

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

Salute to Flag: 8:00pm

**OPENING STATEMENT:** This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends on January 19, 2020 and on October 25, 2020 a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

Attorney Mondello Swore In New Member Phillip Stefanowicz

**ROLL CALL:** Vice Chairman Bruce Grygus, Members Frank Covelli, Phillip Stefanowicz, Don Ludwig, and Helena Aumenta and Attorney Ronald Mondello and Engineer Christopher Nash

**ABSENT:** Chairman Jack Dunning (excused absence), Members Bridget Pasznik (absent with notice) Michael Levine (recused from application on agenda tonight) and James Minogue

**APPLICATION:** ZBA2020-06 Chabad Jewish Center, 815 Ringwood Avenue (Block 306/Lot 12)  
Attorney Mondello: Good evening, Mr. Moshman. Please enter your appearance into the record.  
Attorney Moshman: Good evening. I'm Robert Moshman. I'm representing the Chabad and Rabbi Mendy Gurkov.

Attorney Mondello: So where are we, Mr. Moshman? And where are we headed?

Attorney Moshman: We are in the second part of a bifurcated proceeding. The first part had to do with a pole sign and lettering on a building, which was approved and was memorialized several months ago, I think, September. Since that time, the Board had directed that we investigate getting approvals at the County Level. That was investigated, and the County indicated they would not be interested in ruling on signs out of context, only in the context of a site plan approval would they rule in on signs at all. They showed no interest and took no part of it. Tonight, we are back with the second part of the application, which was a ground sign that was discussed at great length at the first meeting, but it was determined no more time should be spent on it until a final version of the sign was arrived at so that the Board could see what we're actually proposing. You know, we had theoretically indicated a larger sign, but the Board wanted specifics. So with that in mind, we designed a sign, we advertised notices for a sign design, and then in between publishing the notice and coming here, the sign was modified smaller than what was advertised. When we get to that part of the proceeding of what did we ask for, and what we are asking for tonight, it's very similar, it's a slight disparity, but smaller than what is advertised for.

**Attorney Mondello:** Fair enough. Are you prepared to call your first witness?

**Attorney Moshman:** Yes. I would like to call Brian, whose name my last name I don't know. Brian from Butler Signage is with us. I see a Brian on the call.

**Attorney Mondello:** I do. I don't see the ability to ask him to turn his video on. Brian, do you not have a camera? Are you unable to turn your audio? I'm not sure if Brian had some difficulty logging in. If he can hear us, he may want to log out and log back in. There we go.

**Attorney Moshman:** Okay, so he probably can hear us. We could actually proceed with Rabbi Gurkov if he's not able to join us.

**Attorney Mondello:** Fair enough. Good evening, Rabbi, would you please raise your right hand? Do you affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

**Rabbi:** Yes.

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

**Rabbi Mendy:** Rabbi Mendy Gurkov, 31 Carter Road, Haskell, NJ.

**Attorney Mondello:** Your witness Mr. Moshman.

**Attorney Moshman:** I'd like to ask if the iPad2 is Brian and if he can turn his audio on.

**Attorney Mondello:** I'm asking him to unmute. I've asked him to turn his video on.

**Attorney Moshman:** Brian, can you hear us?

**Attorney Mondello:** Brian, for whatever reason, there is still no audio. We do have video. You may have to turn your microphone up. Yeah, we cannot hear you. The only thing I could suggest is that you try again Brian, and we will continue with Rabbi Mendy.

**Attorney Moshman:** Rabbi, can you explain to the Board what the purpose of the ground sign is?

**Rabbi:** Thank you, Bob. The purpose of the ground sign is to be a place where people recognize that this is where the Chabad Center is, as an entrance point, both for people coming in both directions. You know, coming from Pompton Lakes, and then coming from West Milford, both sides of Ridgewood Avenue. It should be visible in the sense that there's no confusion where to turn into whichever direction you're coming from. In comparison to the other businesses and nearby neighbors, the signs are very large, and our current sign that we have now is basically pretty much not visible. Many people don't even notice and recognize that there's a sign there. So there is some confusion, as you know, where the entrance point is. So having a prominent sign, a modern classy sign that blends in with the rest of the building in terms of aesthetics, I think will be a beautiful thing and just add to the beautiful building when people drive by.

**Attorney Moshman:** Okay, I have a collection of photographs and PDF diagrams on a PowerPoint. Is it possible for the Administrator of this Zoom to let me share the screen and take a shot at that?

**Attorney Mondello:** I just made you a co-host, Mr. Moshman, so you're ready to go.

**Attorney Moshman:** Okay, for some reason not working.

**Attorney Mondello:** I made you the co-host so you should be able to just click screen share at the bottom. You are apparently freezing up. I guess they have not perfected internet connections yet. He is frozen. Mr. Moshman, are you able to hear us?

**Rabbi:** I believe Mr. Moshman's computer logged off. I could perhaps share the images that Mr. Moshman wanted to share if somehow I could be the co-host I could probably, if you give me a minute, hopefully less, probably logins my email and get those.

**Attorney Mondello:** You are now the co host

**Attorney Moshman:** Okay, my computer logged me off.

**Attorney Mondello:** I have now made both Rabbi Mendy and yourself co-hosts, so either one of you are now able to share the screen.

**Attorney Moshman:** Okay, can everyone see this aerial shot of the Ringwood Avenue?

**Attorney Mondello:** You have not shared your screen or you haven't selected it properly. There you go.

**Attorney Moshman:** Okay. So I have a dozen slides, I guess. Rabbi, can you identify the red dot in the middle of this aerial shot?

**Rabbi:** Yes.

**Attorney Moshman:** Is my cursor now hovering over the Chabad at 815 Ringwood Avenue?

**Rabbi:** Yes, it is.

**Attorney Moshman:** I'm going to call this direction of the cursor north. When I go north here, am I still over your property?

**Rabbi:** Yes.

**Attorney Moshman:** And for lack of a better way of identifying it, is my cursor now approximately over the ground sign and entrance area for the property?

**Rabbi:** Yes, it is.

**Attorney Moshman:** So if someone were coming to visit you from West Milford, and we're heading, I'll call it south, but I'm not sure it's actually south, if they're heading south from West Milford to come to the Chabad, and they're coming along Ringwood Avenue and they reach a Orechio Drive, how soon would they have to turn to get into the parking lot?

**Rabbi:** They would have to turn pretty soon, and by having, you know, a sign that's tall enough that they can see it, and also considering that there's a berm so it has to be, you know, at a decent height, they would then have a clear indication, there's the Chabad Center, and that must be where to turn into. Then everything will come together in terms of seeing the building right ahead on the property. They shouldn't have to drive past it and have to make a u-turn and come back.

**Attorney Moshman:** In this parking lot area that I'm circling with the cursor, do you know how many parking spaces you have altogether?

**Rabbi:** Yeah, we currently have 83 parking spaces.

**Attorney Moshman:** 83, okay. I'm going to move to the next slide which, unfortunately, is the PDF that I have to open separately. Can everyone see this diagram?

**Board Members:** Yes.

**Attorney Moshman:** Rabbi, this was not a diagram that was performed by a survey for you, correct?

**Rabbi:** Correct.

**Attorney Moshman:** And this is labeled signage plan for the Doorway Church. Rabbi, did you purchase the 815 property from the Doorway Church?

**Rabbi:** Yes, I did.

**Attorney Moshman:** I just draw this up as a diagram, not for the full content of it as an endorsed professional document, but just as a diagram to show where the building is, and where the signage is and where the driveway is so that the Board can see there's a long distance. Rabbi, is there a long distance from where you pull into the parking lot and the sign is until you can see the building?

**Rabbi:** There is quite a distance, yes.

**Attorney Moshman:** I'm going to move on to the next slide. Rabbi, can you tell us what we're looking at in the foreground, in front of the sign that's there?

**Rabbi:** So that's coming, using your words Attorney Moshman, going south coming from West Milford towards the Chabad Center. So you'll see Orechio Drive, the name of their street right there, and then our entrance to the building is right past the no turnaround sign, and you would make a right to enter the parking lot. What you see over there is the current sign that was there from Doorway Church, which is a relatively small sign and hard to see when you're coming from that angle, especially coming south. So having a large sign with bigger letters, a clear indication of stop, make the right turn, you're at the Chabad. It is very important to have.

**Attorney Moshman:** In the distance, I'm going to move my cursor over an object, what am I looking at here?

**Rabbi:** There you have a 9' Menorah.

**Attorney Moshman:** For the Board's recollection that was previously approved as a pole sign. I'm going to move on from this. Rabbi, what are we looking at right now?

**Rabbi:** This is the current ground sign that was there when we purchased the building.

**Attorney Moshman:** Are we looking north or south with this?

**Rabbi:** You're coming from Pompton Lakes, so going north towards West Milford.

**Attorney Moshman:** Rabbi, is this your Menorah?

**Rabbi:** Yes, it is.

**Attorney Moshman:** I'm going to hover my cursor underneath it, and there's an object in the distance, can you tell me what that object is that we're looking at down there?

**Rabbi:** Yeah. That is the current ground sign when you enter the parking lot. Pretty far distance from where the Menorah is.

**Attorney Moshman:** When you're approaching northward, you can see the Menorah as a signal with the ground sign, that's by the entrance, is tiny and on the horizon, correct?

**Rabbi:** Yes.

**Attorney Moshman:** I have another PDF I'm going open up. Rabbi, this sign does not exist. This is a markup, correct?

**Rabbi:** Correct.

**Attorney Moshman:** And up until recently, was this the sign that you had in mind for the proposal, which we actually advertised for?

**Rabbi:** Yeah, this was something that we did have in mind yet somewhat, especially in terms of size.

**Attorney Moshman:** And this one is surrounded by some stone on the side, correct?

**Rabbi:** Correct.

**Attorney Moshman:** And these plants down here that my cursor is over at the bottom of the sign, that would be a planter built into the sign.

**Rabbi:** Somewhat of a decorative planter, yes. I mean, Brian, from Butler Signs, would be able to answer that a bit more accurately, but to my understanding, it would be some sort of decorative planter. Yeah.

**Attorney Moshman:** This particular sign, how is it planning to have been lit?

**Rabbi:** That sign was going to be illuminated from within. Brian, please correct me if not.

**Brian:** Can you hear me?

**Rabbi:** Yes, we hear you.

**Brian:** Oh, great. Sorry about all the trouble. This is actually my third device I'm trying and hopefully this works.

**Attorney Moshman:** Brian you're not sworn in yet. But I guess I'll circle back to you after I'm done with the Rabbi if you don't mind.

**Brian:** Not a problem. I'll be here all night.

**Attorney Moshman:** So I'm going to click out of that and keep going. Rabbi, are we looking at something in your neighborhood near the Chabad?

**Rabbi:** Absolutely. This is our closest neighbor, I would say, which is the North Jersey Water Commission, the Wanaque Reservoir, and we share a property line with them as well. So they're right next to us, Orechio Drive.

**Attorney Moshman:** And this is their signage that you can see from your property?

**Rabbi:** Yeah, we could absolutely see it. It's quite a substantial monument sign.

**Acting Chairman Grygus:** Do you know what the dimensions are and that's sign?

**Rabbi:** I don't know them exactly, but it'd be happy to get them for you tomorrow. But it's my estimate, just looking at it, and Brian probably would be able to give you a good call on that, but I'm going to say at least 8' maybe 10' wide, just from, you know, passing it and seeing it every day. It's a big sign.

**Attorney Moshman:** Rabbi, I'm going to call your attention to the next photo. Is that Crete sign on a property near 815 Ringwood Avenue?

**Rabbi:** Yes, they are two doors down.

**Attorney Moshman:** Okay, and I'm going to show you one more.

**Acting Chairman Grygus:** And we don't know what the sizes are of any of these other signs?

**Attorney Moshman:** You know, we did have Chris Fetchik from Butler Signs at the last presentation and he had measured them, but I just don't recall what his testimony was about the signage. These are photos that he introduced and he took, but I don't recall what sign sizes he testified to. So, Rabbi, this Atlas Paving is near you as well?

**Rabbi:** Yeah, they're three doors down. Pretty close by three or four doors down.

**Attorney Moshman:** Rabbi, what can you tell us about this new sign? Why do you like this better?

**Rabbi:** Aesthetically, the sign is really nice, very modern, blends in very much with the signage that we have in the carport in terms of the font of the letters and color. I think it's a really nice size, appropriate for the size of the property and, for people when they're driving by to be a clear landmark of this is where to enter. It has a nice height. I don't think it's too large, honestly. You could probably even get a little bit bigger, but I think this is a very appropriate sign for the entrance of the building in the parking lot and will give good visibility to people coming from both directions. I like it, it's modern, it's classy and it's clean. I think it will look very nice and blend in perfectly.

**Attorney Mondello:** Mr. Moshman, may I interrupt? I do have Mr. Fetchik's measurements if I might.

**Attorney Moshman:** Oh, sure, please.

**Attorney Mondello:** So Mr. Fetchik was sworn and he testified that the Atlas Paving sign hits at 30 square feet. It is 4' in height and 7'.6" in length. So he approximated that it is a 30 square foot sign. With respect to Crete Concrete, he said that that is actually 15 square feet. He did not give the exact measurements as to height and length. I do believe that's the only two signs he testified to off of your property.

**Attorney Moshman:** Okay, thank you. Rabbi, on the upper right hand side of this photo with the cursor, it says nighttime appearance, can you explain how the how the sign is lit?

**Rabbi:** I don't have the exact explanation. Brian would be able to explain that perfectly. But the letters themselves illuminate with an LED type of light. This is considered to be the newest type of lighting and very popular now and looks nice. You don't have to have, you know, lights on the floor and all that. It's clean and apparently is easy on the eye and all that.

**Attorney Moshman:** Okay. Rabbi, this picture of your building (815), is that the new sign that was just recently approved by the Board at the last meeting and is this the new lettering on your building?

**Rabbi:** Yes, it is.

**Attorney Moshman:** And will that coordinate with the lettering on the ground sign?

**Rabbi:** Yes, it will.

**Attorney Moshman:** I think that's it for the Rabbi. If the Board has questions now, or if you want to wait, since I'm going to talk to Mr. Travers next.

**Attorney Mondello:** I note that there are no members of the public in attendance this evening, so back to the Chairman for asking the Board Members if they have any questions.

**Acting Chairman Grygus:** Do Board Members have any questions of the Rabbi?

**Engineer Nash:** I do Mr. Chairman. Regarding the lighting on the sign. I am in Wanaque Code Section 114 -17A.(3)(m), for those following along, and it says: "No neon or back-lighted windows signs shall be permitted." Also the one prior to that says: "Back-lighted signs, with the exception of pole signs. So these are not permitted. So I think we need to get a better understanding of how the sign is lit.

**Attorney Moshman:** I think that was for Mr. Travers.

**Acting Chairman Grygus:** Okay, that was a question I had too. Another question that I have is in your original application you were going to maintain the 10' setback, but in your new application you're not going to. Is there a reason why?

**Rabbi:** The current sign is 8' now.

**Acting Chairman Grygus:** Okay, but in your original application you proposed, existing is said was 7 and your proposed was to be 10. So I guess your original application, you were going to move it back the original 3', or seems to be a discrepancy of what exists now. But the original application said 7' exists and the new updated one we got says 8'. I'm just wondering why you can't bring it back to 10', and I would also then segue into another question is whatever you submitted to the County, did you have a site plan with the sign at all that showed any sight lines off of Ringwood Avenue?

**Attorney Moshman:** I don't know if it had sight lines but I was able to forward a signage plan and a fencing plan that the County Board had previously looked at and the fencing plan involved a fence along the parking lot of this property. There also the Board declined to be involved with a tall fence along Ringwood Avenue. So apparently they had no issue with the sight line.

**Acting Chairman Grygus:** So did you submit a site plan for this to the County?

**Attorney Moshman:** No. We asked them if they would consider the signage and they said no only if it was part of a plan of some kind of renovation or if you were going to be doing something on the property, then they would look at the signage as tangential to something that they were actually considering. But no such work is under consideration for this property.

**Attorney Mondello:** Well Bruce, if the Board is so inclined to grant the relief sought by the Applicant, there is, of course, a condition in the Resolution that if County Approval is required, the Applicant will obtain.

**Acting Chairman Grygus:** I would want to see if the County did decline. Just something in writing to show that because I wouldn't want them to go through putting up this sign and then having the County come back and tell them that it has to be moved. But just to get to the first part of my question, is there a reason why you cannot maintain the 10' setback?

**Attorney Moshman:** I wasn't really aware of the discrepancy from when this first started until now. But that's a good question for Mr. Travers, if that makes a difference, visually. If you want to swear Mr. Travers in at this point, then I would start with that question.

**Acting Chairman Grygus:** All right. Before we do, does anybody else have any questions for the Rabbi? In actuality, the paper that I'm looking at, the discrepancy was the Menorah sign, but I'm still wondering why you couldn't bring that sign back to maintain the 10' setback?

**Rabbi:** It's quite a simple answer, it would just diminish the visibility from people driving on the road.

**Acting Chairman Grygus:** You have a 32 square foot sign there so to go back another 2'.

**Rabbi:** It will since there are electrical poles behind it, it will diminish the visibility. Very, very simple. I know I drive by there a thousand times a day, and many people drive by and having a sign, if you look at other signs along Ringwood Avenue, they're very, very visible and close proximity to the road and, you know, each foot does make a difference in terms of visibility and people's judgement. You know, you just want to avoid people having go too far, too close, slowing down, to be very clear.

**Acting Chairman Grygus:** Do you what the setback is on any of the three signs that you provided the pictures of?

**Rabbi:** I refer Mr. Moshman or Brian Travers.

**Acting Chairman Grygus:** Just driving by there as much as I do, I would think that they are at a minimum of 10, if not more, than 10' off the road.

**Engineer Nash:** Mr. Chairman, just a point of order and I guess ask Mr. Mondello, are we going to get an accounting of the various variances you're going to request for the sign?

**Attorney Moshman:** Yes.

**Acting Chairman Grygus:** They did have a chart, there was a chart that I believe is the new chart, so it would require the area, it would require the maximum height, it would require the maximum width, it would require the minimum height I guess, or no, we know less than, and will require the property line setback, and it would also require for the number of signs.

**Member Covelli:** Which raises a question in my mind, which was is the Applicant also asking for a variance on the requirement that the sign not be directly lit that it would be overhead or, I believe the Ordinance states that the illuminated sign shall be indirectly lighted above or below. Is the Applicant seeking a variance to that requirement as well?

**Attorney Moshman:** Possibly, but I would have to ask Mr. Travers how are these letters lit? Is it backlit? Or is it considered backlit or self-lit? Or what is it? It's my understanding that the letter itself has lighting inside it, but the sign itself doesn't have any lighting in it, so it's letter on top, but I'd rather Mr. Travers explain how that works.

**Acting Chairman Grygus:** All right, if none of the Board has any more questions for Rabbi.

**Member Ludwig:** When it comes to the lighting, I have a question. Is there a reason why design industry has decided that this might be a better way to light the signs? Is there some sort of a safety issue that maybe it's less glare?

**Acting Chairman Grygus:** That's probably best for the next witness ?

**Member Ludwig:** I'm saying just to give him something to think about before.

**Acting Chairman Grygus:** So if none of the Board has any more questions for the Rabbi. I know, Ron, you said there was nobody in the audience, but can we just verify that, confirm that. Any questions in the audience?

**Attorney Mondello:** I'm looking at all the participants, and they are either Members of the Board, Staff of the Board, or the Attorneys and Professionals and the Rabbi.

**Engineer Nash:** Whoever is controlling the screen, can we look at the North Jersey Water District sign?

**Attorney Moshman:** Sure.

**Member Covelli:** Which goes back to my question that I wanted to raise, how many variances are we looking at; five variances? Were there four, and then we're also seeking a variance on the illumination of the sign? Am I correct Mr. Moshman?

**Engineer Nash:** I'm going to ask another question to that might add another variance. So if one were to say what are the dimensions of that North Jersey Water District sign, you would simply put a tape measure across the top and the height, so that whole rectangular granite sign is the sign, not just where the letters are. So if you go back to your new proposed sign, you have the classic sign, if you will, with your lettering on it, and then below it is masonry. Why isn't the masonry counted towards the area of sign?

**Attorney Moshman:** Well, I believe it is. I've advertised this actually as 32' of signage, without the exterior rock, or 70' of signage with the rock that was on the prior design.

**Engineer Nash:** Okay.

**Attorney Moshman:** The new design is advertised as 32' of signage without the rock and 58 square feet with it.

**Engineer Nash:** Okay, so I don't know if it's semantics or not, but we need to know how we are going to measure the length and width or the width and height, I should say, of the sign.

**Attorney Moshman:** Yeah, I treated the rock as part of the design for measuring purposes. I came up with 70 for the one that had the planter, which is now off the table, and 58 for the one that we're proposing tonight.

**Engineer Nash:** All right, so can you switch back to the sign itself because there was a diagram of the sign with the dimensions on it? Yes, that's the one. Can you just put it full screen so we can see it better. So the portion of the sign with the lettering is 8x4, 32 square feet. You showed the other signs, Crete and Atlas Paving, but those signs were up on posts and, you know, clear underneath. This one is not so there's a distinct difference.

**Attorney Moshman:** One of them is actually on top of a giant planter.

**Rabbi:** Atlas Paving is raised up.

**Engineer Nash:** If you see the Crete sign, it's on post and Atlas Paving is also on posts with landscaping underneath it, which is consistent with the Sign Ordinance. The Board doesn't know the particulars of Atlas Paving, and you're not making this argument, but you can't make the argument of they got a variance, so we should get a variance.

**Rabbi:** I think Mr. Covelli pointed out at the last meeting that nobody ever came in front of the town, or the other companies even asked for a permit or variance. They were just put up so I'm proud that we're trying to do this right.



**Engineer Nash:** This Application is standing on its own, but we have a Sign Ordinance and we just want to know, what are the numbers? You are asking for a variance but we just want to know what the variance is. We just want to get it right.

**Acting Chairman Grygus:** Frank, I think the outstanding question you have will probably be answered by the sign guy regarding the lighting. Are you okay with that?

**Member Covelli:** That's fine.

**Acting Chairman Grygus:** Next witness Mr. Moshman.

**Attorney Moshman:** I'd like to call Brian Travers as a witness in the sign industry.

**Attorney Mondello:** Welcome. Mr. Travers. Would you please raise your right hand? Do you swear and affirm the testimony your about to give be the truth, the whole truth and nothing but the truth? Please, state your name, spell your last name, and give us your office address.

**Brian:** Brian Travers of Butler Sign Company, 582 Fairfield Road, Wayne, New Jersey.

**Attorney Mondello:** Your witness Mr. Moshman.

**Attorney Moshman:** Mr. Travers, good evening and thank you for attending.

**Brian:** I apologize for the technical difficulties in the beginning.

**Attorney Moshman:** Join the club. Mr. Travers, there was a question asked about the lettering. I guess I should really go back to this sign. On the proposed sign on the upper right hand side where it's there's actually a tiny label, it says nighttime appearance, the illumination of these letters, can you explain how is it lit?

**Brian:** In the Ordinance, when it says there's no backlit letters or signs allowed, backlit means that the lighting is behind plastic, the light shines forward through the plastic, and that's how you read it. You would read the Chabad Center for Jewish Life. In this instance, this is actually indirect lighting, although it is not indirect lighting from the base going up, it is still indirect lighting where the lighting elements are inside the letters and they shine back onto the aluminum background. The letters are pinned off of that aluminum background, so the lighting is projected back onto that background, and the letter itself makes a silhouette that makes you able to read the letter at night. It's the same premise as having lights on the ground, which would shine up on these letters and, again, they would show a silhouette. You're not actually illuminating the letter, you really illuminating the dark spot of the letter on the background. The advantage of doing it this way, as opposed to putting lights like on the ground showing up, and there's multiple reasons. One being landscapers moving around can hit those lights, break them, shine them other ways to redirect the lighting. Also, in the winter time when it snows, they would be under the snow. Not to mention sitting in rain water and snow water isn't good for a lighting fixture itself, it makes it short out easier. In a sense, this is still indirect lighting. It may require a variance because it's not from the top or the bottom as written in your Code but aesthetically it portrays the same look that I think the intent of your Code was looking for.

**Attorney Moshman:** Okay. Mr. Travers, did you have an opportunity to hear the questions about moving the signage back another 2' from the roadway? It's my understanding that the current sign is 8' from the from the property line and that to make it comply with the Ordinance this would have to move back another 2'. Can this be accomplished?

**Brian:** Well, obviously anything can be accomplished. I think the reason for leaving it in the same spot was, for one thing, the sign that's been there, I don't know how long it's been there, but it's been quite a while, and obviously without issue. The other thing is that when you're approaching, I guess going northbound would be, there's a curve there as you come around the

building so every foot you get closer to the road is obviously going to be better visibility from the people traveling north, which I believe is the higher percentage of traffic that comes to the Center. I mean, could it be pushed back? Obviously it could. We're putting a new sign, we're putting in a new foundation and everything, and we could put it wherever we want. But as far as the visibility factor, and the fact that there's been a sign there at 8' without issue all this time, I don't see any problem with leaving it where it is.

**Attorney Moshman:** If somebody is traveling south, would that curve in the road also affect where this sign is for visibility purposes?

**Brian:** I don't believe that curve is as drastic. Of course, any curving in the road does, you know, curtail the visibility of a sign. It's more difficult, obviously, to see a sign coming around a curve than if you had a longer direct view at it.

**Acting Chairman Grygus:** If you're heading north, and that sign is on the westbound side of the road, you've actually got the whole width of the south that actually gives you more visibility, even if it was 2' further back.

**Brian:** That is correct. I'm not saying that you're not getting visibility. I'm just saying that the closer to the road, the easier it would be coming traveling northbound. You are correct; you have the advantage of that.

**Member Covelli:** You know there's a street that comes right in there, Orechio Drive. I have to tell you, I'm uncomfortable with that being 8' and not following the 10' setback. There are a lot of other variances being requested here. Closer to the road with an intersecting street, directly north of it, is not one I would be inclined to support.

**Acting Chairman Grygus:** It's not only the sight lines coming out of the Center, it's the sight lines from Orechio Drive also.

**Member Covelli:** Correct.

**Brian:** Well, actually between that side street and the sign is a berm in the grass area there. Hence, the reason that we want to bring this up the 3' from the ground to get this to sign itself above that berm.

**Rabbi:** Anyone coming out of Orechio Drive is creeping out further. The signage won't be anywhere in their sight line at all. Even coming in, I watch the cars going in and out all day. I've done it myself a bunch of times just to get a feel.

**Member Covelli:** I've said what I've said. I can't support it if it's closer than the 10'.

**Acting Chairman Grygus:** Typically you would have a site plan that would show those sight lines that would show whether or not that there's a potential issue; visa v getting back to the County again.

**Attorney Moshman:** All right. Typically, there would be a bigger budget to do this. We're here involuntarily because they were summonses and problems with the Menorah.

**Brian:** Well, I mean, if that is the only hold up on the whole issue, if everybody's happy with the rest of this design, I don't see that's going to hold up the application moving it 2' isn't that drastic of an issue to sacrifice here, I don't think.

**Member Covelli:** Until there's an accident and someone says who approved that being that close? Mr. Moshman, you know what my line of work is, so with all due respect, I'm going to follow the 10'.

**Rabbi:** I think there's other things on Ringwood Avenue in close proximity to 815 that are more hazardous and I can talk about that with you privately afterwards. I think the sign will create actually safety by people not, you know, short stopping and making a quick turn into Orechio Drive because they missed our driveway. Because they didn't see the sign.

**Member Covelli:** But those applications are not before us. That's the difference. Rabbi, you stick with God, I'll stick with the risk management.

**Rabbi:** I appreciate your good words, but it seems like you could use a little prayer. I'm happy to hang out afterwards with you.

**Member Covelli:** I'm good, thank you.

**Rabbi:** No, I think you need a prayer. Those who say they're good are just beginning, and need to think it over.

**Attorney Moshman:** In the course of the presentation that I showed Rabbi Gurkov, were there other aspects of this presentation that you wanted to comment on?

**Brian:** No. I believe Rabbi Mendy covered everything in his testimony. If there's any further questions, I'd be more than happy to offer my opinion on it.

**Member Ludwig:** Going back to the lighting on that, would the type of lighting you have less glare coming off of that white surface or, I don't know what color it is since I have a black and white drawing here.

**Brian:** It's actually a silver and aluminum finish, and there is no glare coming off of it.

**Member Ludwig:** I'm saying would that have less glare with this sort of lighting, as opposed to one with a spotlight?

**Brian:** I believe there would be zero in either case. What you do get though with the spotlights is you get hot spots on the sign where one spot is very bright and difficult to read, and then the other areas are less illuminated by that light and a little more difficult to read because they're not lit up enough. In relation to nice even flow lighting, it's very easy to read, it's aesthetically pleasing, it's a home run compared to a little spotlight shining up on it.

**Acting Chairman Grygus:** Any other questions for the witness from the Board?

**Member Stefanowicz:** Oh, yes, I just have one question and I think it refers back to the lighting. Is it a fluorescent or LED lighting? What exact lighting is it.

**Brian:** It is LED; that's corrected.

**Member Stefanowicz:** Is it a type of LED lighting as I see in cars as they're coming at me, and blinds me as I'm coming around that turn?

**Brian:** No. Again, these LEDs are installed into the backs of the letter. So none of the illumination actually comes away from the sign. All the illumination is face from the back of the letter shining onto the background. So the white you see around the letters is produced by an LED inside that letter shining on the background. The black letter itself is making a silhouette on that lighting and that's how you read it at night. During the day, obviously, it's going to be black on silver so it will be able to be legible, just by the color contrast. At night, if this sign was not illuminated, you wouldn't be able to read it, but with the light shining behind the letter, that letter makes a little silhouette, and you read it almost identical as it's read during the day.

**Member Stefanowicz:** Okay, so my other question was just for the Rabbi. I'm also in the safety and health field so those are issues I look at also. Have you actually sat at that corner and looked right and left at the 8' mark compared to maybe if it was 10' and said, oh, there's a blind spot if I'm creeping up? Have you actually tried that out?

**Rabbi:** I've tried out many things numerous times in the parking lot, visioning the sign and creeping out. Anyone that's leaving a Orechio Drive that works in the Water Department, you have to significantly come out, especially, you know, if you're going towards Pompton Lakes and obviously 100% if you're going towards West Milford, you have to actually come out. You

already way past the sign. Right now this current sign which is there and there when we got the building, I believe is that 7' from the road, so the height is not going to make a difference because you're going past the sign. You're going past the sign to make a right or a left onto Ringwood Avenue if you leave Orechio Drive. You can try it yourself tomorrow; I've done it numerous times. If the sign was 20' tall, you would be past the sign. The height is not going to make a difference in terms of, you know, walking your vision when you're running.

Member Stefanowicz: And you're right about the height. I'm more concerned about the 8' from the curb line or from the line compared to the 10'.

Rabbi: Where the sign is right now, it's not bothering anyone and right now it's at 7'. The current sign now is 7' and that's how we purchased the building with a current ground sign at 7' so we're going to start at that point and take it from there.

Member Stefanowicz: Just because you purchased the building at 7', I mean it might not be the right thing, that's why I'm trying to come in here with an open mind also.

Acting Chairman Grygus: According to your chart, the existing is at 8'.

Rabbi: Well, I don't know, maybe the sign is either 7' or 8' right now.

Acting Chairman Grygus: Mr. Moshman, I guess the question I would have for you is you have an expert who seems to have an opinion that it would be able to move it back the 2' and I'm not sure your Application concurs, so are you intending to modify your Application at all?

Attorney Moshman: I don't have an opinion on this. I'd like to talk to my client about it and see if he's willing to modify this or not.

Attorney Mondello: Mr. Chairman, I would suggest perhaps a five minute break so that Mr. Moshman can call the Rabbi, or however they want to communicate, and put this issue to bed one way or another.

Acting Chairman Grygus: Why don't we do this, Ron? Why don't we have him unshare his screen, let him make a phone call to his client and we'll proceed with the rest of our agenda until they come back.

Attorney Mondello: That's fine.

Attorney Moshman: Okay, I'm going to unshare.

Acting Chairman Grygus: Yeah, just unshare and then you can mute and you can make a phone call or whatever.

Attorney Moshman: Okay, great.

Rabbi: Brian wants to jump into our phone call. Brian, if you want to call me, and we could have a three way conversation.

Brian: Okay, we'll do.

Acting Chairman Grygus: If you could just mute your mics, please, or Ron, if you can mute them.

**PUBLIC DISCUSSION:** Anyone from the public? Do we have anybody join in yet, Ron?

Attorney Mondello: No.

**RESOLUTIONS:** None.

**CORRESPONDENCE:**

**Any New Applications?** Board Secretary advised that the December Agenda is quite full. There are 4 Applications.

**Attorney Mondello:** I was just going to jump in. I don't want to talk about the substantive issues with the Catherine Civil Trust Application, but I did send around an email that had, I guess, the legislative intent spelled out by an attorney, and I did speak to Mr. Fiorello. We'll get into that in December, but it speaks what's up.

**Acting Chairman Dunning:** Ron, could you just send that to me again, please?

**Attorney Mondello:** Sure

**VOUCHERS:** submitted by Ronald Mondello, Esq. for attendance at the October 1, 2020 Meeting for \$400; Research B-District for Catherine Civil Trust Application for \$300.

**MOTION TO APPROVE VOUCHERS:** made by Member Ludwig, seconded by Member Covelli. Voting yes were Vice Chairman Grygus, Members Covelli, Stefanowicz , Ludwig and Aumenta.

**VOUCHERS:** submitted by Boswell Engineer for the Catherine Civil Trust Application for \$530; and for Macedon Builders Application for \$212.

**MOTION TO APPROVE VOUCHERS:** made by Member Covelli, seconded by Member Ludwig. Voting yes were Vice Chairman Grygus, Members Covelli, Stefanowicz, Ludwig and Aumenta.

**MOTION TO APPROVE OCTOBER 7, 2020 MINUTES:** made by Member Covelli, seconded by Member Aumenta. Voting yes were Vice Chairman Grygus, Members Covelli, Ludwig and Aumenta. Member Stefanowicz abstained.

**ENGINEER'S REPORT:** As Jennifer mentioned, we have three new applications. I did a cursory review and they are complete since technically they have all the information, but I have not done a review or prepared a letter yet. They will be coming out in the next week so the Applicants have a fair share shot at responding to the comments. The Agenda is going to be full between the three new ones and Catherine Civil Trust.

**DISCUSSION:**

Board Secretary advised that she will be sending the disc and October 7, 2020Minutes to Member Stefanowicz, along with Attorney Mondello's email, so he can review everything for the continuation of the Catherine Civil Trust Application on December 2<sup>nd</sup>.

**Board Secretary will forward Attorney Mondello an updated Member's List and email list.**

**Acting Chairman Grygus: Frank and I were invited to a Planning Meeting. I screwed up the night and I didn't go. Frank did you want to share anything with the Board from that?**

**Member Covelli: In keeping with tradition Bruce, I had to work that evening so I wasn't there either. There are going to be a few more meetings from what I understand.**

**Acting Chairman Grygus: Frank, I think I got it right from you. Are we are the option now that we can go back to live meetings if we choose?**

**Member Covelli: Yes. The Governing Body is having live meetings and it would be choice whether to go to the building or to continue on Zoom.**

**Acting Chairman Grygus: Jenn can you confirm that?**

**Board Secretary: Mayor and Council have had one meeting. The issue now is going to be I guess, with the Governor's New Order, everybody would have to have their temperature taken and filling out the health forms, I guess before they can come in upstairs. They have everything separated up here.**

**Acting Chairman Grygus: Well, let's do this. Why don't we pull the Board and get a feel for how the Board feels about it and then then we can move forward and reach out to the Governing Body and the Administrator. All in favor of going to live meetings?**

**Member Covelli: Point of order, Mr. Chairman, Jennifer, what is the Panning Board doing?**

**Board Secretary: This meeting for the 19th they're also doing it by Zoom.**

**Acting Chairman Grygus: So they have not made a decision. And then my next question would be, if the Board decided to go to live meetings, is there a way to still broadcast it via Zoom for either participants who did want to go or even for a Board Member who may not want to attend a live meeting?**

**Engineer Nash: Or a professional who was on vacation that week, and would be really easy to Zoom.**

**Acting Chairman Grygus: Is that possible, Ron?**

**Attorney Mondello: If I'm in the building, I don't have control over a computer like I do here. I would say you'd have to have a computer. It almost sounds like, at this point in time, especially since the numbers are increasing, that it makes sense to even visit this issue. I would suggest you revisit it sometime in March. That's just my opinion.**

**Member Ludwig: I was thinking the same thing. I don't know.**

**Member Covelli: I was going to agree with Mr. Mondello, at least till the end of the year. I'm not sure I go to March.**

**Member Ludwig: They say the cold weather brings it out even more.**

**Member Aumenta: We've had up an uptick. We just had a positive case in Haskell School. There's a bunch going around Wanaque. There's a ton in Ringwood. Personally, I deal with the global response at my company, and we're kind of bringing everything back down as well.**

**Acting Chairman Grygus: That was the intent to poll the Board.**

**Acting Chairman Grygus:** Alright, so it looks like Mr. Travers is back on. Mr. Moshman's back on and Rabbi is back on. Okay, Mr. Moshman.

**Attorney Moshman:** The verdict is that, after talking to Mr. Travers, we're able to live without getting that extra variance for the 10' from the setback.

**Acting Chairman Grygus:** Okay. All right. Before we proceed at this point in time, Ron, can you just confirm that we have no one else that has come in that we would have to open it up to comments for the public?

**Attorney Mondello:** Confirmed.

**Acting Chairman Grygus:** Hear and seeing none, I guess a Motion is in order.

**Attorney Moshman:** Do you want me to recap the variances for purposes of putting together a Motion?

**Attorney Mondello:** I think that would be a good idea.

**Attorney Moshman:** Okay, I have a brief summation. It's a unique looking property. It's a long bow of a ship with a lot of parking spaces, with a sign on one end far from the building, and close to the entranceway, which is the justification for that location. It's meant to alert motorists and the sign needs some parity with the other signs in the neighborhood based on the size and the height of it. It's been designed with some aesthetic lettering to match what's going on the building to avoid a commercial look and look professional just like the building. Overall, it greatly improves the appearance of what was there. If you're familiar with it, and makes it a practical positive improvement. So overall, the existing sign area, what's required is a maximum of 16' and what's there is 16 square feet. What we're looking for is 32' of signage on top of decorative stone, which is meant to raise it up for visibility and overcome the berm. Altogether with the decorative rock to comply with the statute that's included in the signage square footage so it's 58 square feet that would be needed for the overall sign on top of the decorative stone. The maximum height required is 6' and it's currently 5'.4". The height that is proposed is 7'.3". The maximum width is 6' and current width is 4', with the proposed width of 8'. The minimum height 2' and there's currently 1'.8". I guess it's not exactly square with the ground. What's proposed is just going flush with the ground, which would be zero (0) height on this side. So it's not on poles, it's just going flush to the ground. For the property line setback, we're withdrawing the request for a variance and will comply with the 10'. For the number of signs in the Business District, it's one pole or one ground sign and there's currently two that have been approved, which is the Menorah, which is considered a pole sign but it's actually a religious artifact, and the building sign, which is actually lettering on the building itself that doesn't face the roadway. We are asking for a variance to have a third sign on this property based on the long length of the property and the location close to the driveway. During the testimony, there was a mention of the Ordinance not permitting indirect lighting or direct lighting or interior lighting of some kind.

**Attorney Mondello:** Mr. Moshman, let me help you out there. Mr. Nash was kind enough to text me Section 114 -17A.(3)(l)(m). (l) is backlighted signs with the exception of pole signs, and (m) is no neon or backlighted window signs shall be permitted. That seems to work with window signs, which may or may not be applicable here. But

**Attorney Moshman:** I don't think it's applicable based on what Mr. Travers told us. It's not backlit, it's directed backwards, not through.

**Attorney Mondello:** It's not a window sign.

**Engineer Nash:** It sounds like the definitions are written a long time ago and this is new technology that doesn't fit within that description. But in my mind understanding what the Ordinance says, it seems like an acceptable alternative to having it backlit it. The prohibition on the backlit sign is because it's this big and bright. In order to light the letters, yeah you're lighting a big area. This does the opposite. It just lights the letters. So it kind of is in the spirit of what the Ordinance was trying to prohibit.

**Acting Chairman Grygus:** To be safe though. Chris, I think it would still require a variance as per the way the Ordinance is written.

**Engineer Nash:** All right and then what I just attempted to explain is the justification, I guess.

**Acting Chairman Grygus:** Exactly. So we're looking at the area, we're looking at the maximum height, we're looking at the width, we're looking at the number of signs, and we're looking at the backlighting. Five (5) Variances

**Attorney Moshman:** There's actually a provision for minimum height. I don't know if that's applicable, but it says minimum height required 2'.

**Acting Chairman Grygus:** Okay, so we'll make that a sixth (6<sup>th</sup>).

**Member Covelli:** Why not? We haven't even half dozen that way.

**Acting Chairman Grygus:** So we struck the setback variance.

**Attorney Moshman:** Yes.

**Acting Chairman Grygus:** All right. Can I get a Motion?

**Member Covelli:** Mr. Chairman, I'd like to make a Motion to Approve this Application subject to the six (6) variances outlined and described by Applicant's Attorney.

**Acting Chairman Grygus:** Alright, discussion on the Motion?

**Engineer Nash:** Frank, you're approving the variances, you're not approving the Application with the exception of the condition.

**Attorney Mondello:** He's tired. We know what he meant. I know what he heard.

**Member Covelli:** I thought I said including the variances as stated by the applicant.

**Engineer Nash:** Okay. I understand. I'm the Engineer and I have to be technical.

**Acting Chairman Grygus:** I would just like to see a condition, even if it's just a letter from the County, just stating that they are not going to require any kind of formal submission for this, just to cover the Board that we didn't approve something that's on a County Road without any County input. So I'm not saying that the Applicant has to submit a formal site plan to the County, but just something from the County.

**Member Covelli:** Mr. Chairman, to your point, I would amend my Motion to include a stipulation in the Motion subject to acceptance by the County of Passaic, as applicable. Is that acceptable?

**Member Ludwig:** I'll second that Motion.

**Attorney Mondello:** I guess I don't understand acceptance by the County. They may say we want nothing to do with this and presumably based on what Mr. Moshman said, that's exactly what's going to happen. He may get an email or a letter saying that.

**Member Ludwig:** As long as he has something in writing.

**Acting Chairman Grygus:** Something in writing from the County that either says we approve it or we're not going to get involved with it.

**Member Covelli:** I'm putting it into Motion Mr. Mondello so that it's right in the record. As represented by the Applicant, you can use that wording if you so choose.

**Attorney Mondello:** Works for me.

**Acting Chairman Grygus:** We have a Motion, do we have a second?



**Member Ludwig: I'll second .**

**Acting Chairman Grygus: Can we get a Roll Call?**

**MOTION TO APPROVE APPLICATION FOR A GROUND SIGN FOR CHABAD JEWISH CENTER: made by Member Covelli, seconded by Member Ludwig. Voting yes were Vice Chairman Grygus, Members Covelli, Stefanowicz, Ludwig and Aumenta.**

**Motion Carried**

**Acting Chairman Grygus: Do we have any additional discussion? Seeing none, I guess next would be a Motion to Adjourn.**

**MOTION TO ADJOURN AT 9:20 P.M.: Motion to adjourn meeting made by Member Covelli, seconded by Member Ludwig. Motion carried by a voice vote.**

---

**Jennifer A. Fiorito, Board Secretary**