

REGULAR MEETING

Salute to Flag: 8:03pm

OPENING STATEMENT:

This is the Reorganization & Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends on January 19, 2020 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, 579 Ringwood Avenue, Wanaque, and a copy thereof has been on file with the Borough Clerk

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

ABSENT: Member Larry Malone

**Application #ZBA2019-11 – 895-897 Ringwood Ave., LLC
895-897 Ringwood Avenue (Block 305/Lot 12)**

Member Covelli appeared for Roll Call and then left the meeting pm because he had to recuse himself from this Application since he owns property within 200' of the Applicant's property

Appearing on Behalf of the Applicant:

Robert Davies, Esq., The Davies Law Firm, Hackensack, NJ

Robert Bavagnoli, Esq., Bavagnoli & Bavagnoli, LLC, Totowa, NJ

Attorney Mondello: Gentlemen, where did we leave off?

Attorney Davies: We have addressed several of the requests that the Board had made for changes to the plan including a tracking plan showing a turnaround radius for the truck in and out, which has been addressed and I believe to Engineer Nash's satisfaction . We've removed the window wells so that the driveway access is more than your 12' requirement; it's 12.4. In order to accommodate the truck traffic we had from the Board that it would make sense to move the parking spaces to the south property line, which has been done and is reflected on the plan as well. The County required an extension of the fence along the north side from the existing location all the way to the roadway. There were also some small changes made as well and are all noted on the letter of Engineer Greco, our engineer, which accompanied the revised plans.

Engineer Nash: Just to correct one thing that you said, I didn't approve anything on the truck turning. I am looking, but I haven't given my final approval. My one comment on it would be why is it a tractor trailer and not a truck pulling a trailer like what you are proposing to do? You have a low trailer and a dump truck so why wouldn't that be the vehicle that was used to demonstrate that you can turn around and back the trailer in.

Attorney Davies: That would be a technical question. Our engineer could not appear tonight.

Attorney Davies: Before we get started, can I ask a question? How many Board Members are here tonight?

Chairman Dunning: We have five (5).

Attorney Davies: Wasn't a sixth member appointed?

Chairman Dunning: We have a sixth member and he is out of state again. He missed the last meeting we had also. We are down three members.

Attorney Davies: On a Use Variance, that means 5/5. I need five affirmative votes or my client will not be able to obtain.

Chairman Dunning: It is your Application so it is your choice. It's a tough choice.

Attorney Davies: It is quite an interesting choice because at this point I'm not quite sure how to address it other than to take a moment to discuss it with my client. I did think there would be a sixth member here.

Chairman Dunning: Let me ask you this. Your engineer is not here and you have made various changes to the plan. Who is going to explain the changes?

Attorney Davies: They are fairly clear changes. I was hoping that Engineer Nash had a chance to look at them and that the engineering could either be addressed by Engineer Nash saying "this seems good" or, if the Board were inclined to grant approval of the application, make it subject to making sure that our engineer does whatever Engineer Nash needs done on the engineering side.

Chairman Dunning: The other question is, this last communication from the County of Passaic, which we received here in the Borough on February 10th. It addresses a drawing as revised on December 16, 2019, so they haven't seen the drawing you've presenting to us tonight.

Attorney Davis: Attorney Bavagnoli was dealing with the County.

Attorney Bavagnoli: Engineer Greco went to a meeting with the County and the changes on the revised plan reflect the agreement. I don't have the official letter, but we will have the County approval. Again, any approval that this Board gives would be subject to us obtaining the County approval. Engineer Greco sat with Jason Miranda, one of the Planners of the Board, and they went through the entire application and letter.

Chairman Dunning: This letter has a lot items that they've marked incomplete.

Attorney Bavagnoli: I understand that. Apparently, the meeting was subsequent to this letter and they went through this.

Chairman Dunning: So we don't know if the County actually approved this plan.

Attorney Bavagnoli: Again, anything that you do would be subject to the County approval.

Chairman Dunning: I understand that, but if they start making more changes to this.

Attorney Bavagnoli: I don't believe there are going to be much of anything and that's per my conversation with Engineer Greco, who couldn't be here. We are here and honestly

just figuring we really didn't have anything to lose tonight to try and to this, and if we got the approval subject to conditions and, obviously, this would be a condition.

Attorney Davies: For example, the parking in the front, instead of being front to back, is now side to side and there are a couple of trees getting put in and an area of green grass going in. Certainly, that is a plus. The town wants trees and grass in front of the building if possible and that's in response to the County's requirement. Hopefully, they will approve it just as is. If they make any significant changes, we would have to come back to this Board and say look the County made us do something else, will you approve or do we have to go back and make further changes? Anything that you do is going to be subject to them giving final approval.

Chairman Dunning: We could vote yes one hundred times, but if they don't approve it, we're dead in the water.

Attorney Davies: Exactly, and if they approve it with big changes different from what you approved, it's got to come back here.

Member Levine: I thought we were going to get the plans to show the turning radius and all. I don't see it.

Board Members: It is there.

Vice Chairman Grygus: I am guessing that when the truck and trailer ends up where it's at, then the intent is to back straight up into the yard to the location that's shown on the plan where they're stored.

Attorney Davies: Yes.

Member Ludwig: I believe you said somebody comes in to pick up some of the oil.

Attorney Bavagnoli: We will bring Mr. Anderson up.

Attorney Mondello: Welcome Mr. Anderson. You remain sworn in. There is a question with respect to the oil.

Member Ludwig: My question was he did say he had a tag-along trailer and they show tractor trailer, which I don't know if you have to change people that pick up the oil.

Mr. Anderson: They come in with a straight truck, which is very maneuverable. Our truck, which a dump truck with a tag-along trailer, and if he showed a tractor trailer, the tag-along trailer is actually more maneuverable.

Member Ludwig: I agree.

Vice Chairman Grygus: I think his intention was that if you could get this on the site, then whatever you have is not going to be a problem.

Engineer Nash: Is there any reason why parking spaces are needed in the front at all? Why are there different variations of parking in the front? You can put them in the rear and then you can clean up the front.

Mr. Anderson: My understanding is, based on the square footage and the residence, you have to have so many parking spaces.

Engineer Nash: Right, but why do they need to be in the front right on Ringwood Avenue?

Mr. Anderson: For the tenant I believe.

Engineer Nash: The question is why are they in the front and why can't you put them in the rear?

Chairman Dunning: You have room in the back.

Mr. Anderson: For the turning radius, the way the spaces are now, it works.

Engineer Nash: I understand it works and I understand that is what you are proposing. My question is more to the Board Members. My understanding from what I heard from the Board is that they are trying to clean up Ringwood Avenue.

Chairman Dunning: I believe we can't park a car more than 10' off of the property line. That is pre-existing that has been there for years.

Mr. Anderson: We are removing all that and making beautification in the front and the County recommended the two spaces that way for not interfering with the sidewalk and as long as it was maneuverable to be able ingress and egress.

Engineer Nash: I understand it functions. My question is different. Why are they there at all? Why can't they be in the back and then more green in the front? I don't know if I am asking the Applicant or the Board. I am just kind of throwing it out there.

Chairman Dunning: You have the space. You could move the last handicap, which is closest to the rear of the building, you could move that closer to the building, and create extra spots back there.

Member Ludwig: It almost looks like you could add three back there.

Chairman Dunning: Whenever possible, we like to clean up Ringwood Avenue, and I definitely think it would look better.

Mr. Anderson: I am open to do whatever. I don't even know if anyone would park there, but we could do that so that no one would park there.

Chairman Dunning: You don't have customers coming to your office anyway.

Member Ludwig: With the one residential house, you'd have possibly two cars.

Mr. Anderson: Exactly and there is room in the back for them.

Member Ludwig: Is there a rear entrance to the house?

Mr. Anderson: Yes.

Chairman Dunning: While we have you in the front of the building, what about signage? I don't think we touched on that at all.

Mr. Anderson: If we have any signage, it is just going to be small on the building. It is not going to be illuminated or anything like that.

Attorney Mondello: So it will comply with the Ordinance.

Mr. Anderson: Yes sir.

Member Ludwig: You really don't have any customers coming to your site.

Mr. Anderson: Not really.

Vice Chairman Grygus: Just be careful about complying because the Ordinance is a little onerous with respect to goose-neck lighting over the sign.

Chairman Dunning: I would read the sign Ordinance and it is what it is and you'll have to deal with it.

Mr. Anderson: Whatever we do, we'll comply with the Ordinance.

Attorney Davies: He is not advertising; just identifying the building. He doesn't have customers that need to see a big sign.

Chairman Dunning: It isn't on the plan so that's why we're asking.

Mr. Anderson: It wouldn't be any larger than the one that is there now. I don't know if that's in compliance.

Attorney Davies: Whatever your Construction Official or Zoning Officer want, they'll get.

Member Ludwig: Do they even have to have lighting? It has to be goose-necked.

Vice Chairman Grygus: The Ordinance calls specifically for that type of signage. We get into this all of the time whenever we have a business. The Ordinance calls to be front lighted, with goose-neck style but no back lighting. Just read the Ordinance.

Chairman Dunning: Are you leaving the glass windows that are presently there?

Mr. Anderson: Yes.

Attorney Davies: I do have one concern. If you are moving the parking spaces from the front to the rear there is a contiguous paved area, I believe, between my client's property and the dry cleaners directly to the south. That would cut into that and we haven't been able to get an agreement from the dry cleaners to allow access to it or through it, but now we would be parking there in the middle of that lot.

Chairman Dunning: Right, but it is your property. You don't have an agreement to use the dry cleaners' driveway so you shut it off, put a fence up and close it off and be done with it. It's easy.

Vice Chairman Grygus: The requirement calls for five (5) employee spaces. Is there any reason why two (2) of the employees couldn't be in the yard area.

Mr. Anderson: They can, absolutely.

Vice Chairman Grygus: You have a lot of property so you don't have to go crazy with making it tight behind the building there if you just line off two (2) spaces. I think that makes more sense than coming tighter to the building if you do decide to take the spaces from the front.

Mr. Anderson: That would work fine.

Member Levine: I have two questions. Are there any children in the existing single family home?

Mr. Anderson: No

Member Levine: How long has this family been living there?

Mr. Anderson: They've been there 20 years.

Member Levine: The other question is. I see how the truck is getting in, but how is it getting out?

Mr. Anderson: Straight out facing the road.

Member Levine: You are coming in and making the turn...

Mr. Anderson: and backing up.

Member Levine: It also seems to be going over one or two of your parking spaces.

Mr. Anderson: In the original design, but the revised design they do not go over it.

Attorney Davies: The revised plan shows the truck tracking does not impede on the parking spaces. The spaces have now been moved all the way down to the south property line.

Member Levine: I see the turning radius and according to the plan it seems to be going over one or two parking spaces.

Vice Chairman Grygus: It doesn't because, what is confusing is that, it shows the old proposed parking and the new parking.

Attorney Davies: The new parking spaces have been moved closer to the property line and are outlined in dark bold.

Attorney Mondello: Does that do it Mike?

Member Levine: Yes.

Vice Chairman Grygus: Counselor, I think you might want to talk to your client and find out what his wishes are regarding the five (5) members.

Attorney Davies: I have a very simple and somewhat unfair question. Is anybody inclined at this point to deny my client?

Attorney Mondello: We don't typically do that. You have one of two choices, either you discuss that with your client or carry it to the April meeting.

Attorney Bavagnoli: I was under the impression after speaking with Jennifer that, even to a few minutes ago, she thought that the other member was going to be here.

Chairman Dunning: She did and we just found out.

Attorney Bavagnoli: Is there any guarantee that someone is going to be here next month also? It is the same thing, we just don't know.

Chairman Dunning: I am trying to get new members. If we get a new member he will listen to the recordings of the two hearings and he'll be up to speed.

Attorney Bavagnoli: I am on the Chairman in Franklin Lakes. I know it is very hard to get people to do it.

Chairman Dunning: There is no way we could guarantee that we would have more than five (5) members at this point. The gentleman that missed the last two meetings told us five minutes before the meeting that he is out of the state, forget he didn't show up.

Attorney Davies: That is not quite fair to you Mr. Chairman. Is it?

Chairman Dunning: No and if he misses a few more, we'll be down another member.

Attorney Mondello: I'm sorry but I have some archaic notes from last time and I apologize. One of the things I wrote down was, and I believe these were conditions, three (3) 8x20 containers. Does that make sense to the Board? Plantings to be maintained and replaced as needed. I have drainage issues?

Attorney Davies: We thought our Engineer had dealt with those with Engineer Nash.

Attorney Bavagnoli: He did not get a chance to speak to Engineer Nash. He dropped off the plans for Engineer Nash who didn't have a chance to review them.

Chairman Dunning: That was in the County's letter also.

Attorney Mondello: That is easily remedied if the Board was so inclined to grant the relief sought. Just one line saying that, you've got to discuss this with the Board Engineer and if you can't resolve it, you come back before us to resolve.

Attorney Mondello: Fabric under the gravel?

Attorney Davies: Yes and that is noted on the plan. There is going to be a technical heavy fabric underneath the gravel.

Attorney Mondello: Then I have something electrical line?

Attorney Davies: There with an electrical line that the Board was inclined, and there was a discussion about this, to run a line out by the sand bin, I believe.

Attorney Mondello: I had one other question which may, or may not, be rhetorical. It's pretty obvious to me and some of the other Board Members that Mr. Anderson runs a very tight ship. What happens when you are ready to pack it in and you sell it to "Joe not so tight ship" and it's a mess and there's three times the amount of trucks and the oil, etc. What does the Board do in that case?

Attorney Davies: It would be the town enforcing the grant of variances and enforcement of any violation of the town ordinances.

Attorney Mondello: If the Board was so inclined to grant the relief sought by your client, I may even make it more strict and say that, “if the next owner uses more than three trucks and more than three employees, then they have to come back to the Board” because there are all kinds of other issues involved.

Attorney Davies: Absolutely; that makes perfect sense. You are approving the use as presented by this fellow. Russ has testified that he leaves in the morning, makes minimal noise, and comes back in the afternoon and makes minimal noise, and he has this many employees and this much equipment. That’s it. If this significantly changes, yes you would want to take a look at it again.

Chairman Dunning: We can then reference this plan and what is shown on the plan and not to exceed that. Does that create a problem for you Mr. Anderson?

Mr. Anderson: No. I would assume that, if the property was ever used for anything else, they would have to come to the Board.

Attorney Mondello: I am just trying to look down the chess board when you say “you’ve had enough”, but if in fact you decide to sell it some other company that maybe doesn’t run the same type of ship the way that you do, there could be problems.

Attorney Davies: The plan reflects two load trailers and three dump trucks, and the 3’ high storage bin.

Vice Chairman Grygus: If someone came in and added five more employees, that changes the parking and it changes everything.

Attorney Davies: May I have a minute to speak to my client?

Engineer Nash: With regard to the drainage, I haven’t seen any results. The engineering can be worked out. I don’t have an issue with the drainage being a condition of the approval. What are the other engineering issues the Board has?

Member Ludwig: There is no real engineering needed for moving the parking to the back. Just showing it on the plan.

Engineer Nash: I don’t have any specific engineering.

Vice Chairman Grygus: Are there any Members that have any specific engineering concerns that they would have to speak directly to the engineer to get them addressed?

Member Levine: Those questions come up when the engineer starts explaining the different areas. I don’t know what he is going to say.

Chairman Dunning: That’s the problem. When he walks his way through the plan, things could crop up.

Vice Chairman Grygus: The only thing he changed was the truck tracking .

Member Ludwig: The only thing I can tell you is that whatever our Engineer feels is necessary and he can’t work it out with the applicant’s engineer, they have to come back to the Board.

Member Levine: In order to vote, I have to hear what he has to say and how this was developed and so on. That is my opinion.

Attorney Davies: I can tell you from the last set of plans, the parking spaces were moved.

Member Levine: Again, it’s not the individual items. What I feel I would like to hear the engineer describe and go through how he came up with the total plan.

Chairman Dunning: With the revised plan that we are looking at tonight. That's really what it is.

Attorney Davies: I know he moved parking spaces because you suggested it. The Board wanted to see tracking and we provided the tracking for you.

Member Levine: I would have some questions to him on tracking. I am not convinced of the 50' total.

Mr. Anderson: Yes, it is approximately. The way this tag along trailer and axle is located it actually makes it more maneuverable and easier to turn sharp and maneuver. It is nowhere near a tractor trailer

Member Levine: The house, you say right now there are no children, what happens when they want to move and a family comes in with a child, or two children. What are the safety aspects, where are the kids going to play here?

Attorney Davies: They certainly wouldn't play outside in the backyard.

Member Levine: That's why I am asking.

Chairman Dunning: I think I asked that question last time. There is really no space for a recreational area for children or picnic table outside. Member Levine raises a good question. Those tenants move out, they retire and move to Florida, somebody moves in with two or three children between ages 5 and 10.

Attorney Davies: Attorney Mondello can tell you that you can impose a condition that the house not be rented or occupied by anyone under the age of 18.

Attorney Mondello: We'd be in court real quick with this.

Mr. Anderson: We are going to be putting a front lawn now, which is not there.

Attorney Davies: What you currently got there is what it is and as it right now is, you probably wouldn't get tenants with kids in future and that really doesn't depend on whether my client's application is approved or not.

Attorney Mondello: I agree with that. The kids can't play in the backyard with the dump trucks.

Attorney Davies: We have a gate to keep them out that.

Member Ludwig: I suppose down the road if you did have somebody with kids, between the head-in parking for the employees in the back, you could put a little gated area against the building if it was really needed. That would be enough for a sandbox and maybe a set of swings.

Chairman Dunning: That's why I said fence off the south side of the property to the building this way nobody can drive through there so the kids playing next to the building doesn't get run over.

Attorney Davies: It also doesn't seem terribly likely that my client would be renting to somebody with a bunch of little kids running around, especially with Ringwood Avenue. It wouldn't be a very smart thing to do.

Attorney Bavagnoli: You also have to assume that a tenant that is looking for a look that have kids are going to take that into account. That is something you have to take into account if when you are renting something. So if I have two little kids, but there is no place for them to play, you don't rent that property.

Attorney Davies: My client's presence with his business doesn't really affect it one way or the other since it is already there. The house isn't changing at all.

Chairman Dunning: In its present use, the whole backyard wasn't used.

Attorney Mondello: We are at the point where the Applicant would like to go forward. If there aren't any other questions from Board Members, we are going to open it up to the public. Anything else from the dais?

Any residents within 200' that have any comments whatsoever with respect to this application and residents that live in Wanaque that have any comments with respect to this application. Please step up to the microphone. We are going to take some testimony because presumably you are going to say you like this or I don't like this for these reasons. Please raise your right hand. You swear and affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

Attorney Mondello swore in:

Robert J. Sadowski – 30 Storms Place – Adjacent to Applicant's Property

Attorney Mondello: Mr. Sadowski what would you like to say regarding this application?

Mr. Sadowski: Besides the obvious, "not in my backyard". I say this with respect. He sounds like a reasonable business owner. I am concerned with the separation of the business zone and the residential zone. I brought a house that overlooked a residential zone and a big part of this application we've heard a lot about increasing the front of Ringwood Avenue, but my concern is: what's in the back. We heard testimony at the previous meeting that he had a witness that it was always unusable, it was overgrown. I actually used to keep it a little clean until the current owner sent me a cease and desist letter. That's another story. But to my affect, that's a residential zone and we are making a big change to that. I think Member Ludwig made a comment after the site visit that there is deck off the second story. That's my deck. Since I came to the first meeting in January, every morning when I walk through my dining room, I am looking at saying what's it going to be.

Attorney Mondello: Fair enough. Thank You.

Attorney Davies: May I ask questions. Mr. Sadowski may I ask you one or two questions. Storms Place comes to a stop at your property or at the end of Storms Place?

Mr. Sadowski: Storms Place ends at my driveway.

Attorney Davies: So you are Lot 11.02. I guess the real question I've got is, it's not really addressed to Mr. Sadowski, but that piece of residential zone at the rear of the property is zoned into inutility and can't be used for anything as a residence because there is no access except through the existing business and zoning doesn't really want to create a dead space that they can't use for anything at all. We're not doubting what Mr. Sadowski is saying. Right now he is looking at an area which really isn't being used and it's going to be changed so that it is being used, although it is going to be screened. Zoning doesn't really favor zoning a piece of property so that it can't be used for anything. If you don't let it be used for something other than residential then you can't use it for anything.

Attorney Mondello: Anything else Mr. Sadowski?

Mr. Sadowski: Attorney Mondello you actually made a point earlier, which was one of my first ones coming here tonight, I realize I'm the baby in the room, but the gentlemen is not a young man and at some point he's going to sell his business and what happens when it's sold to some corporation that's got ten outfits and we are back to square one.

Attorney Mondello: Close, they would have to come back to this Board and, what does that mean? Additional restrictions, maybe it gets denied.

Mr. Sadowski: It's a what if, but it's something that has been on my mind.

Mr. Davies: Do you want the fence higher or more dense plantings? Is there anything that you've seen on the plan that can be changed that would make it adequate?

Mr. Sadowski: There is the variance for the sheds, but there not sheds they are sea containers. We are allowed one, you are asking for three. I think if I applied for a shed permit and put it on my residence with a sea container, I bet the Board would have something to say about, well it's not a shed, and you just brought a container and plop it down. Maybe it's fine when it's out of sight of Ringwood Avenue, but there is residences that are going to be looking at that every day.

Attorney Davies: Understood, you don't want to look at ugly stuff. That's why we putting up a fence and a whole bunch of bushes for screening to keep it out of sight.

Mr. Sadowski: Hopefully it works.

Attorney Mondello: Anyone else? Hearing none, seeing none, we bring it back to the dais and see what the Board's pleasure is.

Mr. Anderson: From what I understand, the bushes that were specified grow to about 15' high or more so it's going to be, not initially, but once they grow and they grow pretty fast, it's going to be a good screening. I just wanted to add that.

Vice Chairman Grygus: I guess for Counselor and Applicant, I know you wanted to come to a vote. I think you heard that there might be a Member or Members who may still have some engineering concerns. I mean it is your application.

Attorney Mondello: My understanding is they are going forward. Did you want to add anything Attorney Davies?

Attorney Davies: I guess the question is, do any of the Board Members need to speak to our engineer so that we need to carry it to April?

Member Levine: I think I stated that.

Attorney Davies: Yes you did. In that case, we need 5/5 and I can't 5/5 if Member Levine needs to speak to our engineer.

Member Levine: I want to hear what he has to say.

Vice Chairman Grygus: That's why I brought it up.

Attorney Mondello: Can everyone attend the April 1st Meeting as of right now?

Members Answered Yes, as of now.

Attorney Davies: I understand from Member Levine's comment that he needs to hear from our engineer to be able to confidently vote on the application. The Applicant kindly asks to carry this for another meeting. We will consent to any extension of time for the Board to make a decision as needed.

Chairman Dunning: Hopefully by then you'll get something back from the County so this way we know where they are.

Member Ludwig: It might be the safest.

Vice Chairman Grygus: I just want to get something on the record that the property to the north that has a large portion also in the residential zone looks like it's probably three times the size of the proposed lot and is surrounded by more residents and is currently a business use.

Attorney Mondello: I think the Planner testified to that.

Attorney Davies: I would also point out respectfully that they have many vehicles on the rear of that property and what we are putting in is not going to match that visual impact.

Attorney Mondello: This might give Engineer Greco a chance to speak to Engineer Nash to iron out the drainage issues or anything else that may be floating around.

Attorney Bavagnoli: We did send the letter to the neighboring property owner.

Vice Chairman Grygus: We all did receive that response through e-mail.

Attorney Bavagnoli: The only other comment the County had with regard to the small access way between the two lots right on Ringwood Avenue and we just extended the fence.

Vice Chairman Grygus: I guess the question I would have for Counselor and the Applicant is, are you going to move ahead with any more changes to the plan based upon tonight with respect to moving those two spaces to the back before next month's meeting?

Attorney Bavagnoli: If that is something you would like us to do?

Member Ludwig: I think that was fairly clear that we wanted those moved.

Vice Chairman Grygus: The only thing I would say when you do that is just a word of caution with respect to what you put out there for plantings and how they could impact the sight lines coming out of that driveway, if you expand that green area in the front.

Member Levine: I think I would also like to know, which was brought up before, in the future is there any way to restrict renting that house to a family with children.

Attorney Mondello: No.

Member Levine: I didn't think so, but I wanted to hear.

Vice Chairman Grygus: That is something that exists all up and down Ringwood Avenue.

Member Levine: Not every place has the same situation we have here.

Vice Chairman Grygus: I don't know. You have the same situation with the apartments over Shippee's Drug Store. The driveway goes right around the back of the building.

Chairman Dunning: Correct. Kressaty's is the same, the beauty shop and the whole strip down in Haskell is that way.

Member Levine: I understand that.

Vice Chairman Grygus: I'm just saying what he is proposing is not unique to what goes on.

Member Levine: This is a new proposal; not an existing proposal.

MOTION TO CARRY APPLICATION TO THE APRIL 1, 2020 MEETING: made by Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Pasznik, Ludwig and Levine.

Attorney Mondello: No additional notice needs to be given and the next meeting date is April 1, 2020.

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

RESOLUTION: None

CORRESPONDENCE: None

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the March 4, 2020, Meeting in the amount of \$400; and for MKR Enterprises/Tree Tavern Litigation in the amount of \$9,575.

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

VOUCHERS: submitted by Boswell Engineering for 895-897 Ringwood Avenue, LLC's Application in the amount of \$621 for plan review in November, 2019; and for 895-897 Ringwood Avenue, LLC's Application in the amount of \$621 for plan review in January, 2020.

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

MOTION TO APPROVE JANUARY 8, 2020 MINUTES: made by Vice Chairman Grygus, seconded by Member Pasznik. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Pasznik, Ludwig and Levine.

ENGINEER'S REPORT: We have 3 new applications with possibly 2 new ones come in.

DISCUSSION: Attorney Mondello questioned if the Board is inclined to go into closed session to discuss the Bellante/Tree Tavern Litigation? I will need a Motion and a Second

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

Closed Session Began 9:04:24

Closed Session Ended 9:17:15

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

MOTION TO ADJOURN AT 9:15PM: Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary