr. Allen: Yes.

Attorney Martin: Now, just quickly, Mr. Allen, I don't know that you have to go into great detail, but I just want the Board to understand you and Mr. LaPoma already are Wanaque business owners. Is that is that accurate?

Mr. Allen: Yes.

Attorney Martin: Can you give us a minute or two please and just explain your current business in Wanaque and where that is?

Mr. Allen: We're on the corner of Brook Street and Doty Road. There's a garage down there that used to be a crane company. We own that and then we also have a place in Paterson. We have a few different places around and, you know, we need additional storage space and that's what we looked at this property for.

Attorney Martin: If you could just explain first, the business of Bayside Associates as it will take place at this site, assuming this all goes through. Could you explain to the Board what the plan would be and what Bayside would do there?

Mr. Allen: Well, as you can see, in the sign part of it, Hudson Machinery. Hudson Machinery is a company, and you can look at their website, sells, services and rents equipment primarily to municipalities; 75% or so is the business to municipalities. The remaining business would be to contractors. Primary lines of business are we're an OEM for back vacuum trucks, Generac pumps, Generac manufactures light towers, smaller stuff, trash pumps that municipalities will use. Most of our product lines that we carry are in the waste water to the street side of the municipality stuff. We provide street sweepers storm water vacuum trucks, and then there's a division between that and yellow iron. We don't get into yellow iron. We stick on the storm water side of the equipment business.

Attorney Martin: And, this equipment, is it leased, rented, sold or all the above?

Mr. Allen: All of the above.

Attorney Martin: Part of what you're hoping to do with the property would be, not only storing equipment, but also offering some equipment for retail sale. Is that accurate?

Mr. Allen: Yes, or having a place where people come in and pick up parts for it or accessories for it. I'll give you an example: the other day, I guess the Borough Manager from Wanaque came into our other location. He's like, I see you guys here all the time. I have a problem. Do you guys think you could help me out? Yes, sure. Here's the part you need. And a couple of minutes later, they're on their way. But for the most part, municipalities, you bring stuff out to them, they don't come to you.

Attorney Martin: The site as it stands right now, obviously has some buildings on it. You plan to utilize those buildings?

Mr. Allen: Yes.

Attorney Martin: How do you plan to do that?

Mr. Allen: The store that's on the property, we would keep as a store. If a customer does come in and buy something. Obviously you need a computer there that you could sit there and you know, create an invoice for them. They need a counter that they could sign the receipt for. The garage that's there would be used for storing parts, stuff, consumables that they would buy. Upstairs in that garage is an office so we would utilize the office. Our intention, when we looked at the property, was the residential structure was occupied. The last thing I want to do is displace somebody. We're going to leave the residential structure as a residential structure.

Attorney Martin: Do you plan, initially anyway, if you buy the property, on making any significant alterations or changes.

Mr. Allen: The property needs to be cleaned up. It's a disaster. I would hope the board could agree with me on that. I guess it was used as a landscape yard at some point, display yard. I don't really know what it was used for. I can't speak to that, but I know it's not up to our standards of presentability. Right off the bat, we know there's a significant amount of cleanup there before we can do anything with it.

Attorney Martin: Am I correct that you've actually looked into that and priced what that's going to cost etc.?

Mr. Allen: Yeah. I mean, you have about \$25,000 worth of cleanup there just moving all those blocks and debris and whatever else is there, that has to get moved off site or crushed and cleaned up. Something's got to be done with it. I mean, I assume it served a purpose at one point, but it doesn't present day.

Attorney Martin: Mr. Mondello, I don't think I have any other questions, but certainly if the Board has any questions for Mr. Allen or Mr. LaPoma about their business, they'd be happy to answer those.

Vice Chairman Grygus: Questions from the Board?

Member Levine: I'd like to know on the large side, how large will your equipment be? How many of that pipe would be stored there? Could be trucks?

Mr. Allen: The largest piece that we sell is a vacuum truck. The smallest piece that we sell is a pump. Vacuum trucks, to be honest with you, they're about \$450,000, and at any given time, maybe there would be one, just because the economics of it don't dictate that you keep a large amount there. Street Sweepers, maybe there would be some more of those since they're a smaller piece. Vacuum trailers, light towers, I would say given, you know, God's blessing in a good economy, up in the front 10 pieces or so.

Member Levine: Will they be quite visible from Ringwood Avenue?

Mr. Allen: I don't think so. I really don't envision that. I envision them more towards the back and then that overflow storage area would probably be a better place to put them. Ringwood Avenue side, I mean, you really want to keep it as presentable as possible. It can't look like a junkyard like it looks now.

Member Aumenta: Mr. Allen, I have a question. What would be your hours of operation?

Mr. Allen: I would say to be realistic, and I'm not sure what the application says, but I believe it said, 7am to 4pm, 6am to 4pm, somewhere in that ballpark. Again, we don't have a type of business that people typically come to us; it's us going to them. Somebody came in first thing in the morning and grabbed the trailer or a trailer mount piece of equipment, and drove it out and brought it to a customer. As far as our existing business, our guys their hours are in their contract because they're union are 7am to 3pm. That's their contractual hours.

Member Aumenta: I took a look at your website quickly just to kind of get a view of what those trucks look like. They look like they're pretty big trucks. I see in some of the documentation you talked about, there wouldn't be any issue with noise. But don't you have to start those trucks up early in the morning, run for a period of time to get them warmed up to get them out. You know, how can you guarantee, based on that, there wouldn't be any noise issues?

Mr. Allen: The property is pretty spread out. If you look at the property, it's 2-1/2 acres. I think where you're looking at laying out stuff and storing stuff, you're not really next to the houses. Also if you look at the property, the unusable portion of the property, the property has nothing going on, it's pretty wide open so your sounds not going to be reverberating back towards houses. It's a wide open area. Again, new trucks aren't like older trucks of days gone by where they need to warm up for an hour? You know they're not really like that. They need to start for enough time to build some air and go from there, five minutes or so. You have to remember idling laws have drastically changed over the years. And, you know, equipment has to function within those idling laws.

Member Aumenta: So I think what we heard from the Engineer, though, some of the storage for those trucks was going to be along that right-hand side of the property there were there was going to be a stone wall, and that's really almost right up against the residential houses that are right there as well. So are you not planning on having those trucks on that side of the property?

Mr. Allen: I would not. I would like to put those trucks down below and that other storage area to me and on the other side of the property there more of the trailer mount of equipment. The flow of the property would kind of work better. That was one of the questions. I don't know if you saw the county's testimony. They asked how could you, with that open parking area, and if you were going to back something into a parking stall over there, a trailer mounted piece of equipment would be a much better fit on that section of the property.

Member Aumenta: But you'd still have to have a truck in to come pick up that trailer?

Mr. Allen: A pickup truck. Yeah.

Member Aumenta: All of that happening as well.

Mr. Allen: What's that?

Member Aumenta: I said you still have to have a truck coming to pick up those trailers and equipment, so you'd still have a truck coming in, you know, backing into those spots to pick those up, and it could be at a 6am type timeframe. Right? That would be right up against those residential houses.

Mr. Allen: I mean, I would say more like 7am but yeah, you could. Okay.

Vice Chairman Grygus: What would you say is the biggest size trailer that you're going to get on or off the site?

Mr. Allen: Biggest sized trailer? I mean a light tower is maybe 8' long, a vacuum trailer is maybe 20' long - dual axle trailer. We don't get into Class A stuff so you're probably at that 8000 pound range trailer, that kind of a thing.

Member Levine: Ringwood Avenue gets pretty backed up, traffic wise; mornings and evenings. I don't know if you're going to have a major problem getting these trucks and these trailers out onto Ringwood Avenue, especially if they're crossing over, going south. I know we've had that concern on other businesses that we're looking to come on to off of Ringwood Avenue.

Mr. Allen: From being at the site numerous times, I don't really see it as a problem. There are periods of heavy traffic, however, north of the site is kind of controlled by traffic lights. So you do get fair breaks in that traffic, from what we've seen so far.

Member Aumenta: Keep in mind that the schools aren't in session right now. And most people are working from home at this point due to COVID. So that's going to make a huge difference. So if you've been looking recently.

Mr. Allen: We've been under contract on this since I think last September maybe, so long before COVID. I wish the traffic would stay like COVID but unfortunately, that's not going to happen.

Member Aumenta: Do you know if there's a traffic study called for the business or by the county before they actually issued any of their recommendations?

Mr. Allen: The county didn't see any real issues with it. The only issue the county saw was they wanted to make sure there was enough room that a truck could pull in and back in, which really the county didn't anticipate any problems with that.

Vice Chairman Grygus: If I could just switch gears for one minute and we will come back Ron to the Applicant for questions, but if I could just go back to the Engineer for a minute. If you could

just explain a little bit more. I may have missed it, but I didn't hear it. The structure that's labeled as a shed to the south of the sales and rental storage area and the rear of the residential structure. What is that?

Engineer VanderValk: Yea, that's an existing shed. The intent would be to continue to utilize that just for additional storage space.

Vice Chairman Grygus: Okay, and also there's a smaller shed, that doesn't conform. I guess it would be just slightly north of that.

Engineer VanderValk: To the north property line there you have a small shed, it's about 70 square feet. That is for the residential use. I guess that's where the resident who rents there keeps a lawnmower, whatever else. We're not looking to really make any changes. Those are all existing conditions.

Vice Chairman Grygus: We would probably have to add that to the variance. So you can't relocate that 5' off the property line?

Engineer VanderValk: Matt may know better. Do you know what that shed is made of and what's it's on? Is there any way it can be moved to 5'?

Mr. Allen: Yeah, they can be moved to 5'. We can we can make that work. If it involves going to change the variance, we can make that work.

Engineer VanderValk: I believe the setback is 5' on sheds under 100 square feet.

Vice Chairman Grygus: Yes. Okay, so that was the only additional question I had for the Engineer. Any other questions from the Board for the Applicant or the Engineer?

Member Levine: Yes, going back to the noise level from the trucks starting up by the existing house, it seems to me no matter where you put the truck, it's going to affect the people living in that house at 6am or 7am. Forgetting all the other neighbors at a minimum, it would affect that house, any recommendations as to how to limit that?

Mr. Allen: From what I can see it's hard to limit that. The tenants that are there now, they're obviously aware of it, they live with it now. Any tenants that would move into the future would obviously consider that before moving in. And then obviously, the other thing is, and that's something you can write, is just common courtesy as far as when you come in and when you come and go kind of a thing.

Member Levine: I don't think this situation though with the type of vehicles and equipment that you would be putting in there is similar to what the nursery had in there before.

Mr. Allen: I don't know. I can only speak to what we've seen there before. There was a bunch of trucks down in the back when we first looked at it, there were some excavators back there, and there was a lot of equipment back there. Remember when we first looked at this property, this was advertised as a storage yard and this and that the other thing before we dug into it with a town and everything else, we realized what it was advertised and what it was used for wasn't what was presented to the Board. So that's why we're trying to present you guys with an accurate picture tonight of what we do.

Attorney Mondello: So who occupies the house now?

Mr. Allen: I don't know to be honest with you. They did give us a lease in the purchase documents but I have not met the people. I met them when we walked through the house one day for a home inspection, and that was all I've met them.

Attorney Mondello: All right, so based on that one time, is it an elderly couple?

Mr. Allen: I believe they may work in the landscaping business or something like that.

Attorney Mondello: Did they have any children?

Mr. Allen: Yes, there were two kids. You would see him in the morning walking them to the bus or whatever.

Attorney Mondello: Back to you, Mr. Chairman. I want to make sure we don't forget Mrs. Raoul at some point.

Vice Chairman Grygus: Yes. Do we have any other questions from the Board for the Applicant?

Attorney Mondello: I see Mr. Nash is also raising his hand. So I would suggest we hear from Mr. Nash first.

Engineer Nash: Two questions or statement for the Applicant, or a question and a statement. Maybe out of curiosity, do you do business with Wanaque? Do you have any contracts with them?

Mr. Allen: No. Okay.

Engineer Nash: Secondly, I'm looking at the sign that's proposed on the site plan. I can't even read the lettering that's on the side on the plan. If you put that out there, you are not going to read any of the words from the road when you're driving by. It's not going to do any good.

Mr. Allen: Okay. Yeah, we could work on that sign.

Engineer Nash: There is some fine print on that sign. I can't read it.

Mr. Allen: No problem.

Vice Chairman Grygus: Ron, do we want to open it to the public before we go over the Chris' letter.

Member Covelli: Mr. Chairman, I have a question for the applicant. Do you do any business with the Wanaque Valley Regional Sewerage Authority?

Mr. Allen: No.

Attorney Mondello: Mr. Chairman, let's see if there are any other things questions from Board Members first.

Vice Chairman Grygus: Any other questions for the Board Members?

Member Aumenta: I just have one question regarding the refuse container that's there. Is there a possibility of moving that farther back on the property as well rather than having that up in the front, near the residential homes?

Mr. Allen: Yeah, we could do it.

Member Aumenta: Okay. Because I find that living near a business myself that you know, those you have no control over, they can be out there at four o'clock in the morning and the amount of noise that they cause is extremely loud. So I think that would be very helpful if we can move that farther back on the property.

Attorney Mondello: Helena I'm sorry, I missed that. What did you want moved back?

Member Aumenta: There's a 12 x12 refuse container that will require a truck to come in to pick that up and empty and replace each day. What we find in town is that when they come, because I live near a business zone as well, it can be at four o'clock in the morning. The amount of noise that they make is very, very loud, even compared to the trucks that will be there. Just something to consider because that's very close to the residential as well, and if we've got room on the property, it'd be better to move it farther back so that you're not impacting the folks that live there.

Vice Chairman Grygus: Any other questions from the board? Ron, you want to open or you want to go to Chris's letter first?

Attorney Mondello: I think at this point, we should probably have Mrs. Raoul see if she has any questions for the Applicant.

Vice Chairman Grygus: Any members of the public have any questions and questions only for the Applicant?

Attorney Mondello: Mrs. Raoul, do you have any questions for Mr. Allen, who's the Applicant on his testimony?

Mrs. Raoul: I might have a couple. I have already spoken to Mr. Allen, but I do have a couple of questions. I would just appreciate you letting me speak because this is a very big project and I've lived here all my life. I've been in this house for 45 years. So there is definitely a concern that everybody wants to be happy him and his business, and me and my residents. So we're looking for a happy resolution for everyone. I would just like to say that all right. On the engineering report, Item #5,

Attorney Mondello: I think what we are going to do is if you have any questions specific to Mr. Allen's testimony. We will be going through the Board Engineer's report.

Mrs. Raoul: Now Mr. Allen spoke about the time of operation. I am concerned about that. I wondered if there is a town ordinance that something limits us to 7am as the early start, or is that not something on the roll books in Wanaque?

Board Secretary: Our Noise Ordinance Monday thru Friday is usually 7am to 6pm, and on the weekends and holidays, its 9am to 6pm.

Mrs. Raoul: Thank you. So I would be happy if the operating hours started at 7am. That would be my concern. I think it would be appropriate if it if there is a Borough Ordinance that applies to that. I don't think there's too many municipalities that I know of that begin much before 7am anyway.

Vice Chairman Grygus: The Applicant would have to conform to the Borough Ordinance. Mrs. Raoul: Thank you. During the days of the week, is it a Monday through Friday activity, but what about the weekend since you are doing some private rentals as well, and maybe parts and service or parts of machinery. How is that going to work Mr. Allen?

Mr. Allen: I don't really anticipate too much weekend work to be honest with you. If it's something on a weekend, maybe it's somebody coming in grabbing something and going. I don't anticipate prolonged activity on the weekends to be honest with you.

Attorney Mondello: Mrs. Raoul spoke to a 7am start. I know they compared it to the Noise Ordinance, but in order to violate the Noise Ordinance typically you have to bring in some type of device that measures noise. Do you have any objection to not commencing business before 7am?

Mr. Allen: I would really like to say 6am. I don't want to get into a situation where somebody is on the property at 6am, and we're splitting hairs over 6am and 7am. But as far as the Noise Ordinance, obviously, we would be honoring that. I don't want to get into a situation where I sit here and say to you 7am right now, and somebody shows up at 6:30am to grab a part, which doesn't violate the Noise Ordinance, doesn't bother anybody, and then we turn around and say, no, no, no, you said 7am.

Attorney Mondello: I understand that and that's why I wanted to clarify this issue. Because, yes, legally speaking, there's a Noise Ordinance, but practically speaking, how does one figure out whether or not you violated that Noise Ordinance? Well, some type of noise measuring device has to come in and if you exceed a certain decibel level, well then you're going to have a summons. So, you know, there's the law that's on the books, and then what we're practically speaking about.

I'm sure you want to be a good neighbor, and I think what Mrs. Raoul is saying, you know, 6am, you start a couple of those trucks, that's pretty loud.

Mr. Allen: Yeah, and especially if they're not positioned right on the property. But I think our goal is to position them as far away from Mrs. Raoul's house as possible. As far away as many houses. I can tell a story real quick. Years ago, started in this business at 18 years old working for a company, they were right next to an apartment building, and an older woman Mrs. Summento lived there. Mrs. Summento would get to the point that she was throwing pots of water out the window. And every time we look at a property or a place to go, we always go back to Mrs. Summento and say, is there going to be a Mrs. Summento here. I'll be honest with you, I know that's one of the reasons we like this property is that it was so good. There's so much of it that's not usable. So you're not right on top of stuff, and that we didn't envision any disruption. I also look across the street, which a 20' street doesn't change anything; we can move 20' on the property. You have across the street, you have somebody with, you know, six or eight concrete pumps that's starting up every day and pulling out and you have a paving company across the street that's starting to pull in their trucks out. So I think we can be a good neighbor and be reasonable and make it work. Again, Mr. Mondello, as you said about a Noise Ordinance. As far as you said about the Noise ordinance, you are right it turns into a slippery slope, but I'd rather just be a good neighbor then turn something into a slippery slope.

Attorney Mondello: Thank you.

Mrs. Raoul: I get what you say about the parts. I understand that it's just that I don't know if too many municipalities who would be coming for equipment before 7am. Most municipalities don't usually start until a little bit later, but that's something I'm sure you'll work on.

Mr. Allen: Well, they would start at 7am, but let's just say they wanted some hoses or whatever or you had a pickup truck there, you loaded it the day before, and you had to bring the hoses to the municipality for 7am. A pickup truck is not going to violate the Noise Ordinance and you're not going to know it's there. No different than a residential tenant moving their car out. So if you had that pickup truck loaded with hoses the day before, you're not moving any equipment around, guy came in, parked his personal vehicle and drove off in the pickup truck, I don't believe that would disturb you any more than a car would. At the same time, I just didn't want to get into a codifying it situation where we said hey, we're not going to be on the property until 7am and then somebody pops up and says, oh I read the testimony you're not going to be there until 7am and you're here. That's my only concern and you know, you see how stuff could change real quick as you and I both did when we looked at this property. I went back to the 1999 minutes, read the 1999 minutes to find out what's going on, and I would hate for somebody to come back 10 years or 20 years from now read these minutes and say no, no, no, the Applicant said he won't be on the property before 7am.

Mrs. Raoul: Okay, I got you. So I think we already discussed that there would be no storage of oil and gas, just whatever was needed for the equipment to start up and what have you, since you're not going to be doing any mechanical work or repairs and things there.

Mr. Allen: Yes. We don't believe that it's good business to store bulk fuel or anything like that. So you know everything like that gets bought from a gas station.

Mrs. Raoul: Years ago, this property Lot 2 was the top portion on Ringwood Avenue and Lot 5 was the portion over the embankment and over time, it had merged into just one area. Hence, you have 2.8 acres, which really isn't 2.8 usable acres because a significant portion of that is over the bank then heading down towards the wetlands on the Wanaque Reservoir. So if anything is ever

to be done on that lower portion, which is where you might be storing larger equipment, it would have to conform to the rules and regulations by the EPA, I would imagine. Yes?

Mr. Allen: DEP in New Jersey. There is a report available. We got it through an OPRA about that property. Over the years the neighbors had complained about it being filled in, they complain to the DEP I believe it was 2006. The DEP came out investigated the property. I guess they had him clean up some stuff at the time and closed it and said that the only thing that that lower portion can be used for was storage. And they said that the property can't be further disturbed than it is today. We recognize that that last acre is not usable. The plan shows we have no intention of using that last acre. That's probably all I can really say to that.

Mrs. Raoul: Well, I know that your goal is to clean up that area. It certainly would be a useful goal because it certainly needs it. I don't know how the former owner or the present owner ever got away with some of the stuff that he stored down there, boats, trucks and all kinds of garbage. So it truly was a mess and that would be well appreciated, your attempts to clean it up. I want to ask another question about you have a sewer line for your two story rentable house, but you also will be having workers there. Where will they have facilities to go to the bathroom?

Mr. Allen: There is a bathroom in that store. As far as our research with the town, there was a permit pulled at some point to remove the toilet, but there is a bathroom in that store. I would imagine that bathroom facility could be rehabbed and used for anybody that's visiting the property.

Mrs. Raoul: Where does it drain to? If it's not part of the sewer system? Where is it going?

Mr. Allen: We would have to do some further investigation. I'll be honest with you, I have no clue. I would assume it ties into the house but I haven't dug the ground up and have no clue.

Mrs. Raoul: I mean, in the past years back, I'm talking years back there were men that might have been working in the landscaping business or on the property of some site, and they would just go over the hill and go to the bathroom every single day. I would see them so maybe it wasn't working at that time or whatever, but I just hope that there is some sort of facility for a person who is going to be employed to go to the bathroom, whatever that may be.

Mr. Allen: We would have to.

Attorney Mondello: Mr. Allen, you're going to agree that you'll go to the building department and install a restroom facility.

Mr. Allen: Yeah, as far as we know, as they said, the store, let's call it the store that's on the plans, has a restroom in it. There was some sort of a building permit pulled for that in 2006. Again, I don't know the extent of it beyond that until or if we get approval and get into the property. That would that would make sense.

Mrs. Raoul: If the lower portion is going to be used for the storage of vehicles, are they're going to use that little roadway to get down there, and is that roadway sufficient for you to take a vehicle of any substantial size down there for storage? I mean, it's kind of like it's been created over the years like dirt on top of dirt. Are you going to use that?

Mr. Allen: Yes, that's the only way to get down there.

Mrs. Raoul: It is the only way?

Mr. Allen: Yeah, and as the site plan calls for, it does call for kind of regrading and paving and cleaning it all up. I really can't tell what the story is. You know a lot more about the property than I do as far as over the years. All we know right now is what we see and what we've gotten from the DEP as far as their reports. With the help of the Engineer, we came up with a site plan, and that's where we're at with it.

Mrs. Raoul: It was used as a road but I just didn't know if it was capable of being sufficient for you to use as a pathway to get, what I would consider, a larger vehicle down there. There might have been a landscaping truck or something like that, but I don't know if it really compares with the size of the machinery that you may be putting down there. That's why I asked.

Mr. Allen: I think once it's graded and repaved I don't see any problems with it.

Mrs. Raoul: Can you tell me on this sketch that I have here where is the dumpster that the other lady on the Board mentioned? Where is it on this map?

Mr. Allen: I think Tyler had it next to the store. I think he has a dumpster pad there. We could probably move it.

Mrs. Raoul: That's a little square that says pavers?

Engineer VanderValk: It's over the top of old pavers, so it does say pavers. If you go to the second sheet, you got it right.

Mrs. Raoul: I see it. All the existing structures now are basically non-conforming, correct? The two buildings in the back of the garage and the shed?

Attorney Martin: Attorney Mondello, questions like that I think should either be dedicated to or directed towards Tyler.

Attorney Mondello: Maybe what we'll do. I understand you have a Planner that's coming on so we'll hold onto that. Any other questions specific to Mr. Allen's testimony?

Mrs. Raoul: You mentioned about the blue spruce that you're going to put along the front of the property on Ringwood Avenue so it doesn't look obtrusive, and it looks attractive, nice. And I just hope that you know, the same attention will be given to the rest of the property because my desire is that if the fence that's currently there, which Mr. Engel put up around the property, is just a wreck and completely falling down, I hope that, as the new owner of the property, you will replace or put that fence back to speed so that there is privacy and consideration for all of us that have backyard and side yards around the Father Hayes Drive side and around the west side of the property.

Attorney Mondello: So Mr. So Mr. Allen, the question, because we're focusing on questions, are you going to rehabilitate that fence or repair that fence or install a new fence?

Mr. Allen: We are going to rehabilitate the fence for now to get it in good working order. There's some panels that have fallen down and everything like that. So yes, that would be a security and aesthetics point of view priority.

Vice Chairman Grygus: I just want to add that that's annotated on the plan also.

Mrs. Raoul: Okay. I don't expect things immediately. I know you have a lot of projects to do, but I hope in the end, it will prove to be something more attractive than that piece of junk that's there now.

Mr. Allen: If we get approved, you'll be happy.

Attorney Mondello: Mrs. Raoul, so you know, there will be a portion where the Chairman will ask if anyone has any comments. This is specifically designed for questions, but there will be a period for comments.

Vice Chairman Grygus: Are there any other questions from the public.

Member Ludwig: I don't know if you can hear me it because I can't see anything anymore. I lost the video, but I have a question for the Applicant that might be some people's minds about the bathroom that I was thinking about the whole time. If by chance this existing bathroom is hooked up to a septic tank, would you be willing to put a pump to connect it? You might have a problem with the elevation. I don't think so, but if you did, would you pump it to the front house connection to the street?

Mr. Allen: We can we can make that work connected into the front house.

Member Ludwig: Just to ease some people's minds. I thought I'd bring that up.

Mr. Allen: I don't think you have an elevation problem from what I've seen in the basement, that you would have an issue there. The structure is on grade, and you have to walk down about five stairs in the basement so there should be significant pitch from grade to five stairs, that you wouldn't have an issue

Member Ludwig: If not, a pump for some for just a single toilet and a sink is not that big of a deal.

Vice Chairman Grygus: Okay, any other members of the public have any questions for the Applicant?

Attorney Mondello: Mr. Chairman, there is an Ophelia that I'm trying to unmute. I don't know if she has any questions.

Member Covelli: While Mr. Mondello is trying to unmute that individual, I just wanted the Applicant to be aware that if they were to be any connection of that restroom or any other sanitary connections to the home, it could very well be another sewer connection involved, and that's about \$11,000 proposition to Wanaque. As someone who maintains multiple connections into one pipe, and I'm paying each separate sewer rate, I thought that, in a spirit of full disclosure, you should know that.

Mr. Allen: Okay, thank you. It says it's connected. We don't know what it is. I mean, I honestly don't know.

Vice Chairman Grygus: Before we go, I don't see any other members of the public with any questions. Before we move on, Chris maybe we can go over your letter before we go to the Planner?

Attorney Mondello: Chris, did you have any specific concerns or questions on your letter which, for whatever reason I don't have in front of me, but any issues or questions you have for the

Applicant or the Engineer?

Engineer Nash: I have my letter if you want me to share it.

Attorney Mondello: If you want to summarize some of the issues or if some of the testimony has not answered some of the questions in your letter, now would be an appropriate time.

Engineer Nash: My letter has 14 items. The first three are just factual information. The fourth item is the zoning table. So the zoning table in this case is for the Affordable Housing Zone. The Affordable housing Zone is what gets applied here. So we're trying to shoehorn this use into the affordable housing, bulk dimensions and it's obviously not working in some instances.

Particularly, there's a requirement that buildings be separated by 40', building-to-building, and there are multiple buildings, individual buildings on the site, so there's existing non-conformities. I don't know if the Board needs to address them, specifically citing them. They are not identified anywhere; the number of them is not identified because on the plan that I have you can't distinguish individual buildings, at least not easily. So I kind of left that open. Leave that to Mr. Mondello, if that needs to be quantified or not, I'm not sure. They are not adding anything. It's just existing situation. So I don't know.

Attorney Mondello: They are not creating any residential units, so I don't see how the affordable housing elements or the fair share plan comes into being at all.

Engineer Nash: I was just looking at the bulk items. (Item B on his chart) So there are different requirements that you have to apply the dimensional bulk requirements of some zone and it's in this zone, so this is the zone you have to apply them. That's what I was saying you got to shoehorn this use into these requirements. I'm just making that statement because it doesn't fit into the Affordable Housing Zone. I'm not concerned about it. I'm just pointing it out.

Vice Chairman Grygus: I think a recommendation that I would make for that is, if we could use the dimension of the shed that is next to the sales and retail storage area, since that would be the closest, and put that measurement in so at least we have a measurement in that as proposed.

Engineer Nash: Okay.

Vice Chairman Grygus: Does that sound realistic or?

Attorney Mondello: Mr. Chairman, you're suggesting the plans need to be updated?

Vice Chairman Grygus: Well, we would need a dimension there from the two and a half story residential structure to the nearest point of that shed. And then that would be the closest because the two-story dwelling to the rear and the one story are further.

Engineer Nash: I'm not concerned about the sheds. I'm not concerned about the sheds. I'm concerned about the other buildings.

Attorney Mondello: Well, let's throw it back to Mr. VanderValk. Mr. VanderValk you see that this issue with separation between the buildings. I mean, quite frankly, I'm of the opinion that it wouldn't make sense to do it. I understand it. That's what the code says. You have to apply some zone and the affordable housing is the zone that you apply. Is this something that you're able to do so that's one less thing that we can checkoff? I think if I understand Mr. Nash correctly, we'd be looking for the closest building-to-building separation for that variance number so that we can get

that on the record, which in my understanding, would be the garage structure to the retail space structure.

Engineer Nash: I'm fine with that being like, you know, in the in a compliance review. I don't need to see the number on a plan. I don't think the Board needs to do adjourn.

Vice Chairman Grygus: If you're going to use that garage, that's more than 40' from the structure.

Engineer VanderValk: There are two structures right next to each other. They're the retail space and the garage.

Vice Chairman Grygus: They are both more than 40' from that structure because look at your 25'

Engineer VanderValk: I guess I am saying between each other though.

Vice Chairman Grygus: Oh, between those two structures.

Engineer Nash: Yes, between each other. That's right.

Engineer VanderValk: The number looks to me 3', if I scale it out, which isn't going get you to the tenth of a decimal, but

Engineer Nash: I think we're spending too much time on this because in the end it doesn't matter. I'm trying to point it out and putting it on the record. It's a box to check off. That's all.

Vice Chairman Grygus: My question would be though, Chris, if it went to a Motion and what do we put in there?

Engineer VanderValk: Well, I just measured it at 3'.

Vice Chairman Grygus: So we're going to put proposed as 3' in that?

Engineer VanderValk: Well existing, and existing to remain.

Attorney Mondello: And it's a variance or a waiver from that affordable housing requirement that the buildings be what, 40' from each other.

Vice Chairman Grygus: Correct. Required is 40' and existing and proposed is 3'.

Engineer Nash: Likewise, it looks like we're going to continue to beat this dead horse because there are also setbacks from the property lines and things like that.

Attorney Mondello: Mr. Martin, before we get really hung up in a lot of stuff that will take us to probably midnight, my opinion is that the Board could grant just simply a general waiver for the requirements of the Affordable Housing Overlay Zone. That's what it is; it's an overlay zone. Because this is not an affordable housing project.

Attorney Martin: I agree with that and that's what I thought the Board was going to do to be honest.

Attorney Mondello: Unless the Board Engineer or any Board Members have any objections, we can handle this by a general waiver/variance of those requirements of the Affordable Housing Overlay Zone, because this is not an affordable housing project, and it's actually in the B Zone, but for the affordable housing overlays.

Vice Chairman Grygus: Chris, if we do that, then what else does that eliminate on your list?

Engineer Nash: So that takes care of 5, 6, 7, 8 and 9. 10 has to do with the sheds on the property and with specifically the one associated with the residential use, and that was addressed in

testimony. 11 interestingly enough, I assumed, and you know I guess I should never assume, the Wanaque River would be a category one stream, because it's downstream of a reservoir and I know it's a drinking source further downstream. So without checking on comment 11, I said that the Wanaque River is a category one stream, it is not.

Engineer VanderValk: I think it does carry still a 300' buffer because I looked into that myself. I think it drains to category one.

Engineer Nash: I know but you're not cutting trees down. I think this is another one that we can talk a lot about this. But in the end it doesn't matter.

Engineer VanderValk: Yeah. Just to put on the record, you know, we qualify for a permit by Rule Number 10 under the FHA regulations, because we're operating entirely within existing disturbed areas.

Engineer Nash: Right, but that's FHA. I'm talking about a riparian, which is a different set of rules.

Engineer VanderValk: Riparian falls under FHA rules, and maybe you're thinking about transition areas for wells.

Engineer Nash: No, I'm talking about just strictly measuring from the top of the bank. The riparian zone is typically 50', but if you're telling me that it's 300', then you can't cut a tree down without a permit. I think you're okay though. What I looked at you are okay.

Engineer VanderValk: We're not doing any clearing.

Engineer Nash: Okay, so let's move on and go to Item 12, which you discussed in testimony, so that's fine. Item 13, we've had some applications similar in scope, where in that there was a mixture of a residential use with the commercial use. The Board Members are familiar with this type of situation. What we want to do is make sure that the residential use is theirs. First of all, there's an area where they can act as residents. There's a grass area, recreation area, play area for the children and that it is secured and there's a fence around. The only thing I would suggest as a condition is that the fences around the residential portion be maintained, of course, but also anything that's in disrepair right now be repaired.

Attorney Mondello: Any objection, Mr. Allen?

Mr. Allen: No.

Engineer Nash: My last comment has to do with the fence in the front yard on the Ringwood Avenue side. The fence exceeds the height allowable for a front yard fence. 4' is allowable and I think it's somewhat 6' or it might be 7'. Whatever, it exceeds 4', which is not what is typically seen on Ringwood Avenue? Does the Applicant have anything to say about that?

Mr. Allen: We can take care of that and switch the old fence out. That's not a problem.

Engineer Nash: Yeah, just to keep the character of Ringwood Avenue consistent, that's good.

Mr. Allen: I think as we talked about earlier, the entire Ringwood Avenue corridor of the property needs to be cleaned up. So I think we've agreed to that.

Engineer Nash: That's all I have Mr. Chairman.

Vice Chairman Grygus: Maybe at this point, Chris, to with your help, can we just go over the county's letter real quick with the Applicant and or the Applicant's Engineer?

Member Covelli: Mr. Chairman, before you do that, Chris, you were referring to the fencing on the north side of the property and its proximity?

Engineer Nash: Well, the fence that's on the frontage of Ringwood Avenue, so it would be the west side of the property; the fence that parallels Ringwood Avenue in the front.

Member Covelli: That parallels Ringwood Avenue but it's in front of the home?

Engineer Nash: Correct.

Vice Chairman Grygus: Does the Engineers want to address the County's letter, and Chris can chime in?

Engineer VanderValk: We do have a County letter dated April 13, 2000 in which they grant conditional approval to the application. There's a couple of minor items. They want the right of way labeled plan, they want a sealed copy of the survey that was used to prepare the plan, centerline for the driveway they want double yellow, they want dimensioning to the first parking space a required setback at 20'.

Vice Chairman Grygus: Can you meet that?

Engineer VanderValk: I'm going to measure that right now. Currently we are at 18' so we'll be moving that 2' to comply with the 20'. That shouldn't be any issue on the other side once we shift everything by 2'.

They had questions about maneuvering and I think Mr. Allen answered those questions in testimony to the County's satisfaction. During that hearing, as far as a positive drainage plan, what they really want to confirm is that we're not discharging any water onto the county road. Everything pitches away from the county road again, as I said, towards the river. So we comply with that requirement. We just have to provide them the analysis that shows that and then they're looking for their quarter enhancement phase. So I see new issues complying with all their requests.

Vice Chairman Grygus: It would be a condition of any, if there was an approval, so I just wanted to make sure there's nothing in there that was a deal breaker.

Vice Chairman Grygus: Okay, so with that, Ron, I guess we can move on to the Planner.

Attorney Mondello: Yes we can. I'll unmute Miss Caldwell. Would you please raise your right hand. Do you swear or affirm the testimony your about to give be the truth, the whole truth and nothing but the truth?

Planner Caldwell: Yes, I do.

Attorney Mondello: Please state your name. spell your last name and give us your office address.

Planner Caldwell: Jessica Caldwell, 145 Spring Street, Suite E, Newton, NJ, 07860.

Attorney Mondello: Miss Caldwell I don't believe that the Wanaque Zoning Board has had the pleasure of your testimony before. Have you ever appeared before this Board? I don't recall.

Planner Caldwell: No, I don't believe that I have.

Attorney Mondello: Okay. Could you please give the Board the benefit of your qualifications?

Planner Caldwell: Yes, absolutely. I'm a Licensed Professional Planner in the State of New Jersey. I'm certified by the American Institute of Certified Planners. I have a Master's Degree in Urban and Regional Planning from Portland State University and a Bachelor's in Public Planning, Policy and Management from the University of Oregon. I've been practicing as a Planner for over 20 years. I have a consulting firm located in Newton that I just mentioned. I am the Municipal Planner for 15 municipalities, and I've also been qualified as an expert in planning before over 100 planning and zoning boards in New Jersey.

Attorney Mondello: Have you ever heard testified before a zoning or planning board in the County of Passaic?

Planner Caldwell: Yes, I have. Actually, I'm the Planner for Ringwood Borough and I'm also the Planner for West Milford Township.

Attorney Mondello: Okay, but have you ever testified before a zoning or planning board in the County of Passaic?

Planner Caldwell: In the County of Passaic, I believe I have. I'm trying to think of the municipality, Pequannock (Morris County). I may not have testified in Passaic County.

Attorney Mondello: Do any of the Board Members have any objection to qualifying Miss Caldwell as an expert in the field of planning? Hearing none. Seeing none. Y our witness, Mr. Martin.

Attorney Martin: Miss Caldwell I was going to cover your credential but Mr. Mondello did that. So could you just start by indicating first of all, you reviewed my application that I filed on behalf of Bayside. Is that correct?

Planner Caldwell: Yes, that's correct.

Attorney Martin: And you have looked at the application from a planning standpoint, because you're a Professional Planner, is that correct?

Planner Caldwell: Yes, that's correct.

Attorney Martin: Can you give us your summary of your opinions with regard to this matter in terms of the planning aspects of it, please?

Planner Caldwell: Yes, absolutely. I've reviewed the variances particularly requested for this application. The Applicant's proposing a mixed use retail storage of equipment, materials, and a single-family residential home on the property. The proposed use is not permitted in the AH1 Affordable Housing Zone, so a D-1 Use Variance is required for the proposed use. The Applicant is also seeking C Variances for the proposed maximum width of the ground sign and minimum ground sign setback, as well as the pre-existing, non-conformities that have been discussed tonight as part of the application. I believe those bulk variances can be subsumed into the D Variance as we've discussed. This is in a kind of a unique situation in a unique zone. And with the use, really, the setbacks proposed and the area coverage proposals really goes with the use and isn't as

applicable under this Affordable Housing Zone. In order to examine the Use Variance, we look for the positive and negative criteria. The first part of the positive criteria that I looked at was analyzing the townships ordinances of the master plan. The Affordable Housing Zone generally permits townhouses and multifamily structures as well as storage and utility buildings and accessory uses. But this one has faced obstacles to development as affordable housing. The area is surrounded by the Business Zone and the subject property was noted in the Business Zone before the AH1 Overlay Zone was put into place. The B Zone generally permits retail service, sales service and eating establishments, apartments over stores, professional commercial general offices and business uses. The Resolution from the prior approval and 1999 noted that the existing use on the site was in the B Zone at the time that they got that approval. Many aspects of the proposed use are pre-existing to the zone and I believe that proposed use, although not specifically permitted, is in keeping with the intent and purposes in the surrounding zone as both the retail and a single-family residential use. The other part of the positive criteria that we look at are purposes of Municipal Land Use Law, and part of that under the *Medici* case law found that the general welfare is the zoning purpose that's most clearly amplified by the being of special reasons, which is the positive criteria, and the benefits of the general welfare from a typically non-inherently beneficial use derives not from the use itself, but from the development of a site in the community that's particularly suited to that very use. The Purpose A is the general welfare clause, which we can show that we need that by showing that the site is particularly suited to the use. I believe the size is particularly suited to this use for a variety of reasons. On the subject site includes pre-existing buildings, infrastructure and parking that can be used for the retail storage of equipment materials and the existing single-family residential home. The site is large as has been discussed tonight at 2.8 acres. It is surrounded by similar industries, such as paving industry, and provides adequate space for the number and types of buildings needed, access and parking. The site was previously used as a landscaping business and nursery and the nature of the two uses are similar and so the size and scale of the operation can be accommodated on the site. The proposed use is also keeping in line with the permitted uses in the surrounding area. I think the project also promotes Purpose G, which is to provide sufficient space in a variety of locations including residential, commercial and industrial type uses. The proposed uses permitted in the B Zone, which is the zoning of the surrounding parcels, and the proposed use is more suitable in this location due to the scale of the operation proposed in this case. Locating this use in another location may not allow for the scale of the use while minimizing potential impacts in another area. Purpose I is to promote a desirable visual environment. The site is pure currently underutilized. It was the landscaping business. It's been noted that there is dilapidated structures on the site and particularly the frontage of the site really needs to be cleaned up. The Applicant is proposing to do that to give the site an overhaul improving the visual aspects of the site. Purpose M is to encourage coordination of public and private procedures, looking to lessen the cost of development and with more efficient use of land. A development of this site rather than a Greenfield or undeveloped site, is a more efficient use of land given the fact that it has existing structures and existing appropriate layout.

In terms of a negative criteria that we need to address we need to look at there's no substantial detriment to the public good with the impairment of the zone plan a master plan. The existing site is in an area of existing retail storage and residential mixed uses that I don't believe will be negatively impacted by the proposal. We've also discussed many ways to mitigate any impacts that may occur and we're really talking about substantial impacts. So the Applicant has discussed ways to mitigate impacts, and I don't believe there'll be any substantial detriment to the neighborhood. In terms of detriment to the zone plan, as I mentioned before, this proposal is really in keeping with the B Zone, which is the underlying zone and the surrounding zone for the property. So I don't believe there's any substantial impairment to the zone plan or the zoning ordinance. I believe that the existing non-conforming, bulk variances can be subsumed into the proposal with the D Variance if the uses approved by the Board that the existing non-conforming, bulk standards could be waived as was discussed previously. In terms of the sign and the sign location, it's really a necessary location in order to alert the public to the property and allow them to stop and turn into the property safely for their use as well as any other visitors to the site. I don't believe that there's any negative impacts from placing a sign in that location. Overall, I think the project is positive. The Applicant has met the statutory burden for the variances that are requested and the Board is well within its right to grant the variances. I'm happy to take any questions from the Board.

Vice Chairman Grygus: Any questions from the Board?

Attorney Martin: I just had one follow up for her. Miss Caldwell, you indicated that there were some existing non-conforming bulk issues. Is that correct?

Planner Caldwell: Yes.

Attorney Martin: The fact that the property currently, I guess, you could say or the prior owner, it was commercial and residential, that's a preexisting, non-conforming use in itself. Is that correct?

Planner Caldwell: That's correct.

Attorney Martin: That's all I have for you. Thank you.

Vice Chairman Grygus: Any questions from the Board for the Planner?

I guess I would ask, and I don't know if this is something that you could opine on, an issue that was raised regarding traffic. Do you see that this use, compared to the prior use, is going to have any additional impact on the traffic on Ringwood Avenue?

Planner Caldwell: I don't believe so, no. I think it was a busy use that kind of went outside of the scope of what the original approval was. My understanding is that there was a lot of truck traffic on the site previously. There's also traffic in the area. It's a county road that I think is able to accommodate the traffic that would come to this site. So I don't believe they'll be an issue.

Vice Chairman Grygus: I think it's important to understand that prior business morphed into a lot of other things, including selling Christmas trees during the holiday season. So you know, there

was a lot of traffic, I think, coming in and out of that site that was above and beyond what the initial proposed use was.

Planner Caldwell: Thank you, Mr. Chair. That was my understanding as well.

Vice Chairman Grygus: No other questions from the Board?

Member Levine: Mr. Allen, I assume the people who are renting, or in the house, they have a lease. If they find that, due to the traffic, the noise, that living there becomes unbearable, do they have a means of breaking the lease and moving somewhere else?

Mr. Allen: Absolutely. I would never want somebody who's unhappy I would never hold them to a lease to be honest with you. That's just not right to do. As I said, our current place where we're occupying now is a similar situation. We have a couple different facilities, but I'm sitting here speaking to you in a two-family house with some trucks parked outside, and which was granted by the Board in Paterson and, you know, we get along very, very well with the tenant upstairs.

Member Levine: I am more concern about the children.

Mr. Allen: If there was a safety issue or there was anything and they came and said, hey listen you know this isn't going for work for us, by all means, you know.

Attorney Mondello: Mike, I think that's a really important issue but I just want to let you and the Board know that that's not something I would dare put in a Resolution.

Vice Chairman Grygus: I agree.

Member Levine: That's fine. I just want you to hear it.

Vice Chairman Grygus: Okay, any other questions from the Board for the Planner?

Member Covelli: Mr. Allen, your referenced several times the property you have on Doty Road and Brook Street, what do you operate out of that facility?

Mr. Allen: Repair, it's just repair garage.

Member Covelli: What type of repair?

Mr. Allen: Same type of stuff, same type of equipment.

Member Covelli: Okay, and you would continue to maintain that if you were to purchase property?

Mr. Allen: Yes.

Vice Chairman Grygus: Let's open it up to the public. Is there any members from the public that would have a question, and a question only, at this time for the Planner?

Attorney Mondello: Mrs. Raoul, do you have any questions for the planner?

Mrs. Raoul: Well, not really a question for Miss Caldwell.

Attorney Mondello: When then you can hold on to that. The Chairman at some point will ask for comments. He's just looking for questions on the Planner's testimony.

Mrs. Raoul: I just wanted to say that she does note in here that she believes the site would not generate any noise that would impact the adjacent properties. That is part of her statement.

Vice Chairman Grygus: At this point I will open it up to the public. If any members of the public have a statement that they would like to make about this application.

Mrs. Raoul: Is that me again or no?

Vice Chairman Grygus: Yes, that's you again, if you have any statements/

Mrs. Raoul: I don't know who would answer this question, but I think you gentlemen brought it up when you talked about the road on Ringwood Avenue and about trucks coming in. Does anyone have a take on fire truck access to this property and the potential structures on this property that may need assistance? Does anyone look at that? You talked about bringing in equipment and things of that nature but what about fire?

Mr. Allen: If Nick could jump in here and give some testimony. He's been a firefighter for 30 years up in Pearl River. Maybe he can give you some more testimony to that, but I don't see an issue.

Mr. LaPoma: With the trucks that Wanaque has, I've seen them in town, there would be no issue for them accessing any portion of the property; the lower area, or any of the upper areas, or any of the structures would be no issue.

Vice Chairman Grygus: I was just going to say those vacuum trucks are every bit as big and maneuverable as everything that Wanaque has with the exception of their tower, and they don't have a structure over two stories, so I don't really see that as an issue.

Mr. LaPoma: Actually, the driveway apron is probably large enough. You probably would be able to get your tower in there.

Member Ludwig: If they got up to put out that the fire I had in my home, they can get into this piece of property.

Mrs. Raoul: That's certainly important for the people that are going to be there and just for clarification that house is empty and has been empty for at least two months. The people moved out a while ago, and you should have seen all the garbage that was thrown out. There is no one there and hasn't been probably since early April, just for clarification. So whoever you get for a new tenant will probably be brand new.

Vice Chairman Grygus: Any other questions from the public, questions only for the Planner? Okay. Now we're going to open it up to statements. Anyone have a statement on this application?

Mrs. Raoul: Okay, I guess that's me again. I just have a simple statement. I want to thank Mr. Nash, Mr. Allen, Mr. Mondello and Mr. VanderValk for all of the answers to their questions and answering all the queries and things that I have after I've been studying the material. I would just like to say that, you've talked many times about the climate of Ringwood Avenue and the character of Ringwood Avenue, and I hope that the new owners will keep that character across the entire property and always be concerned that there are residents that have been here for a long time, and that the Resolution will be appropriate for, not only the requested business, but as well as the numerous people that live in the residences on either side, as well as across the street. Thank you.

Vice Chairman Grygus: Thank you. Any other residents have a statement on this application? Hearing no one, we will close the public portion.
Mr. Martin, you want to summarize it all?

Attorney Martin: Sure, as the Board knows, you've listened to quite some time now of testimony. Mr. Allen and Mr. LaPoma are very good and serious businessmen. I've come to know them for a while now, and I think that what they've done, even with their building in Wanaque already, speaks volumes as to what kind of business people they are. I know that they have obviously already invested quite a bit of time and money into this project. I do believe that they are going to improve this site, which, obviously nothing has been happening for quite some time with it. I do believe that the testimony of not only Mr. VanderValk, but Miss Caldwell, do support the application, so I would ask that the Board strongly consider granting it.

Vice Chairman Grygus: All right, ladies and gentlemen. Can I get a motion on this application?

Attorney Mondello: Mr. Chairman, before you do that, may I just very quickly, sort of rehash the reasonable conditions that the Applicant, in my opinion, has agreed to:

Trucks are to be stored away from the residential zone.

The 12 x12 refuse container is to be moved further back away from the house.

No storage of bulk fuel or oil on the premises.

There is a restroom to be installed. Now whether that is simply connected to the front house with a pump, as Mr. Ludwig had suggested, or there needs to be another sewer connection, as Mr. Covelli indicated would cost the Applicant \$11,000. Regardless, there needs to be a restroom install.

The fence needs to be repaired. The fence around the house is to be repaired. The front yard fence will be replaced with a code conforming fence. It's now 6' and it's going to be 4'.

And those would be the conditions that I have recorded.

Vice Chairman Grygus: Yeah, the only other one we could add Ron was to relocate the residential shed 5' from the property line.

Attorney Mondello: Thank you.

Attorney Martin: This is my first Zoom Meeting, so I'm going to ask my client something in front of everyone, and depending on his answer, I may need to speak with him privately if there's some way to do that. Mr. Allen, you just heard Mr. Mondello go through a list of items. Is that correct? Do you feel as though all those things you would agree to at this point, or is that something you would like to discuss before there's a vote on this matter?

Mr. Allen: No, I think we can agree to those conditions.

Mr. LaPoma: I agree also.

Vice Chairman Grygus: All right then. Also Mr. Martin, as you are well aware, just so you know, we have 6 members, so you almost have to bat a 1,000.

Attorney Martin: Well, I think five is necessary, Mr. Mondello?

Attorney Mondello: Yes. Correct.

Attorney Martin: I think I counted seven.

Vice Chairman Grygus: We have 6 voting members right now.

Attorney Mondello: Don't count the Mayor. He is on the Planning Board.

Attorney Martin: Okay.

Vice Chairman Grygus: We have 6 voting members, I just bring it to your attention so that you can decide if you want to ask for a vote or if you want to postpone until we can get other additional members up to speed. It's your decision.

Attorney Martin: Well, how many members are there?

Board Secretary: There are 9.

Attorney Mondello: Mr. Martin, if you want to have that discussion privately with your client, we could simply mute you and Mr. Allen and you can call him. We won't be able to hear that conversation. But that's up to you.

Attorney Martin: Is that is that something though? Would there be consideration to doing kind of a straw poll right now or do you not do that?

Attorney Mondello: I tend to resist the straw polls. I can't find any authority in any case law to have a straw poll as to which way members are going to vote.

Attorney Martin: Okay, so Mr. Allen, just so we're clear on this. Maybe we should speak privately. Do you want to do that Mr. Allen very quickly?

Mr. Allen: Sure.

Attorney Martin: Can you step out of the room for a moment and I'll call you?

Attorney Mondello: Mike Hafner, I unmuted you and just wondering if you had anything to say or if you want to add anything. You certainly don't need to and especially now that the Applicant and his attorney are not here, but I tried to unmute you for that purpose. I was going to ask while Mr. Martin and Mr. Allen were present, if you had any comments and when they return if you do, please feel free to speak up.

Mr. Hafner: No, I actually didn't have any comments. You guys did a great job.

Attorney Mondello: If the Board wants to take a couple minutes and return, my clock says 10:30 see you back at 10:35.

Mayor Mahler: Jennifer, which Members are not here?

Board Secretary: Jack, Larry Malone and James Minogue.

Mayor Mahler: The Board is 7 plus 2 alternates, right?

Board Secretary: Yes.

Attorney Martin: We will go with the vote tonight Mr. Mondello if that's okay.

Attorney Mondello: Yes, that's okay. That's your client's call. Back to you Mr. Chairman.

Vice Chairman Grygus: Let the record reflect that everyone is back from the break. At this time, I am looking for a Motion.

Member Covelli: Before the Motion, I would like to say to Mr. Allen and Mr. LaPoma that as a property owner along Ringwood Avenue, who is investing large sums to make Ringwood Avenue look better, I hope that we have your commitment to do the same at that property. That is a very visible and this Board has worked very hard with applicants to make sure that the community looks well. I hope we can count on you for that.

Mr. LaPoma: Absolutely, we've looked at the property across the street. We saw the landscaping improvements that they've made directly across the street and we would kind of like to mirror that too.

Mr. Allen: We did the same thing with our last building. We noticed that our section of town everything was painted beige and green. The building was unpainted and we painted in beige and green. Nobody had to tell us to do that; that was kind of common sense. There is a color scheme going on and let's join the color scheme.

Attorney Martin: In fact, if I could just make a comment on that and Mr. Allen and Mr. LaPoma you can tell me if I am incorrect, but the other building you have in Wanaque, you actually did improvements to a small area next to the building that you don't even own, but you wanted to make it look nicer isn't that correct?

Mr. Allen: That's correct. The town came in and did curbs and sidewalks all along Doty Road earlier this year. That property borders the right-of-way and the right-of-way over the years when we bought the property had been a dumping ground cinder blocks garbage anything else. The right-a-way is not our property but we cleaned it all up when they finished the curb and sidewalk. There's an area where there's a telephone pole and a guide wire and it's all over growing. We put river rock in there and just try to clean it up so it's not overgrown anymore. Again, not our property, but benefits the community and benefits the area.

Vice Chairman Grygus: Okay, so looking for a Motion.

Member Covelli: Mr. Chairman, I'd like to make a Motion to Approve this Application subject to the conditions noted, and really this is only requiring 2 Variances; one to the principal building front yard where 40' is required and 32' is being proposed for the principal building. Any lot line requires 40' and there are multiple structures, and again, actually the removal of a structure. So that's a little bit hard to identify as noted in the our Engineer's correspondence of March 18, 2020. With that said, with the conditions set forth by the Applicant in their testimony and noted my by Mr. Mondello, I would make that Motion To Approve the Application.

Attorney Mondello: And I think Mr. Nash is going to say may I supplement that with, and the Board agrees to waive any of the conditions found in the Affordable Housing Overlay Zone because it wouldn't relate to this property because it's not affordable housing.

Vice Chairman Grygus: Yes, that actually gets rid of that second variance, Frank.

Engineer Nash: But that's not what I was going to say.

Member Covelli: I accept that Amendment to the Motion as provided by counsel.

Engineer Nash: The use is not permitted either so there needs to be some acknowledgment of a continuous of a non-conforming use. That's the larger variance.

Attorney Mondello: I apologize, yes. In fact, I believe Miss Caldwell will agree with me that it really is a D-1 Use Variance because number one, it is somewhat of a different use, and number two, when that prior use was approved in 1999, the zone was a B Zone. The Zone is now Affordable Housing Overlay, which is a completely different zone. Miss Caldwell, if you want to jump in, but I think the Board needs to vote on a D-1 Variance.

Planner Caldwell: Yes, I agree with that. Mr. Mondello.

Attorney Mondello: Frank will you accept that Amendment to your Motion?

Member Covelli: I accept. I thank Mr. Nash for picking up the deficiencies of Mr. Mondello and I would Amend the Motion to include both the recognition of the prior use and that this is a consistent extension of the non-existing, prior use and note that hence the explanation for the variance to the Overlay.

Vice Chairman Grygus: Of course, it would also be contingent on county approval.

Okay, can I get a second on the motion?

Member Ludwig: I'll second it.

MOTION TO APPROVE APPLICATION: made by Member Covelli, seconded by Member Ludwig. Voting yes were Vice Chairman Grygus, Members Covelli, Pasznik, Ludwig, Levine and Aumenta
Motion carried

Attorney Martin: Mr. Mondello, will there be a memorializing next month or will be after that?

Attorney Mondello: You know, I'm not sure with this new technology, it might be next month.

Attorney Martin: Okay. Thank you very much, everyone.

Vice Chairman Grygus: Mr. Martin, just so you know, also that your Applicant would have to get those revised plans in.

Attorney Martin: Yes. Is there a date of certain for that?

Vice Chairman Grygus: Well, before we could sign off to approve them.

Attorney Martin: Mr. VanderValk, where there things that you had to amend? I'm not sure what you mean.

Engineer VanderValk: There were a few items. But yeah, that would just be taken care of as part of Resolution compliance, I believe.

Vice Chairman Grygus: Yeah.

Attorney Martin: So you don't need new plans to do the Resolution then correct.

Attorney Mondello: No

Vice Chairman Grygus: Mike, before you issue a building permit, there would have to be a set of revised plans approved as per the Resolution, correct?

Mr. Hafner: Yeah, they'll have to be in full compliance to the Resolution.

Attorney Martin: Understood.

Vice Chairman Grygus: Okay, we're moving, move on with the rest of our Agenda quickly. Any public discussion? Hearing none.

RESOLUTION: None

CORRESPONDENCE: None

VOUCHERS: submitted by Boswell Engineering all totaling \$2,070 (895-897 Ringwood Avenue Application for \$207.; Artan Alla Application for \$414; 5 Bailey Women, LLC Application for \$310.50; Belifore Application for \$310.50; Bayside Associates LLC Application for \$517.50; and Chabad Jewish Center for \$310.50).

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

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the June 3, 2020 and Meeting in the amount of \$400.

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

MOTION TO APPROVE MARCH 4, 2020 MINUTES: made by Member Ludwig, seconded by Member Levine. Voting yes were Vice Chairman Grygus, Members Pasznik, Ludwig and Levine Members Covelli and Aumenta abstained.

ENGINEER'S REPORT: We do have 2 more Applications for next month. Board Secretary advised that she has 2 more Applications coming in within the next week.

DISCUSSION: Vice Chairman Grygus questioned Attorney Mondello, if we had to go into Closed Session like we do with ongoing litigation, how do we do it with Zoom? Attorney Mondello stated that is easily answered he locks the meeting and prohibit any other participants from attending the meeting. Vice Chairman Grygus questioned we have no new update on our litigation? Attorney Mondello answered no. You won't hear anything from the Appellate Division for another year.

MOTION TO ADJOURN AT 10:54 P.M.: Motion to adjourn meeting made by Member Pasznik, second by Member Ludwig. Motion carried by a voice vote.

Jennifer A. Fiorito, Planning Board Secretary