

IN PERSON
REGULAR MEETING

Salute to Flag: 8:04pm

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 March 13, 2022 respectively, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, on the Borough's website and a copy thereof has been on file in the Borough

ROLL CALL: Chairman Jack Dunning, Members Frank Covelli, Suzanne Henderson, Donald Ludwig, Michael Sbarra and Dana Lynch and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Vice Chairman Grygus and Members Helena Aumenta and Charlie Sahanas

Application ZBA2022-06 – 8 Coles Ave Property LLC, 8 Coles Avenue (Block436/Lot 13)

Attorney Mainardi: My name is Edward Mainardi, Esq. of Mainardi & Mainardi ready with the Applicant this evening. Do we have a full Board to vote?

Attorney Mondello: No, you have six (6). Put the application on and you could always adjourn it and hopefully they will look at a transcript or listen to the CD or whatever it's called these days. It's your it's your call counselor.

Attorney Mainardi: It's not ideal as you know.

Attorney Mondello: Just so the record reflects that I had an opportunity to review the notices sent to residents within 200' and publications in the newspaper. I would deem the application complete from that perspective.

Attorney Mainardi: Mr. Chairman we will proceed.

Attorney Mondello: Yeah, I think that's a good strategy. Postpone the vote, and then we'll make sure that those folks listen to it's a recording it's not a CD these days, right?

Board Secretary: No, I send them a CD.

Attorney Mainardi: They don't have to come in. Wow.

Attorney Mondello: Yeah, times have changed but

Member Covelli: We listen to it in the car and it blends with our road rage. You can scream at the car or scream at the tap and nobody knows because you're in the car.

Attorney Mondello: Mr. Mainardi, what is your presentation this evening? Who are your witnesses? What are you here for?

Attorney Mainardi: We're here for Use and Bulk Variances and Site Plan Approval to replace existing garage at 8 Coles Avenue. Our witnesses this evening would be the owner of the business, who is also the owner of real estate, the Engineer and Planner. Not the architects since the proposed new garage is just a very simple structure, so if architectural testimony should be needed, we'll worry about that later. The property's already occupied by one and a half story dwelling and a garage. The proposal is to retain the dwelling exactly as it is now, remove that approximately 800 square foot garage and replace it with a 1000 square foot garage that's going to be oriented differently in a way that will assist the operation of the business. We are here because the Applicant was cited by the Zoning Officer for not having filed an application for a c.o. when he opened the business in 2013. There's an ordinance in town that requires c.o.s for new businesses and they never complied with it. Since occupying the property, first as a tenant now as the owner, he's cleaned up a great mess that he inherited and he was intending to replace the garage at some point anyway, and as we had to come before this Board, we're taking the opportunity. Seeking Use Variance relief to continue the present use of the property as the yard serving his tree removal business. It's not permitted zone and therein lies the D-Variance that's requested. We are seeking Bulk Variance relief for four (4) pre-existing conditions and that relate to the dwelling and three (3) for the garage being front yard, a rear yard which is going to be better than the rear yard setback of the present garage and a height variance. I'd like to call Mr. Whitmore.

Attorney Mondello swore in Nicholas Whitmore, 11 Farm View Court, Wayne, NJ, 07470.

Attorney Mainardi: Mr. Whitmore, what is your relationship with the Applicant and LLC, and what does Bigfoot Tree Service do?

Mr. Whitmore: Owner and Bigfoot is a tree removal and trimming business.

Attorney Mainardi: Tree removal where?

Mr. Whitmore: Wanaque, Wayne, Pompton Lakes, all in this area.

Attorney Mainardi: Do you go to people's houses and take trees away? Do you do any treatment on the site?

Mr. Whitmore: Yes.

Attorney Mainardi: No, on 8 Coles Avenue?

Mr. Whitmore: No.

Attorney Mainardi: What are you using 8 Coles Avenue for?

Mr. Whitmore: We just keep our trucks there and a little bit of wood that we recycle with the mill and that gets picked up weekly?

Attorney Mainardi: When did you first move into the property?

Mr. Whitmore: Around 2013; early 2013.

Attorney Mainardi: What was the property like when you first moved?

Mr. Whitmore: A dump. There was just scrap metal everywhere. Everything was in shambles. I mean gutters falling off the house. We fixed up everything for the most part. And we just want to do the garage because that's falling apart now to.

Attorney Mainardi: Did you remove any debris from the property?

Mr. Whitmore: Tons of debris. I mean, there were tractor trailers on the property, scrap metal, rubbish, piles of just asphalt; we had to get rid of everything.

Attorney Mainardi: At some point you wanted to purchase the property, right?

Mr. Whitmore: Yes, it came up for sheriff sale because they weren't paying the mortgage and we bought it in 2017 or 2018.

Attorney Mainardi: On the site, what operations are you conducting on the site?

Mr. Whitmore: We're really just got truck and equipment storage, just the logs and that's it.

Attorney Mainardi: Daily storage, weekly storage, what kind of storage?

Mr. Whitmore: Daily and it's over overnight parking. The guys just come in the morning. They get there 8:00am, they leave to do the work for the day, they come back and park the trucks at 5:00pm or earlier and they go home.

Attorney Mainardi: They drive their personal vehicles to the site, pick up your equipment and take it to the jobsite elsewhere.

Mr. Whitmore: Yes.

Attorney Mainardi: Are there any offices on the property now?

Mr. Whitmore: The office is in Wayne at 42 Old Homestead.

Attorney Mainardi: Is that where billing is done?

Mr. Whitmore: Everything invoices, billing, taxes; all nine yards.

Attorney Mainardi: What kind of noise is generated by the operation on the site?

Mr. Whitmore: Nothing, I mean other than starting trucks around 8am and leaving the premises and go to another job, just returning home and, basically, if the log truck unloads logs, but we're not dumping anything.

Attorney Mainardi: Are you cutting any wood on site?

Mr. Whitmore: Nope. It's all cut at the site, fitting a log truck and brought back to the site. We only bring back the good wood, which would be milled and recycled. Any garbage or any woodchips get disposed RER Recycling in Riverdale.

Attorney Mainardi: How does the wood get to RER?

Mr. Whitmore: By our log truck, but it comes straight off the job sites. He brings it straight to RER. We'll keep it on the truck until the next morning, and then just bring it to the dump. It depends on their hours when they close.

Attorney Mainardi: What are you using the house for?

Mr. Whitmore: My mechanic/log truck driver lives on it with his wife.

Attorney Mainardi: Does he rented it from you?

Mr. Whitmore: Yes.

Attorney Mainardi: So, he's your mechanic and he works on trucks on site.

Mr. Whitmore: I mean we only get the basic things like change chipper blade, but any oil changes or anything major goes to Engine Tech in Wayne.

Attorney Mainardi: Do you keep any fuel on site?

Mr. Whitmore: No, no fuel.

Attorney Mainardi: Do you change any oil on site level?

Mr. Whitmore: No, the mechanic does it.

Attorney Mainardi: Okay, let me show you some photos. I brought copies for the Board Members as well. I pre-marked them.

Attorney Mondello: While you're doing that, Mr. Mainardi, why do you need to store logs? I mean, don't you bring the logs back, they stay in the truck and then you take them the next day.

Mr. Whitmore: No, a company from New York, who is a log broker, buys and sorts. Some of the logs goes to China some of the logs go to Canada, they go all over the country. They're just recycling the resource. Like the junk wood, I don't stack that up in my yard that goes right to the dump every day and we've never had problems with that. We just really keep the valuable logs that will be recycled and put to better use.

Attorney Mainardi: Mr. Chairman, if I may approach, I have copies of the photos to distribute to the Board. I have them pre-marked A-1 through A-7. There should be enough to go around.

Attorney Mondello: Mr. Mainardi, how ow many photos are?

Attorney Mainardi: Seven (7) all together.

Attorney Mondello: A-1 through A-7, and I'm guessing you will explain who took those pictures, what do they represent, etc.

Attorney Mainardi: As to all these pictures, you know who took them?

Mr. Whitmore: I took them.

Attorney Mainardi: When you did you take them?

Mr. Whitmore: Today about 5:00pm.

Attorney Mainardi: Explain what A-1 shows.

Mr. Whitmore: A-1 is the street view from Ringwood Avenue, looking down Coles Avenue.

Attorney Mainardi: If I look up there can I see your property?

Mr. Whitmore: Our property is to the right, but you can't really see anything.

Attorney Mainardi: It's beyond the trees?

Mr. Whitmore: Right, yes.

Attorney Mainardi: Turning to A-2, can you explain what that photo shows?

Mr. Whitmore: That's on the other side of the sidewalk from Ringwood Avenue. Now I'm on our side of the road, so you're would be walking down Coles Avenue.

Attorney Mainardi: A-3?

Mr. Whitmore: That is the start of the property line; a little farther back. A-3 shows down past the end of the tree line.

Attorney Mainardi: Now, when you took A-3, you're standing in the street, but are you past the beginning of your property line?

Mr. Whitmore: I'm already past the property line, because that's actually the tree that's right in front of the house that's sticking out. The actually trees are behind my back.

Attorney Mainardi: A-4 please?

Mr. Whitmore: That's the house. Where that Mountaineer is over there, that's the property line to the right of it.

Attorney Mainardi: A-5?

Mr. Whitmore: A-5 is a picture of the trucks, which is exactly how we pretty much set them up every day.

Attorney Mainardi: Okay, so is that how you leave the trucks at the end of the day when you go home, and then they're picked up in the morning and what happens?

Mr. Whitmore: They leave the premises and they come back at the end of the day and they parked them like that again.

Attorney Mainardi: What happens to the drivers of the trucks? Do they come in their personal vehicle? What do they do with the vehicle?

Mr. Whitmore: Yes, the park them in the spot of the trucks or park them in the driveway on the right.

Attorney Mainardi: A-6 please?

Mr. Whitmore: That's just the back view of the trucks from walking further down the lot.

Attorney Mainardi: You're standing on your property when this picture was taken? Are you just about on the line or over the line?

Mr. Whitmore: Just almost on the line. The line is like 5' in front of me. Like life right oh,

Attorney Mainardi: Then the last one is A-7.

Mr. Whitmore: That shows back out towards Ringwood Avenue looking up Coles Avenue towards Ringwood Avenue.

Attorney Mainardi: Where are you standing relative to your property?

Mr. Whitmore: Probably just about on the property line in that picture.

Attorney Mainardi: You have a garage on the property now, right?

Mr. Whitmore: Yes.

Attorney Mainardi: And you want to take it down and put it in a different garage, right?

Mr. Whitmore: Yes.

Attorney Mainardi: What are you going to use a new garage for when you are not using the old garage?

Mr. Whitmore: Main reason is backpack blowers, chainsaws. We would love to park the crane inside there in the winter since it's a pain with the snow all over the crane because you have to keep all the cribbing blocks, like all the six by sixes, and if they get wet, they all freeze together and trying to clean that during the snow is a nightmare and, if we want to do a basic chipper repair where they're changing knives or just the basic. I don't do any big maintenance; it's all done by the mechanic, so just some odds and ends around the shop, so just like garage use and storage.

Attorney Mainardi: This crane that you want to keep in there over the winter, how high is it?

Mr. Whitmore: About 12.5' and 42' in length.

Attorney Mainardi: Is that your longest vehicle?

Mr. Whitmore: Yes.

Attorney Mainardi: What's your next longest vehicle?

Mr. Whitmore: 38' log truck, and then the rest of the chipper trucks are between 18' and 20' long.

Attorney Mainardi: I did ask Mr. Whitmore to measure all vehicles. He has the information with him if the Board wants to ask him.

Chairman: At A-4 looking at the house, the white door all the way to the right., is that an office.

Mr. Whitmore: No. It's a porch.

Chairman: What's in there?

Mr. Whitmore: Just junk and the tenant.

Chairman: Because I've been there a few times looking at the site and it looked like people were in there doing something.

Mr. Whitmore: I mean, my worker sits in there. The guy lives there. He sits in there and smokes. He doesn't smoke in the house.

Chairman: There was a couple of people in that space.

Mr. Whitmore: Yeah, I mean him and his wife. His whole family lives around there so probably just family over.

Chairman: Looking at that picture, right now you're parking cars directly into the house. Okay, they're on the road. So where were those cars?

Mr. Whitmore: We'll put them where the trucks are. That's our property.

Chairman: Because right now I was there a few times and those trucks are out there's nobody really parked where the trucks were. But they're all in front of that house and they overlap right into the street.

Mr. Whitmore: Okay, we can fix that, no problem. I'll just have the workers take their trucks out and they put their car in and when they go home, they'll switch it.

Chairman: In A-5, all the way to the left in the background, I see something. What is that building?

Mr. Whitmore: That's not ours. When we bought property when it went into short sale, before we did that, the previous owner switched it into an LLC and separated it because I think he bought that later on so we don't own that.

Chairman: So that's his abandoned building?

Mr. Whitmore: Yeah.

Member Covelli: I'm sorry Mr. Chairman, I lost you for a minute. Which piece of property and what are you talking about in A-5.

Chairman: In that picture, A-5, all the way to the left just past the last truck you see a red building?

Member Covelli: Yes. We were wondering what the ugly red shed.

Member Covelli: That's on a separate piece of property.

Mr. Whitmore: The property line is like right on that so when he goes open his doors its actually on our property.

Member Covelli: It's all abandoned?

Mr. Whitmore: I don't know what he's doing with it. We tried to purchase it a few times.

Chairman: That's Lot 3.01 and you don't own it?

Mr. Whitmore: We were in talks of maybe buying Lot 12. It's just in litigation between two brothers.

Attorney Mainardi: I was asked by my clients to make an offer to these people to buy the property through their attorney and I did so. I was communicating with the attorney and that's where we were informed that the brothers are not cooperating with one another so that getting a contract signed this time is not doable.

Mr. Whitmore: We even helped clean out their property. There were dumpsters in there, there were abandoned tractor trailers.

Chairman: I was there today and it looks like you've cleaned a lot in front of that shed.

Mr. Whitmore: I cleaned it all up for him. We were keeping a couple of trucks on his property at a point just spaced out but then now all this went down.

Chairman: What happens in his property somewhere is Post Brook. That's not shown on any of these drawings, of course, because it's not on your property.

Mr. Whitmore: Correct.

Chairman: You have an issue with the 100 year floodplain that crosses your property.

Mr. Whitmore: On his or on ours.

Chairman: Yours. It is noted on your drawing. 100 year flood hazard level it says.

Attorney Mainardi: That might be a good question for the Engineer.

Chairman: Yes, exactly.

Mr. Whitmore: That's why we want to put the building up higher.

Chairman: What I think we need to look at is any buffers completely around this property. You can't park your truck hanging into the road or your car.

Mr. Whitmore: That's our plan if we lose that garage in the back and where the garage and go farther up. The garage is the wrong way, so we're putting the garage this way we can back up and have buffers.

Chairman: You are kind of close in the back with 4.8'.

Mr. Whitmore: With the garage?

Chairman: Right Chris, what's the measurement on that for the garage, 5' or 10'?

Mr. Whitmore: Back in the day they built that thing very close to the property line.

Attorney Mainardi: The variance we are requesting is a better situation, slightly better than what is there now.

Chairman: Are you going to put any fencing around his property?

Mr. Whitmore: I plan to in the front going up to curb appeal from Ringwood Avenue. I mean there are bushes there but we'll put a fence in to.

Chairman: Just on that one side run?

Mr. Whitmore: I can put it on the other side, on the rear side adjacent to the property with the red shed. I can put it there but, we're not on bad terms with the guy, so when he goes to open his shed door, he couldn't open it if I fenced there.

Chairman: What's going to be the surface in this area? What do you intend to do?

Mr. Whitmore: On which area?

Chairman: Are you're going to put crushed stone down.

Mr. Whitmore: There's crushed stone down now.

Chairman: Right but it's sort of half blended into the mud.

Mr. Whitmore: I can fix that.

Member Ludwig: You could pave.

Member Covelli: He may not be able to pave there, if he is within 300' of the Brook.

Chairman: That's an issue right there.

Attorney Mainardi: The application proposes slightly less impervious surface then is existing.

Chairman: The whole front of your property, are you going to put curving and driveway cuts in or what?

Attorney Mainardi: It's not on the plan, no.

Chairman: Because right now how I see your trucks they come in, they pull into the contractor yard across and then they back straight up and in. He's putting some kind of curbing in, which may block your whole access of pulling onto his property and backing straight in.

Mr. Whitmore: I mean they should be able to loop in still and back up. They do it in driveways every day.

Chairman: Your trucks come in there how long, 30-35' feet?

Mr. Whitmore: Yeah, the trucks are 18, woodchippers 15 around there.

Chairman: And then they're dragging the woodchipper so they are longer than 30'.

Mr. Whitmore: Right around that, 30-35'.

Chairman: The road is only 30' so if he gets his curving in, it's going to be tough for you to back up.

Member Covelli: He's articulated them.

Mr. Whitmore: Yeah.

Member Covelli: Between the truck and the chipper, he's articulate. It's not one straight job. He's hooking a chipper up to a truck.

Chairman: Yeah, it's attached to it when he backs in.

Attorney Mainardi: The biggest vehicle is the crane, right?

Mr. Whitmore: Yeah.

Chairman: Where are you going to keep your small mobile equipment?

Mr. Whitmore: That stays on the trailers, and we only have one little extra like stand-up unit that would just go in the garage to keep it out of the weather.

Chairman: So, you got a little backhoe with looks like a brush on it.

Mr. Whitmore: It's called a district, they got a grapple on them. They'll go into a backyard to pick up a lot or full brush out.

Chairman: Because the way it looks now some of those small pieces of equipment are staying in the second parking spots where the trucks would be.

Mr. Whitmore: Normally, they're all on trailers. We have one spare because everything just seems to break.

Chairman: I was just there today and saw a couple of them there.

Mr. Whitmore: We were moving all trailers around because I had to put a trailer hitch on them and shot trailers around so if we had something tight to get in, I can do with the machine and turn right on a dime.

Chairman: It's a very tight spot, okay. I say this, that your truckers know how to drive. Watching them back in, they hit it dead on. I mean, it wasn't back and forth six times.

Mr. Whitmore: Most of them know how to drive.

Chairman: As far as the logs, it looked like you had broken up some logs today, or is that just junk that was laying around.

Mr. Whitmore: That mill came down today and they picked it up today. So, every couple of weeks, he'll come down and he'll clean out everything for me, and then I'll pick up the extra debris and bring it to the dump.

Chairman: Woodchips never come up to this site.

Mr. Whitmore: No. I pay 1000s a month at the dump.

Chairman: And your other site is down in Wayne somewhere.

Mr. Whitmore: Yeah.

Chairman: You have a commercial yard there that you can keep some of the trucks there?

Mr. Whitmore: No.

Chairman: But what is that site than?

Mr. Whitmore: It's just offices.

Chairman: Just a piece of property you're using for whatever.

Mr. Whitmore: Yes, just an office.

Member Sbarra: That concrete pad that's to the left of the garage; that's currently existing?

Mr. Whitmore: Yeah.

Member Sbarra: And does that extend into, I guess, the neighboring property as well?

Mr. Whitmore: It extends into the red shed. I mean, the property should be all one, but whatever you did back then.

Member Sbarra: Gotcha.

Attorney Mainardi: The site plan shows the logs being stored on the concrete pad. Is that where the logs are being kept now?

Mr. Whitmore: They're being kept back, like the last parking spot, because of the garage in the back, we can't get back there to be able to offload them. We have to sideload them off the truck. We will keep them in the back.

Chairman: You're leaving them on a trailer or a truck, then you move that to unload or load another truck.

Mr. Whitmore: Yes.

Member Covelli: Or there has been some in the front yard?

Mr. Whitmore: Some in the front yard?

Member Covelli: There was some in the front yard.

Mr. Whitmore: All the way at the end of the lot, right?

Member Covelli: By the house. I was back there one day and there was a bunch in the front, wasn't there logs?

Mr. Whitmore: Up at the house?

Member Covelli: I thought so. It's your testimony that there will be no logs in the front of the property.

Mr. Whitmore: Yes, none at all.

Member Covelli: It doesn't matter what I saw in the past. It matters what your testimony is tonight and what we are putting on the record.

Mr. Whitmore: Yes. Most of the wood does go to RER because it's junk, like only the perfect straight pieces are what we're bringing back to the yard, which is valuable wood. Any junk goes daily to RER in Riverdale.

Member Covelli: If I look at A-5 and A-6, the existing garage is technically behind those trucks, right?

Mr. Whitmore: Yes, and then there's like a white half falling down shed also more the right, which is behind like the crane.

Member Covelli: I see the neighbor's shed and you're chipper. I'm looking at A-6. So, there's the neighbor's shed, your green chipper.

Member Whitmore: Yes, the shed, green chipper and then a stump grinder on a trailer, and then to the right would be the start of, it's like a shed attached to a garage which is red, and then attached to a white, little shed, that's half falling down.

Member Covelli: You very well parked everything, I can't see a darn thing. Because as I'm listening to you and looking at the site plan, what you're saying is, with the new garage, you'll be able to get these trucks further back.

Mr. Whitmore: Yes, way further back.

Member Covelli: I've heard your testimony the existing garage is not only, you said angled the wrong way.

Mr. Whitmore: Correct.

Member Covelli: Because in other words, it's aiming at to the neighbor's shed. You have to come in that way, right?

Mr. Whitmore: No, it's two big doors that are right behind the trucks facing the street.

Member Covelli: But the structure, as it's located, becomes a barrier for you to back up?

Mr. Whitmore: Correct.

Member Covelli: So, the trucks sit further forward.

Mr. Whitmore: I want to say the depth of that garage is 20-22'.

Member Covelli: And the proposed garage will also open towards Coles Avenue?

Mr. Whitmore: Correct, but with just one door; this one has two.

Member Covelli: Okay. I thought when I was back there looking at your neighbor, and I saw a bunch of logs in the front. That would have been a year ago, thereabouts.

Mr. Whitmore: Were the against the house?

Member Covelli: It seemed like they were. They perhaps could have been to the, as I'm facing the house, they could have been to the left. The point of the story is they were in the front right next to the road.

Mr. Whitmore: Okay. Yeah, so that might have happened if we were moving something or we've had problems with the one in the back, so I had to move this and that.

Member Covelli: That was my only concern and I think some of you folks appeared at that other testimony. We're just looking at Coles Avenue has to remain Coles Avenue. Coles Avenue is for someone to come visit and park on the street; it's not to be used as part of your business. That's the town's business to maintain the road.

Mr. Whitmore: Okay.

Member Sbarra: Coles Avenue also extends all the way back to the Brook as well as. It's not just the paved portion. Just want to clarify.

Chairman: On the left side of your lot, you show trucks parked right against your property line, or a space for trucks to park there.

Mr. Whitmore: Yes, because that's where the logs are right now. Our plan is to put the logs in the back and then you're going to lose a spot in the garage going this way.

Chairman: Are you going to put a fence or something to divide that property.

Mr. Whitmore: I could put something in. I just don't want to totally mess the guy up with the red shed. If I do that, he can't open the doors.

Chairman: That's his problem. You got a tight space here. You're trying to put a lot of trucks, a lot of equipment, a new garage and leaving the house so you got to make this thing work.

Mr. Whitmore: We'll put a fence up no problem. I could just do like a basic chain link fence up.

Chairman: Something that divides the property line. Post Brooke is not far from there. If you look, I got the site plan from your neighbor cross the street, Post Brook comes right through that 3.01.

Engineer Nash: Mr. Chairman, there's rules though for fences in the flood zone. Chain link fence is not the right type of fence because it'll catch debris and garbage. You just need to delineate the property line. I think it is going to serve you better too. Someone might come after you and want to steal some of your property so you want to have that line noted.

Member Covelli: That's might be a question for the Engineer. How far is his property line from Post Brook? Does he fall within the 300? I'm going to believe he does.

Engineer Nash: Probably, yes, which means he can't cut that tree down in front of his house.

Member Covelli: Something tells me that trees can magically appear and disappear.

Member Ludwig: They get diseases and die.

Member Sbarra: Just for clarity , so your Lot 13. The lot behind you or, I guess if you're on Coles Avenue looking at the house to the left to you is Lot 12. Correct me if I'm wrong, is Lot 3.01 on, I don't know if you know this or not, is 3.01 on the opposite side of the Brook? I believe it is, but I'm looking for some clarity on that.

Attorney Mainardi: We are looking at the Tax Map on the Engineering Drawing.

Member Sbarra: Yeah, that's what I'm looking at as well.

Attorney Mainardi: You get the red shed, then all his property, then you will get the Brook.

Member Sbarra: Correct me if I'm wrong, I believe the Brook runs through 3.01, not 12. Basically 3.01 is on the opposite side of the Brook or the Brook runs through 3.01, not necessarily 12.

Attorney Mainardi: What is 3.01 sir?

Member Sbarra: On the Tax Map that you guys had put here on the Site Plan, if you had marked 3.01 and 12 as contractors yard, but I believe 3.01 is on the opposite side of the Brook.

Mr. Whitmore: The Brook is all the way in the back of the property.

Member Sbarra: I'm even looking at the map you just showed here and I'm pretty sure the Brook goes through 3.01 and 3.01 is on the opposite side of the Brook. The Brook is at the intersection of 3.01 and 12.

Chairman: Yeah, it's a tiny book but it's 100 year flood plan, and it could flood easily.

Member Covelli: Chris, the big dot dotted line is that is the Brook?

Engineer Nash: No, that's the zone line.

Member Sbarra: What I'm saying is I believe Post Brook goes in between 3.01 and 12.

Attorney Mainardi: Our Planner has got some exhibits that show it much better than this map.

Member Sbarra: Let's wait for the testimony from the Planner then.

Chairman: Chris, do you want to go through your report with the owner or do you want to wait?

Engineer Nash: Let's go through the Engineer.

Attorney Mainardi: This is all I have for this witness.

Attorney Mondello: Thank you. Any other questions for Mr. Whitmore?

Engineer Nash: Just one other question. Weekend work, is there any time you're out there on weekends or just Saturday?

Mr. Whitmore: Saturdays. Mainly, the whole winter gets slow but really a good spring, around the summer and early fall and we're working the six (6) days.

Attorney Mondello: All right any members of the public? Hearing none, seeing none.
Board Members? Next witness.

Attorney Mondello swore in Tyler VanderValk of Hauser Engineering, 1141 Greenwood Lake Turnpike, Ringwood, NJ

Attorney Mondello: I do believe Mr. VanderValk has testified before so any objection to admitting Mr. VanderValk as an expert in the field of Engineering? Hearing none, seeing none, your witness Mr. Mainardi.

Attorney Mainardi: Thank you. Mr. VanderValk you prepared the Site Plan as presented before this Board this evening?

Engineer VanderValk: Yes, I did.

Attorney Mainardi: Why don't you describe the application and what is proposed?

Engineer VanderValk: The subject property is about a quarter of an acre, 10,312 square feet. We're located in the B-Business District. The property is located on the northerly side of Coles Avenue, which is a dead end road off of Ringwood Avenue. We're about 140' west of the intersection of Cole and Ringwood Avenue. We have a residential use on Lot 11, which is to the east of our property and is located at the intersection of Coles and Ringwood, and that Lot 11 extends all the way back towards the Brook, and a single family home is located adjacent to Ringwood Avenue and then the remainder of the property is vacant. We're wrapped on two sides by that Lot 11. Then we have further to the west Lot 12, which there's been some discussion about tonight, that's what has the red shed on it. Previously, the owner testified both of these Lots were under common ownership. They've purchased Lot 13 and now Lot 12 remains under the prior owner. The Lot seems to be not in any sort of use today. Then we have located across Coles Avenue Lot 1, which was the subject of a recent application for a contractor's yard. It is my understanding that was approved somewhat recently. What we have on the property today, a single family home, which is located to the easterly side of the property, adjacent to the single family home, we have a stone driveway. And then to the west of the single family home, we have the yard area where the trucks are parked and we saw that in photos. Behind the truck parking, we have an existing garage, which has been added on to over the years and it seems like with different pieces. That garage is located right up against the rear property line. And then a portion, as discussed by the Chairman, of the property is located within the Flood Hazard Area, specifically the western side of the property.

The Applicant is seeking to do here is continue to use of the home for residence for one of his employees, and then to use the remainder of the Lot as a yard to park his trucks and equipment for the tree service. He'd like to tear down the existing garage structure, which isn't able to be fully utilized based on square footage and the strange configuration and construct a new garage on the property, which would be 20' wide by 50' deep. This would be located near to the single family structure to provide some additional storage depth to the west of the garage. What we're proposing is for the crane to be parked, that's the largest vehicle to be parked between the garage and the single family structure and then as testified to in the winter that we'd like to also pull it into the garage to get it out of the weather. The remainder on the west side would be for the different truck parking and trailer storage. There's enough that these boxes as shown are 10' wide by 30' deep. None of these vehicles are over 9' wide so we'll provide a little bit of space. I know there was a question about how tight it is and being right up against the property line. Those boxes are

a little bit wider and they're 30' long, each of these boxes, so we really have 60' here so we can back to back some trucks and trailers in order to make that storage work properly. As far as parking, I believe when I entered the property there were vehicles in the driveway adjacent to the dwelling so that may be used by some of the businesses as well. But for the most part, the parking will take place in the location of the truck storage so they'll swap out the vehicles at the beginning of the day and then exchange them again at the end. As testified to and stipulated that there would be no parking in front of the garage or in front of the house which would bleed out into the right of way. In addition to the trucks and equipment storage, they would like to store the logs in the back left corner, that's the northwestern corner of the property. Again, this isn't going to be loose materials such as chip material or branches, leaves etc.; this is just going to be the good logs that are able to be sold to someone who could put them to good use rather than just being brought to a dump.

That concludes my direct testimony. I know there's some questions that we had that maybe we want to address to the Board on engineering.

Attorney Mainardi: We can work our way through the Engineer's comments, Mr. Chairman, if you think that is appropriate at this time.

Member Sbarra: I had a question and I don't know if this is for our Board Professionals or the Applicant's Professionals, forgive my ignorance, but what is or is there rules as far as parking within that flood zone? I don't know who I'm directing this question at.

Engineer VanderValk: You can have a parking lot within a floodplain. Typically, what they'd make you do is put up signs that say just be aware this area is prone to flooding. But that would be typically more if you had your personal vehicle park there, they want you to be aware if there's an event coming you might want to move your car. Even if this is more of a storage use, the only restriction is the storage of things that would get out and float away in the water then those need to be secured in some way. Given the types of trucks that we have here, I don't think we have that concern.

Member Sbarra: Chris, do you agree with that?

Engineer Nash: Yeah, the only thing is the building since it's in a flood zone, what you don't want to do is put the building in a flood zone and then create loss of flood storage by placing a building in the flood zone. The way to get around that is put vents in it so the flood actually goes through the garage so that's something that the owner has to be vigilant when there's a storm coming.

Attorney Mainardi: The Applicant agrees to install the smart vents, as necessary.

Engineer Nash: There can be a tendency for an owner to block the vents so that they don't have to move their stuff during a storm; I'm just saying.

Engineer VanderValk: The Applicant has been warned that if he does that there might be excessive pressure on the exterior walls of the garage so we don't want to do that.

Certainly, those vents would remain open.

Engineer Nash: We're talking like a foot of water maybe 18" the most inside there. I think it's a small depth.

Engineer VanderValk: Yeah, it's only about 8".

Engineer Nash: It's tough to even utilize plug vents because they have to be off the ground somewhat. They can't have them at the ground level because they are not going to operate

correctly. As soon as you put them up a little bit, you know you're going to avoid most of all the storms.

Member Covelli: Is this a butler type building? Or is this metal prefab?

Engineer VanderValk: It is metal based on the drawing; metal panel siding.

Member Covelli: It's a prefab?

Engineer VanderValk: It would appear so. Typical Foundation, with a slab and then the vertical metal panel siding with your standard shingle roof.

Attorney Mondello: Counselor did you want to add something?

Attorney Mainardi: My client advised me that they didn't get that far. They don't know whether it's prefab or not.

Attorney Mondello: Thank you.

Engineer Nash: I do have a point regarding Item No. 4 in my letter. The Applicant provided a checklist and the checklist is what the Applicant is providing versus what is required. They checked-off some items that they don't feel are required and, normally, we don't go through the checklist but because the items that they're asking waivers for we don't need. In this particular case, they asked for waivers for lighting and for walls and fences. We've talked about fences that we'd like to see that. The other thing, I would assume you are going to have lighting. You're going to have a security light on it and it's easy to put on. I'm not talking about a pedestal mounted light on a pole out in the parking lot. Just something attached to the building, that's all.

Attorney Mainardi: We'll agree to submit a plan showing the lighting that's going to be installed.

Member Covelli: That would be aimed in the lot, on the left-hand side, beaming.

Engineer Nash: I assume they would have it anyway, just a security light. Someone goes there at night and there is a motion sensor and the light goes on. You don't want people messing around your trucks at night, right?

Engineer VanderValk: We will supply that information but, to answer your question, the lights would certainly be directed towards the west of that garage area.

Chairman: Let's clear one thing up. On the so called Tax Map on your drawing, next to Lot 13 is Lot 12. It's put on here contractors yard 2. What does that mean?

Engineer VanderValk: Okay, so one of the requirements in the checklist that we were just discussing, is to label all the uses within 200' of the property. I added that to the Tax Map because based on my visual observations. It doesn't seem like it was ever approved for that use, of course, but it seemed like there was storage going on in that area. The 2 that you see is just part of the number 12, which is the lot number for that lot next door.

Chairman: Where it's Lot 12 in your drawing here?

Engineer VanderValk: Lot 12 is here to the west.

Chairman: Who owns that Lot?

Engineer VanderValk: The person who used to own this Lot still owns Lot 12.

Chairman: He owns Lot 12 and 3.01?

Engineer VanderValk: I don't know if 3.01 is the same owner.

Member Sbarra: As per the property owners within 200 feet, it does not look like 3.01 is the same person. I'm pretty sure that is the water company property based on the address.

Attorney Mainardi: Lot 12 is the one that is owned by the two brothers who are not getting along.

Chairman: In fact, on here 3.01 is owned by the North Jersey Water.

Engineer VanderValk: That's further west, so we have 12 then 3.01.

Chairman: Where's Lot 3 then since we got a 3.01? The way this thing is laid out is very confusing because when you look at the Tax Map it shows you a couple of lots. There is a whole lot in there from where your property ends to 3.01.

Engineer VanderValk: You have Lot 12.

Chairman: But if 3.01 has the shed on it?

Engineer VanderValk: Lot 12 has the shed on it. This is the shed right here; it is on our survey. That is on 12, not 3.01.

Member Covelli: Which led me to the question, did I just hear someone testify that 13 was owned by the same owner is 12?

Engineer VanderValk: At one point in time.

Member Covelli: Yet he lost it in a tax sale. He still owns 12, but he won't sell 12 to you.

Engineer VanderValk: But under a separate name.

Member Covelli: That's interesting. Could be a good novel in there somewhere. I don't know. I don't understand that.

Engineer VanderValk: I think the Applicant testified that 12 was put under an LLC by that party so they were separated on paper.

Chairman Dunning: What about buffers around this property?

Engineer VanderValk: As I mentioned, to the rear here to the north, that's part of the Lot 11 which is also fronts on Ringwood Avenue and then it goes all the way back. The development on that property all occurs to the east, and then this area is vacant. The Planner will be able to show you that so that's all wooded right now. Then to the west, again, we have that lot which is just the gravel lot and nothing going on there. The Applicant has expressed an interest in that lot but so far has not been able to. As far as Coles Avenue, if we were to do any sort of a buffer in there, they wouldn't be able to operate the business. They don't have the lot depth in order to maneuver vehicles around planted strips or fence lines, etc.

Member Covelli: This is a pretty intensive use of that property.

Engineer VanderValk: They've been operating without issue, as they testify since 2013.

Member Covelli: They have 10,000 square feet of which part of it is a residential house that's functioning as a residential house. Then you have truck storage, you have a garage, you have the operation, you got trucks, you have trucks getting unloaded, you have equipment moving in and out. There's a lot going on that little piece of property.

Engineer VanderValk: The operation takes place in a very short time span. Again, the area's largely vacated during the day. Employees take those trucks, they go out to different job sites. You have the one employee who's on site, changing the blades, etc., maybe fixing chainsaws in the garage, that type of thing. But you don't have constant truck moving all day long. They swap out those trucks, they are gone for the day and come back to swap them again. You may have an intense hour in the morning and intense hour in the afternoon, but the overall use throughout the day is not very intensive.

Member Ludwig: It's a parking lot.

Engineer VanderValk: Yeah, the cars sit there.

Member Covelli: I guess this question is probably more for Mr. Whitmore of how many employee vehicles are parked there in a given day.

Mr. Whitmore: Five (5).

Member Covelli: Five. Because the mechanic, that's his residence, he parks on the other side where the Mountaineer was, as you described.

Mr. Whitmore: Yes. Then my truck and my brother's truck, the other partner, will stop there with our personal trucks.

Chairman: The other problem is you're showing approximately ten (10) trucks.

Member Covelli: I am counting six (6) Jack.

Chairman: You got one on the right side of the garage. I got nine (9) trucks.

Mr. Whitmore: You might be confusing that with a chipper because you're hooking a truck up to the chipper.

Member Sbarra: I think we're talking about the proposed parking stalls on the site plan.

Member Covelli: Mr. Chairman, are you referring to parking stalls or vehicles.

Chairman: Parking stalls. Right now, A-6, you've got six (6) trucks across. Once you build the garage, you got five (5) spaces. On the right you got one (1) or maybe two (2). Then you got an open space on the corner there for whatever. If you got nine (9) trucks plus a mechanic, who stays at the site I guess right?

Mr. Whitmore: He drives me and he drives the log truck.

Chairman: Okay, but you need at least nine (9) parking spaces. How does that work in this stop and go action? Pull those trucks out before they can park the cars?

Mr. Whitmore: Yeah. The one that lives there, he is out at like 7:15.

Chairman: He owns a car. Does his wife have a car?

Mr. Whitmore: Yeah, but that's on the side of the house that's on the right side. So normally the log truck will go out the next morning to go pick up the logs in the morning so he normally leaves before you guys even get there so they just parked in his spot.

Member Ludwig: In the pictures you got six (6) trucks plus the trailers, do you plan on adding many more than the six (6).

Mr. Whitmore: No, I don't want any more.

Member Covelli: Actually Mr. Whitmore, what you're saying is that, and I'm looking at A-5, so the first truck I'm looking at closest to the house is the log truck.

Mr. Whitmore: No that's the crane.

Member Covelli: That's the truck that will actually be in the new garage.

Mr. Whitmore: Yes.

Member Covelli: Actually, I thought the last truck on the end was the crane. Where does the bucket truck go? It'll float out there, okay. What's the log truck?

Mr. Whitmore: The log truck is to the left of the crane.

Member Covelli: Immediately, the first truck to the left.

Mr. Whitmore: Immediately to the left is the log truck. You can see the turret and the seat on top. It's like a loader where you just pick up logs.

Chairman: You go one with a cherry picker on one with a crane. It just seems that it's, just like Frank said, a lot of stuff going on a small piece of property.

Member Covelli: Obviously it would be ideal for you to grab Lot 12. Not that we can help you with that.

Mr. Whitmore: Well, we're trying to go out here. Once it is out of litigation, then maybe we can get it. I mean, that that is our future plan.

Chairman: Are you going to put any curbing and Coles or are you just going to leave it as it is? I mean in front of the house. Are you're going to put some curb in there, or a driveway cut on the right of the house?

Mr. Whitmore: I mean, if you guys want that, I can do it. It's no issue.

Chairman: Right now, I've been there a couple times, the whole front of the house is covered with trucks and cars, personal vehicles. Okay. So, if they can't park there, you've got to them to play the switch game with the big trucks.

Mr. Whitmore: I got a better idea. I'm thinking the lazy way out.

Chairman: But normally we did it to your neighbor across the street. You have to put curbs there or driveway cuts because you want to run five or six vehicles.

Mr. Whitmore: I would like to replace that anyway, because it is not too nice looking with the broken pavers.

Chairman: As far as the garage, you're going to have a concrete or stone?

Mr. Whitmore: In the garage?

Chairman: No, coming out of the garage onto Coles, what's going there?

Mr. Whitmore: I'm going to get keep it ground level and maybe a small concrete apron.

Chairman: Is that garage going to be elevated higher than the surrounding property?

Attorney Mainardi: That's a good question for Engineer VanderValk.

Engineer VanderValk: The garage is pretty much still at grade with the property the way it is today. As we talked about the floodplain, we really don't have an opportunity to elevate it and fill in underneath that slab. We pretty much have to put that slab at or below grade.

Chairman: Looking at your drawing of the garage, it says front elevation is in the upper left hand corner. It shows a three and a half foot minimum something.

Engineer VanderValk: That's the footings. Slab is at that grade.

Chairman: Then the pitch, if you look at the ground floor plan directly below that, pitch floor towards doors. So, inside the garage is raised up?

Engineer VanderValk: There's a certain minimum slope you have on a slab just to make sure like, if it rains and you pull a vehicle in, that water pitch towards the door. The slab typically has a pitch to it very, very slight, but the slab typically has a pitch to it.

Chairman: It doesn't say.

Engineer Nash: Mr. Chairman, that's the Architect's plan, it's not the Engineer's plan.

Chairman: I'm sorry.

Member Ludwig: We're talking about the possibility of a flood coming up into the garage. You were saying something about putting vents around the perimeter. I just had a thought, why don't you run a drain out? It's 217 and it drops off to 260 and it's only a one foot differential, like a floor drain, where water could come back up as it raises just to not worry about the heat going out through vents.

Member Covelli: Floor drains is a whole other bailiwick. He may not want to get involved with floor drains.

Engineer VanderValk: The DEP rules would require the flood vents in the walls.

Mr. Whitmore: Could we pitch the slab towards the vents?

Engineer VanderValk: Yeah, I suppose. I imagined the Architect put this here because, just like you have in a residential house, you're always going to have a pitch on that slab so

I think that's why he shows that there. But you're right, I mean, with the with the vents, depending on which walls we decide to put them, which I think would be the westerly.

Member Covelli: Aren't these building code issues?

Engineer VanderValk: Yeah, I think.

Construction Official: Yes, the floor will be pitched lightly to the door and the flood vents will be as per the location. If they are at grade, they may be up a little bit, but they are going to be whatever they have to be.

Member Sbarra: Does the flood zone present any issues with any sort of apron or anything leading into the garage?

Engineer VanderValk: Yes, that's why we set the garage at the elevation we did. You see on the high side of the garage, we're actually, that natural grade today is above the slab, so we had to cut into that slope with our garage slab rather than putting the slab above on the other side of the filling. Instead, we are digging out a little bit on the right side of the garage, and then holding the natural grade on the left.

Member Sbarra: There won't be any apron?

Engineer VanderValk: The apron will be recessed in the current grade.

Member Sbarra: I'm saying in front of the garage.

Engineer VanderValk: If they put like a 5' concrete apron there, again, it's going to be either at or lower than the grade that it is today, this way it is not an issue.

Member Sbarra: Okay. How about any runoff? I don't know if there is a question for you or who this question is for. How about any runoff from any of the gutters, leaders, anything like that?

Engineer VanderValk: I think Mr. Nash brought that up in his report. Essentially, what we see here is we have a slight reduction in pervious coverage, 73 square feet. But regardless, we have a dedicated decrease in runoff, we're not changing any of the runoff patterns and it's contained to the same thing it was always done. Because of that reduction, we don't have an increase in volume; therefore, the idea is just to continue to do what's there today.

Engineer Nash: Where are the leaders going to discharge to?

Engineer VanderValk: We'll coordinate with the Architect. The idea would be just to discharge to grade. So, we're probably change four and the two at the front may be an issue for icing and whatnot so we might let those off daily at the back but we'll have to coordinate that with the Architect. Again, the idea being that patterns aren't changing, volume is decreasing and therefore we don't expect an issue.

Alright, take a five minute break.

Board took a break at 9:12pm and reconvened at 9:18pm with all Members present.

Attorney Mondello: We're calling the meeting back to order. Note that everybody has returned to the dais. I've already forgotten where are we at. Is the Engineer finished testimony?

Attorney Mainardi: I have no further questions for the Engineer.

Chairman: Do we have any more questions of the Engineer? Anybody?

Attorney Mondello: I see nobody from the public. Next witness.

Attorney Mondello: Swore in Alexander Dougherty, on behalf of John McDonough of McDonough Associates, at 101 Gibraltar Drive, Suite A, Morris Plains, New Jersey.

Attorney Mondello: All right. I can't remember but have you ever testified before this Board?

Planner: Yes, the parrot house with the birds.

Attorney Mondello: Ah, nobody can forget that one. Board has no objection to admitting you as an expert in the field of Planning. Your witness, Mr. Mainardi.

Attorney Mainardi: Mr. Dougherty, you've had the opportunity to examine this property and making a study from a planning perspective.

Planner: Yes, I have.

Attorney Mainardi: Would you give the Board the benefit of your conclusions and observations?

Planner: Certainly, before I go that direction, kind of hearing some of the talking points earlier, if the Board allows, last year when we did the application across the street, we had snapped some photos and aerials. During some of the discussion that took place earlier this evening, I looked back in our archives, and we'd like to answer a lot of the concerns and questions about the state of the property and how it's been operated because that was over a year ago. So, we actually caught that property inadvertently, not knowing we'd be coming in front of the Board approximately a year later. If it's acceptable to the Board, I can show digitally what these photos are and we can submit that those photos tomorrow with the rest of the packet.

Attorney Mondello: Yeah, that's fine. Oh, that's what you meant by digital.

Engineer Nash: Is that a bird's eye view?

Planner: Yes, and they'll be larger. I just want to come around and I'll show. We actually caught the property so I think some of the concerns could be answered there. When we talk about the condition of logs and storages and so forth, on page five of the exhibit, which we'll resubmit, they are neatly tucked up and stack. I think it's important to note too, what took place on another property of a similar use, is pretty much a mess. The property, even a year back, was maintained.

Member Covelli: I'm looking at the application we approved is also to the left of that.

Planner: Yes, that's why we have these photos. The stacking of the logs; these are the ones that was getting resold for repurposing. I show you right there. What's important to note too is, you can't really see the house. There's a lush foliage buffer zone there and the trees and that's also visible from another angle we took on page eight, nine. This is behind the property essentially. These were during the day and as you can see, during business hours, the trucks are gone. From an intensity standpoint, the lot itself, the majority of the day is low intensity, everything is gone, and when they do come back, it is neatly stored and stacked. So down on this side of the Board, when we put in the application across the street, we took the photos inadvertently, so the logs are stacked, the trucks are gone, and the page five shows that here a little bit. The logs are neatly stacked. What's interesting is, the use kind of further setback with different business, was not the case. This is not really

a nuisance kind of use. They like to keep the property clean. And then on page eight and nine of that exhibit we submitted a year ago, what's important to note here is when we look behind the property, there is a nice buffer with foliage. You can't really see the property from this perspective. Again, this is from just one year ago, the logs are neatly stacked, the trucks are off and there on the jobsite. It is a smaller lot so organization is pretty critical. I just wanted to put that out there for the Board as far as stacking of the logs, how the lot is used, a year ago it was neat clean.

Attorney Mainardi: Just by way of foundation for those exhibits so when they are submitted to the Board, these were pages five, eight and nine from the application of Thomas and Judith Buske before this Board.

Planner: Yes.

Attorney Mainardi: Who took the photos?

Planner: John McDonough Associates.

Attorney Mainardi: When were they taken?

Planner: These were marked and taken June 1, 2021.

Attorney Mainardi: Is this clear enough Counselor?

Attorney Mondello: It works.

Planner: What we did tonight is prepare a new packet of pretty much what I just showed you from a year ago for this application. What we'll see is what we saw kind of earlier today, they were moving some things around and trying to organize and things like that, so it looks a little bit more chaotic, because spring cleaning and organizing. But I think we'll also clear up some issues as far as the tax lots, where they are, where they fall, and the areas of the sheds and so forth, and why we have the setbacks we do and why the garage is located where it is.

Attorney Mondello: We are at A-8, consists of six sheets.

Planner: If I may just kind of walk the Board through the six sheets, briefly. Page one in yellow just identifies the lot in question, Lot 13 Block 436 outlined in yellow on Coles Avenue. If we flip to page two, it's pretty much an aerial view still kind of showing the lot delineations and around, and it kind of gives you an idea of what's happening back here on Coles Avenue as well from a bird's eye perspective. Page three is a land use map. We don't make these they are generated so we had yellow as residential, which shows our property I think that's because of the residential house on here; red as commercial and, again, across the street, we know that's not really residential, but again, because of that residential structure, that's why they're showing what they are. But realistically, this is a commercial use and intensity back here on Coles Avenue so I think it really just because of those residential structures that are on there this map shows that. What's important to know is the red that is around this property it fits the use and what's happening back here

Attorney Mainardi: Who produced this map?

Planner: This is sourced from NJGen, which is pretty much a GIS based software.

Attorney Mainardi: State of New Jersey.

Planner: Yeah. We don't make these. We put the stuff and we click the layers and the GIS software duplicates this. Page four is our Zoning Map. As you can see, we are in the B-3, we are kind of sandwich in the residential, which is the yellow R-10 which has the strong delineation boundaries, if you will, of Ringwood Avenue and Greenwood Avenue, and we're sandwiched right in the middle of Coles Avenue. The exciting part, page five

and six, are aerial drones of the property. Page five really gives us a perspective of the current garage, the red one, the dilapidated shed with the whites kind of falling apart as was testified before. The red barn structure, if you will, that's on the neighboring lot which was Lot 12 that opens the barn doors onto their property, has a little basketball hoop on top right there. This is pretty much the property in question. As you can see, this was taken today May 4th, we're kind of moving some things around, but the sheds that are there now, and the way the Applicant parks their vehicles, the shed doesn't help the use. It brings these trucks closer to Coles and encroaches on the right away. As you can see in the photo, there's a lot of chippers and smaller equipment. As testified, the larger new proposed garage will keep these materials in house and out of the element. Kind of off to the right of the house is that large crane truck. As testified, in winter that's the ideal place to park that valuable piece of machinery would be in this garage. The garage, what's important to know is, though we do need a front yard and rear yard setback variance relief here, it will be further off of Coles Avenue than the existing residential structure. With that being said, the vehicles will be parked on the other side of that also in line with that keeping again the vehicles away from the encroachment of Coles Avenue.

Member Covelli: Mr. Doherty, can I just pause you for one minute and ask Mr. Whitmore a few questions.

Planner: Yes.

Member Covelli: So now I can see the garage and this is data today?

Planner: Yes.

Member Covelli: It looks like is that a masonry structure that garage?

Mr. Whitmore: Wood and anything else you think of.

Member Ludwig: It looks like a wooden structure to me.

Member Covelli: It looks like the roof is pretty shot on it.

Mr. Whitmore: It's a metal roof and a little rusty.

Member Covelli: It also looks like the structure is literally leaning? It doesn't look overly stable.

Mr. Whitmore: Yes.

Member Covelli: I didn't ask you this previously, but it comes to mind, have you made repairs to that house?

Mr. Whitmore: We repainted it.

Member Covelli: I mean, it looks in good condition.

Mr. Whitmore: We fix it up.

Member Covelli: If the garage is any indication of what you might have found there, maybe the house didn't look as good as it looks now.

Mr. Whitmore: The house was really bad. We fix the house up.

Member Covelli: It also looks like a relatively new roof on the house?

Mr. Whitmore: Yes, it is. We put a new roof on it, painted it and new windows.

Member Covelli: Now the tree in question I hear everybody talking about whether we can cut it down or not, is it the tree that's to the left of the garage? That's a question is that the tree you're referring to?

Mr. Whitmore: It's the one in front of the house. We plan on leaving that. The back little one by the garage will be removed to fabricate the new structure.

Member Covelli: Okay, I'm sorry, Mr. Dougherty. But thank you for that clarification.

Planner: Again, that kind of shows the garage to shed here, as we see it is in bad shape. Because of the structures that exist now on this lot that is basically given the vehicles that that appearance from the encroachment of Coles Avenue, removing that and putting a new structure here allows us to keep some of this material in the shed, or as a larger garage also allows us to park the vehicles. Off to the side of that, again, we are going to be behind from a setback perspective, the house which is already has an existing variance for the front yard along Coles. Page six, again, just kind of a different perspective, an aerial here of what's kind of happening behind on Coles Avenue and the site in question, really just to focus on those two garages there, which is why the vehicles are parked closer to Coles again.

Member Covelli: You sure have given us a real nice look at the application we approved. And all the stuff he's got there and stuff. Maybe the Construction Official and the Zoning Officer will like a nice copy of this picture. I'm sure it'll help a little, it is even dated and everything, and in for you color. Anyway, please continue.

Planner: Well, that's really what these six maps and photos indicate. It really is just a focus on the site and what's happening here in the back of Coles Avenue and their previous photos show that, even though right now in these photos, they may kind of look in disorganized and disarray we kind of caught on that a bad moment, kind of spring cleaning, moving some things around. But historically, you know, it's been a real hyperfocus to keep this tiny property organized and clean and reinvest into that property and that's kind of that continuation with this application with the new proposed garage and getting rid of these buildings in disarray, these sheds and garages.

With that being said, I'll jump right into the variances for what we're here for. We have the lot depth of 68.7' and the zone requires 100' depth, which if we had that extra, we may not need the variances for the front and rear yard setback. The lot is shallow in depth so the size of the garage kind of puts us with some setback variances from a front yard and rear yard. Our front yard will be at 14.5'. Again, I think it's important to note, as I said earlier, the single family front yard is at 12.3', so we're slightly behind that house and as we showed you in the original photos, we can't even see the house from the road. It's pretty nestled back there. This will be further back from Coles Avenue. But given the lot depth, we have a rear yard setback of a new garage at 4.3'. Currently those sheds and what we saw the red barn, those are setback at 2.3' so it is a slight improvement. I think we look at an impact, the negative impact here, what's behind us is a large buffer of that foliage so there's really not an encroachment or something that would cause substantial detriment to the property behind us. We do have that buffer zone back there. The building height, we are at 17 and three quarters, the ordinance requires 15'. I think the height really is for the crane, the pitch of the roof, I don't want to testify for an Architect, but I don't think he was keen on just a square box to look like a freight container. I think with the weight of snow, it's better to have that pitched roof. But I think when we look at the size of the single family house, we were at 35 feet, so we're substantially below that single family house. Again, this garage, even though it's a little bit over what the zone requires, it won't be obtrusive, and so forth of that narrative from the public's perspective. Then we have the existing variances. They relate to that single family house. We have the rear yard at 17. We're not moving the house, and we have that lot depth of 68 instead of the 100. We also have the side yard of 2.4 and the Zone requires 10. Again, these are pre-existing variances here. The front yard as I stated is at 12.3 and the zone requires 20.

What I think is important to know, even though we are on this undersized lot here, is our building coverage. We are at 22.4. We originally at 20.4, there zone allows us to be at 30. So even though we are proposing a very large garage, and we have a single family structure and our lot is undersized, we are not over on building coverage. I think this is important to know considering the floodplain talks and so forth here.

The big elephant in the room is just is the D-1 Use Variance. The zone does not essentially allow the single family house as it stands alone, as well as this type of use is not expressly allowed in the zone and with the outside storage. I'll kind of go through the proofs needed for that the D-1 Use Variance. The application satisfies the positive/negative criteria for the relief that was established by *Medici*. The setback relief is justified on the C-1. Their pre-existing hardships and the C-2 the balancing test, right. Even though we're asking for the new garage setbacks, I think the benefits outweigh the detriments. I don't think there really is a substantial detriment to the neighboring properties, the height and so forth. There's really nothing back here as what we saw in these packets and photos. Prong one of them *Medici* is site suitability. As we heard, this use has been operating here since 2013. Again, across the street is a very similar use, if you will, from a construction standpoint. There really is no adverse impacts, but it is suitable by virtue of its condition, its context. The condition wise, you know, our vehicles leave during the day, they're organized, the site itself is situated in a way that the residential property is for the person that actually works in the business, so it's kind of like we have the onsite manager at the facility. From the contextual wise, Coles Avenue is really an unfinished road, it kind of goes back there in a cut if you will, it's not paved, you have a lot of the same uses going on, we do have that floodplain issue. If a use of this nature were to exist, this would be a suitable location. When we look at the positive criteria they are met because the application will result in better overall site organization and integration with the area. I think we've been doing that, as we saw in the last photos, organization, integration and it works back here. Even though we're undersized and, as the Applicant stated, there is hopes that we can acquire more additional land going further back to kind of alleviate more of an organization and so forth and integration back there. The new garage will improve both the function and the visual quality of the site. The improvements will also result in improved operational efficiencies of the business. The project promotes the broader planning purposes of efficient land use, positive aesthetics, variety of land uses and appropriate location. The project will advance multiple purposes of the Municipal Land Use Law, especially Purposes a., g., i. and m. In addition to the above, the project promotes general welfare because the site is particularly suited for the use by virtue of its context, the conditions as stated, the negative criteria are satisfied because it really can be granted without substantial detriment to the public and without substantial impairment to the zone plan. This particular property, as well as maybe the one across the street, is a unique area only to the zones not related to the entire B-3 Zone; it's really just right here on Coles Avenue that we have this configuration and this kind of cutback back there into the B-3 Zone. With that being said, it does not constitute a rezone, and I don't think it undermines the integrity of the zone. We still have that residential component which is permitted in there, but we don't have the use. It's also not the exact mix of a mixed use, *per se*, with the commercial, retail or businesses, but we still kind of marriage that up nicely. Again, the setback relief is a function of the land, and in the conditions that are there. The proposal is for adaptive reuse of the previously disturbed site. It is particularly difficult to avoid relief given the

size and characteristic of the site. With that being said, from a planning perspective, I believe approval is warranted and the application will be a better application as a collective whole with any input from the Board. I conclude with that.

Attorney Mondello: Any questions from Board Members?

Member Covelli: Nicely done Mr. Dougherty.

Member Sbarra: We're obviously looking at Lot 13 at this point. I don't think we can assume that you guys would acquire a Lot 12. I know you're hoping for but obviously there's no guarantees.

Attorney Mainardi: We have no contract.

Member Sbarra: Exactly. In saying that, if you were to acquire Lot 12, would they have to come back to the Board to get approval Lot 12?

Engineer Nash: Absolutely.

Member Covelli: For what purpose?

Member Sbarra: If they wanted to expand their business into Lot 12.

Member Covelli: Oh, if you want to expand. They don't have to come before us to buy it to start putting stuff on it.

Attorney Mainardi: If we want to use it, we obviously need approval.

Attorney Mondello: And you are buying it to use it. You will expand, you'll put trucks there, you'll do something there.

Mr. Whitmore: I wouldn't buy more trucks, I would just really buy it to just not have the mess back there.

Member Covelli: If he doesn't change it and uses the shed and parks vehicles next to it, he's not coming here.

Attorney Mondello: I mean, if it's not going to really use it.

Mr. Whitmore: I wouldn't keep anything close to the stream anyway. Just myself and Tom are in there and that's it, we're done.

Chairman: What if somebody else buys it and wants to put something there?

Mr. Whitmore: I mean, even though I made a very large offer, he's asking for over \$100,000 for a shed in a floodplain.

Member Covelli: He wants to take advantage of the strong market right now.

Attorney Mondello: He'd probably get a million for it if he grows cannabis back there.

Member Covelli: I guess there's plenty of water to water the cannabis.

Chairman: The other question is this, the lot to the north. If somebody developed that, and it's a big piece of property because it starts at Ringwood Avenue and runs all the way to the Brook, would you then put a fence up or something to separate the property, something?

Mr. Whitmore: Yeah.

Member Covelli: I thought of that too Mr. Chairman, and I listened to, I think it was the Engineer. If we did nothing, his building is 2' from the line. If he does this, he's 4' from the line. If we did nothing, and the other property owner does something, it's more of a hardship for the other property owner. With that distance, you can't even plant something if he were to bring a driveway through there or something. 4' is a little bit more something there.

Mr. Whitmore: I would definitely fence that too just for security.

Planner: I think it is developed already. Page two and on the aerials, we have structure on that lot.

Member Covelli: There are structures but there is talk about other things, but that's not for here or now.

Attorney Mainardi: It is a commercial zone, so any use would have to be commercial so they'd have to come before this Board for site plan approval.

Chairman: My only question is I would prefer your to be away from Lot 12. The requirements are basically the same as an R-10 where you need a 5' buffer around the edges.

Member Covelli: How deep is the garage and I think you gave that testimony.

Mr. Whitmore: About 22' deep.

Attorney Mondello: Mr. Chairman, Mr. Nash has opined in my left ear that 5' is for permanent structures.

Member Covelli: It is a permanent structure, but it's an accessory structure.

Mr. Whitmore: 21' is what it is. With a lean it might be 22'.

Member Covelli: Well, I was just going to say you might want to amend that thought of what the size is of what we're granting?

Planner: No, that's existing. I thought you were asking about the existing garage; the red and white one.

Member Covelli: That's 21'

Planner: 50' is the proposed.

Member Covelli: 50' long. I was wondering what he was going to do with 21' feet, that's pretty short.

Planner: 50 on a 68 depth lot.

Attorney Mondello: Anything else from the Board?

Member Covelli: So, we said 4.6 in the back?

Planner: 4.3. Currently it's at 2.3.

Member Covelli: Would it be unreasonable or difficult to make it 5 in the back and make it up in the front? Are you even or both behind with the house?

Planner: Currently the house is at 12.3. We propose it at 14 and a half.

Member Covelli: You have enough room.

Planner: We have about little over 2' to move it up.

Member Covelli: And to the Chairman's point, if you had 5 back there for an accessory structure, that's fine. But you're still behind the line of the house.

Engineer Nash: It's not an or accessory structure. It is a garage. It is not a shed. It requires a 20' setback from the rear yard.

Member Covelli: Okay, but its 5 versus 4 point something.

Engineer Nash: Sorry, 25' from the rear yard.

Member Covelli: I didn't say he was absolved from of a variance. I'm saying there's a little bit more distance if there was something done on the other property.

Chairman: Well, the other question is your truck spaces next to the garage and all that and the garage, you're only like 2' off the property line.

Attorney Mainardi: Maybe the Engineer might have some input on this.

Engineer VanderValk: The concern is about the truck parking.

Chairman: The three (3) slots next to the garage on the left.

Engineer VanderValk: These boxes displayed on here are not specific to vehicles. As I've said these were 10 x 30. There are some vehicles that are only 18' long and some vehicles, once attached to the trailer are 33' long. So, there's going to be some mixing and matching, and they're also certainly not 10' wide. There might be some that are 9' wide and 8-1/2'.

Chairman: How much space in the front?

Engineer VanderValk: Right now, we have 60' of storage with about 3' buffer to the rear, and that leaves us almost 8' in the front.

Member Covelli: But again, it's a stall. There's nothing delineated.

Engineer VanderValk: The site plan is to allow permission to store in this area. He may be 5' shorter than this when you put the actual vehicle in there depending on which ones he stacks.

Member Ludwig: It's actually not really even formal parking; it's just gravel.

Chairman: The whole thing is don't want to see him out on Coles Avenue.

Engineer VanderValk: Of course, of course.

Chairman: That seems to be the big problem about this. Between the cars that were parked in front of the house and the trucks that were backing in to some unknown distance.

Engineer VanderValk: I think we have two issues. One was people were parking in front of the house, which we've agreed not to do and that will be very clearly visible if they're parked there.

Chairman: What I'd like to see is a curb there in front of the house. Put a curb in, you have a driveway on the right.

Mr. Whitmore: We'll put the curb in and then we'll put two or three arborvitaes up the left side of the house to give you a little blockage to make it look nicer.

Member Covelli: I was going to ask you Mr. Whitmore, was it your testimony that you're going to fix that paver area in the front? Is that a sitting area? Is it a recreation area? Is that like a patio area?

Mr. Whitmore: I guess you could call it that. Yeah, we'll fix that, put curbage and re-level it out. It's just better to actually put the curbage in to stop the workers from even being able to park there.

Chairman: What is the room on the right side of the house. It looks like it like might have been a garage years ago. It is fully enclosed.

Mr. Whitmore: It's a porch with only windows around it. When we bought it, it was like a commercial glass door on it that was all broken.

Chairman: To me that looks like an office.

Mr. Whitmore: It's not an office.

Chairman: Looks like a work table in there, some shelving across the windows would stuff on it. Look you can use it as an office; it doesn't change anything.

Mr. Whitmore: It is really where the guy hangs out. The house is not big in there; its small.

Attorney Mainardi: Is it possible the tenant uses that as his personal office?

Mr. Whitmore: Yeah. I don't really go in the house.

Attorney Mainardi: Is that room used for any of your company purposes as all?

Mr. Whitmore: That is like their mud room. I mean, that's where he goes in and changes and does everything.

Attorney Mainardi: But in terms of conducting company business making telephone calls, paperwork, etc.

Mr. Whitmore: My cell phone is my business line. I go there for my truck. My home office is with my kids.

Attorney Mainardi: Do you have any office equipment or computer or anything like that?

Mr. Whitmore: I don't know; I don't really go in there that much.

Attorney Mainardi: So, the answer is yes or no.

Mr. Whitmore: No.

Chairman: It's just simple. If it's an office, label it an office, that's all.

Mr. Whitmore: I don't use it.

Chairman: Technically you don't have an office at this site.

Mr. Whitmore: Not in there, no.

Chairman: Okay. Just curious, when the trucks come back, where do they turn their paperwork in?

Mr. Whitmore: I have it all. I got every job to get paid. We do a group text message. Before I even get there, because I have to bring my kid to day care, I just text the address and say they go here. I show him the job do and I go on estimates. We really don't have that much paperwork. It's like a very easy, simple. I just go and do estimates. Everything is pretty much mobile.

Chairman: It's just a basic question just so we touch base with everything that's here so we can finally deal with it all. You run your business in Wayne.

Member Sbarra: Quick question. I'm trying to visualize this curb that you want to put in. I happen to be looking at page five of that plan/the exhibit from John McDonough Planning. In order to visualize what you gave testimony to, where would you start that curb and where would that curb end?

Attorney Mainardi: One of these photos A- 4 might do better, Mr. Sbarra.

Mr. Whitmore: We can bring three arborvitaes off the left side of the house.

Member Sbarra: Basically, your testimony is that you'll put a couple of arborvitaes, how many that is, from the left corner of that house up to about Cole's.

Mr. Whitmore: Yes, and then we can do to curbage all the way down to the driveway, but I don't know if you want to go that close to the tree without killing the tree.

Member Sbarra: Well that curb would be up on Coles, correct?

Mr. Whitmore: Yeah, it'll be on Coles and it'll be only about 2' or 3' away from the tree.

Member Sbarra: The tree is in the right-of-way. So, we are looking at the length of the house.

Attorney Mainardi: This man knows trees. If he says it is going to kill the tree, chances are he is right. Just keep that in mind.

Mr. Whitmore: We'll do three (3) arborvitaes on the left side and then we'll just squared off the curbage.

Member Sbarra: You are 14' there. Is three going to be enough on the arborvitaes there, if you're looking at delineate really that.

Mr. Whitmore: We could do emeralds, maybe five (5) of them. Emeralds might be better off because they're they don't pop out.

Member Sbarra: Like I said, I'm just trying to get on record what your testimony is.

Engineer Nash: I just have a question on where the curb is going in relation to the street going south? It can't be on the property line, it has to be out in the public right-of-way.

Mr. Whitmore: The curb has to go out in the public right-of-way?

Engineer Nash: It's a curb.

Member Covelli: Mr. Nash, I believe the expression is be careful what you ask for. Coles is not a very wide street to begin with. The further he puts the curb out, the more difficult that street becomes to navigate and both him and his neighbor have big vehicles.

Member Ludwig: Just something to stop the people from driving on those pavers and making a mess out of that.

Attorney Mondello: Keep it on your property. We'll give you a waiver and if the Council gives us a hard time, we'll do something else.

Chairman: Across the street, you have curbing we put in there also. If they're on the edge and you're on the edge, you got 30' basically.

Engineer Nash: Did your office do the survey on that one too?

Engineer VanderValk: Is there curb proposed on edge of the property line.

Engineer Nash: Well, I don't know recall. You just have coordinate so it's parallel. That would be nice.

Member Sbarra: I remember on that on that previous application there being a planting buffer along Coles with two almost like a u-shaped driveway, for lack of a better word.

Member Covelli: Perhaps Mr. VanderValk could help us with this. Looking at as his depiction, it appears as the property line and the actual edge of the road, if you want to call it an edge of the road, there's a distance between the two.

Engineer VanderValk: Correct.

Member Ludwig: It looks like it's a good 8' or better from his property line to the actual line for the road.

Engineer VanderValk: 8' is correct.

Member Sbarra: It is 8' from the property line to the edge of the asphalt.

Engineer VanderValk: Yes, although given all the gravel and compacted material out there, it all kind of bleeds together.

Member Ludwig: That's why I was saying put it where the paver stone is, the edge of that to prevent it from being driven over.

Engineer VanderValk: Maybe we put the curb 2' into the right-of-way or something.

Member Ludwig: Actually. you could park cars next to the curb.

Attorney Mainardi: Mr. Chairman, could we suggest maybe a split-rail fence instead of a curb. We'll keep the vehicles out, it'll be more appealing to the eye, and we'll avoid these issues with municipal improvements.

Chairman: The whole thing is we don't want to see cars or trucks parked into the house.

Attorney Mainardi: I understand that and my thought.

Chairman: Split-rail fence works better because people have a habit of going over the curb, especially big trucks.

Member Sbarra: I think a split-rail fence actually has a more aesthetic appeal. For clarity, is that where we're at now. We're looking to do a split-rail fence as opposed to a curb at

this point and then that would literally just be right where the footprint of the house is. Are we also still doing the arborvitaes?

Mr. Whitmore: Yes.

Attorney Mondello: All right, anything else? Hearing none, seeing none. There aren't any members of the public.

Attorney Mondello: Mr. Mainardi, what is your client's pleasure here? It appears that the Board may be inclined to grant the relief sought by your Applicant? Do you want to adjourn? We have six (6) members. Or do you want to go forward tonight after you sum up?

Attorney Mainardi: We're not getting a lot of negative feedback from the Board.

Attorney Mondello: It's pretty obvious to me.

Member Covelli: You may get some negative feedback if we don't vote on this thing soon.

Attorney Mondello: Do you want to sum up Mr. Mainardi?

Attorney Mainardi: I think we've been over all the issues and the Board understands it very well. The Applicant's shown a willingness to work with the Board in many respects. I think we're looking overall at an improvement of the property in terms of traffic flow, the parking situation, removal of that dilapidated structure, and a clear definition of the residential. For all these reasons and based on the testimony, all of the variances are well justified on the engineering site plan. Subject, of course, to submission of the lighting and the other issues that the Board wanted. We would certainly ask that the application be approved.

Attorney Mondello: Alright, thank you.

Chairman: Do you want to go tonight or do you want to carry it until next month?

Attorney Mondello: We'll go tonight; he wants to go tonight.

Member Sbarra: I actually have one more question before we before we get to that. Where are we at as far as a resolving some sort of fence or plantings or whatever on the northerly side of the property as well as the westerly side of the property?

Mr. Whitmore: On the right side towards Ringwood Avenue, I'd say what do you want to do – a white privacy fence like the other side?

Member Sbarra: You're talking about which part now?

Attorney Mainardi: The easterly end of the property?

Member Sbarra: I was more or less talking about the northerly and the westerly side.

Mr. Whitmore: By the red shed?

Member Sbarra: The easterly side, and correct me if I'm wrong, there's a fairly large tree buffer there. The westerly side there is no buffers. The northerly side I'm not sure.

Attorney Mainardi: He's asking about the back of the property and then the left side. Am I right?

Member Sbarra: Yes.

Mr. Whitmore: On the left side we are going to do poles, or just to chain, or something to more define the property line.

Member Sbarra: Well, that's what I want clarified. Is that what you're testifying?

Member Covelli: Which, by the way, I think we should allow him to not go near the shed. I don't think, Mr. Chairman, we can take the position, it's not your problem. ,The guy's door opens that way. You can't put a fence in front of the guy's front door?

Member Sbarra: Well, that's what I'm asking. Are we are we doing the fence or are we just doing a chain?

Member Covelli: Let him work it out. If they accept that, they accept that.

Member Ludwig: Well, is it even necessary for us to decide.

Member Sbarra: The only reason why I'm bringing that up is because obviously if we were to grant these variances, they're for the life of the property, and we can't assume that they would be able to purchase Lot 12. If they do great; if they don't, what are we doing?

Chairman: The concern is Lot 12. Say if a different owner buys it, there could be a real conflict there.

Attorney Mainardi: The question of trespass between one property owner and others, it is between those property owners.

Member Ludwig: It is all a flood zone there to.

Member Sbarra: Chris had brought up the point as well that there's only certain types of fencing you could put up there.

Member Covelli: I think we're going down a slippery slope with the fencing on the side closest to the river because you're getting into the 300 buffer. I think, personally, I'm ready to make a Motion because I think the Applicant has given us what we've asked for. I think we're going beyond; the back doesn't matter and that's an issue for another day if there's somebody back there. I really think we need to vote on us. That's my position. In fact, I'm ready to make the Motion if I could figure out what the heck we just did for the last two hours and be able to put it in the form of a Motion. I'll let you wrap things up, ask if there's anything else to be said, and I'll make a Motion.

Attorney Mondello: I believe that's it.

Member Sbarra: I'm satisfied with that, yeah. I can appreciate that.

Member Covelli: All right, in the matter of ZBA2022-06, I make a Motion that we Approve the Applicant's variance to tear down an existing garage and dilapidated shed and replace it with the garage that has been purported to us in the drawings submitted thereof this evening, and the Use Variance attached thereof to the B Zone, with the following conditions:

As part of the testimony, the Applicant will readjust the building such that there is a 5' buffer in the rear of the garage, which would still maintain the structure is behind the line of the existing residential home;

That the Applicant will construct a fence of shrubs and reconstruct the patio in the front of the residential home;

No parking in the front of the house that's probably going to be solved by the split-rail fence and the arborvitae;

That as part of this, Mr. Nash and Mr. Mondello, the variances requested under Mr. VanderValk's drawing says that the Use Variance/Commercial Truck and Equipment Storage is not a listed permitted use in the B Zone and that we would, therefore, grant that in accordance with representations made by the Applicant this evening;

That also the outdoor storage of logs will be confined to the concrete area as represented by the Applicant this evening.

Applicant, are you in concurrence?

Applicant/Mr. Whitmore: Yes.

Member Ludwig: Seconded the Motion.

MOTION TO APPROVE APPLICATION ZBA2022-06: made by Member Covelli, seconded by Member Ludwig. Voting yes were Members Covelli, Henderson, Ludwig, Sbarra, Lynch and Chairman Dunning. Motion Carried

Attorney Mondello: Just so the record is clear that the Use Variance also includes the fact that there's a single family residence in a commercial zone, where it's not permitted, but if you expand that house, you'll have to come back.

PUBLIC DISCUSSION: No public in attendance at meeting.

RESOLUTION: ZBA2022-05 – Norton, Kevin – 14 Rhinesmith Avenue

Attorney Mondello: Mr. Norton came before the Board seeking relief to construct a one story addition to the front of the existing house and add a covered porch. Typical conditions were placed in the Resolution. The Applicant agreed to relocate the air conditioning unit to the rear of the property was the only different condition that went in there. Any questions, comments? Hearing none, seeing none, I'd ask for a Motion followed by a second.

MOTION TO MEMORALIZE THIS RESOLUTION AS PREPARED BY BOARD

ATTORNEY: made by Member Ludwig, seconded by Member Sbarra. Voting yes were Acting Chairman Dunning, Members Ludwig, Sbarra and Lynch

CORRESPONDENCE: No correspondence but Members Lynch and Sbarra took the Municipal Land Use Course on April 27th and they both got 100% on the test. Member Sahanas has to take the course.

VOUCHERS: submitted by Ronald Mondello, Esq. for the 1049 Ringwood Avenue Application in the amount of \$330; for Norton Application in the amount of \$412.50; and for attendance at the May 4, 2022 Meeting in the amount of \$400.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Covelli. Voting yes were Chairman Dunning, Members Covelli, Henderson, Ludwig, Sbarra and Lynch

**MOTION TO APPROVE APRIL 6, 2022 MINUTES: made by Member Ludwig, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Ludwig, Sbarra and Lynch
Members Covelli and Henderson not qualified.**

ENGINEER'S REPORT: The County has a project that they are going to start construction on a trail Union Avenue up to Ringwood Avenue. Phase one goes up to Ringwood Avenue. There is a pedestrian bridge in phase one they have to cross Post Brooke right behind Brook Street.

MOTION TO ADJOURN AT 10:14PM: Motion made by Member Ludwig, seconded by Member Sbarra and carried by a voice vote.

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