

IN PERSON
REGULAR MEETING

Salute to Flag: 8:05pm

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, Vice Chairman Bruce Grygus, Members Frank Covelli, Eric Willse, Donald Ludwig, Helena Aumenta and Michael Sbarra and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Member Dana Lynch

Application ZBA2022-10 – 1323-1327 Realty Inc.
1323-1327 Ringwood Ave. (Block 464/Lots 35 & 36

Attorney Mondello: Welcome Mr. Barbarula. Please put your appearance into the record.

Attorney Barbarula: John Barbarula, 530 Ringwood Avenue, Wanaque, New Jersey. I like to say hello, and welcome everyone. I'm so glad that you're able to make it tonight. I'm especially glad that we can all be here and in person and safe. Tonight, what we have is a redevelopment basically of the very beginning of Wanaque. We are right by 287. We have a number of houses and, obviously, as you well know, this is a business area. We're very close to the intersection of Union Valley Road (correct name is "Union Avenue"), so we can give you an orientation there. We have received Mr. Nash's report a couple of days ago so, as a result Mr. Chairman, what I'm going to do, in order to address some of the issues that he had, our parking expert will be for another night. Tonight I have my Architect and Engineer to present, which probably will take up the whole night anyhow. But I wanted to let you know that I'm will hold back my parking and planning testimony for my second night of presentation.

Chairman Dunning: Okay.

Attorney Barbarula: All right, so at this time it basically what we're looking to do is we're looking to redevelop this property. Instead of having retail and the intense uses of say a restaurant or something along that lines, we're talking about 21 units. To give you an overview, I'd like at this time, Mr. Mondello, if you could swear in Mr. James Cutillo.

Chairman Dunning: We have an 11 o'clock curfew. At 10:30 we're going to cut you off because we have other Board business to finish.

Attorney Barbarula: Not a problem. I don't know if I could stay up to 11 o'clock anyhow. Well, that's not a problem. We are well aware of the Board's protocols and, if you don't do your housekeeping, it gets to be a real problem. I'm well aware of that, I represent two towns and I would like to get my housekeeping done also. So if I could, Mr. Mondello, would you be so kind as to swear in Mr. Cutillo and I will qualify him.

Attorney Mondello: Welcome sir. Please raise your right hand. Do you swear and affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth so help you God?

Architect: Yes, I do.

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

Architect: It's James P. Cutillo. The address is 593 Newark Pompton Turnpike and that's in Pompton Plains.

Attorney Mondello: Your witness Mr. Barbarula.

Attorney Barbarula: Thank you very much. James, could you please give your educational background to the Board to show that you're qualified as an architect.

Architect: I'm a Registered Architect in the State of New Jersey. My license is in current standing. I'm a graduate of NJIT and I appeared in front of this town some years ago and had been qualified and just about every other town throughout the North Jersey area.

Attorney Mondello: Any objection by the Board Members?

Chairman Dunning: No, he's appeared before the Board before.

Attorney Mondello: Gentlemen make yourself comfortable. If you want to sit down, please sit down.

Architect: I have Exhibits. Should I'd be carrying one of these mics around or will it little pick me up.

Attorney Mondello: You are going to have to carry it.

Architect: I'll put the easel over there.

Member Covelli: Put the easel such that the audience can see as much as possible as well as the Board.

Attorney Mondello: Thank you Mr. Covelli.

Vice Chairman Grygus: I would say put it here and kind of turn it at a 45 and then you're probably going to have to take the mic off that stand.

Attorney Barbarula: Put it in that corner.

Member Willse: Just remember, no mic drop, please.

Architect: You're going to spoil everything.

Attorney Barbarula: You have to ask Ron how many times have he dropped the mic at a concert?

Vice Chairman Grygus: Maybe you push, that's not a bad idea if you push in back against the wall might be even better. We have a copy.

Attorney Barbarula: For the record, these are duplicates of what have been submitted, so it's not necessary that be marked as an exhibit since it was a part of the submission package, unless your attorney disagrees.

Attorney Mondello: That's fine.

Architect: And I can call out the pages as we go through them. So these are the same drawings that you have in front of you. They are last revised 11/24/21. It consists of four pages A1 through A4. The first page, A1, is the four elevations of the proposed building. We have the front elevation which faces the street. We have the left and the right hand side. And we have the rear elevation, which is where the parking is from. The site does slope down to the back, and the Engineer can describe those things. But, so, if you'll notice from the drawings, that the front side is high, the backside is low, creating a three and a half story building. On the next page, A2, it's the lowest level, and to the rear of the building, is the main entrance from the parking lot level. Again, there is an entrance from the front, but that's up a level. So when you come in on that level, there's 3 units. There are 2-one bedroom units, and there's 1-two bedroom units. The building has an elevator and there's some amenity space in there. At this point, we're calling that a basement area because it is below grade, but that could be whatever kind of amenity spaces that would be required for the use. The next page is A3 and A3 is the same footprint but you'll notice that, to the front facing the road, there's an entrance that goes out to grade there, there's a small ramp. From the parking you come to the lower level, and then from this level you're at grade. There are 4-one bedrooms and 2-two bedrooms on that floor. And that's consistent with the above floors as well. But on the last page A4, we're just showing those upper levels, the second and third floor because just really the main reason is that the door is not there. So you have your two stairwells and your elevator, but this is all above grade, so the doors are down below and it's the same layout. There's 4-one bedrooms and 2-two bedrooms, so consisting of the 21 units. You can see the size on the drawings. The two bedrooms are 1000 square feet, the one bedrooms range in size, there's a couple of them that are as high as 872 and the smallest unit is 738 square feet. The hallways are wide, the stairwells are there. The building is assessable. The elevator goes to every floor, and that's about it. There are some renderings on the other side of the room.

Attorney Barbarula: Now they these will have to be marked as Exhibit purposes.

Architect: Just for you to get a feel of what our intention is as far as the look of the building.

Attorney Barbarula: Mr. Mondello, we have three exhibits; there renderings, there colored. We'll mark them as A-1, 2 and 3. The first one will be A-1. Jim, if you could just put it on the back and then put that on the easel and we'll talk about it and make sure everybody can see it.

Attorney Mondello: Jenn, are we getting Mr. Barbarula on the recording?

Board Secretary: Yes.

Attorney Barbarula: Generally, I thought, I hopefully talk loud enough; authoritarian. Too loud if you ask my wife.

Architect: So this is the one we just marked A-1 and it pretty much shows you from the street side what the building what our intention is. So you can see that we're doing a stone veneer and stucco. You can see the fenestration with the windows and the doors and the balconies, so very residential in style. Then I'll mark A-2 is the next one. This is actually the same view just from a little bit of a different angle. You can see that the way the grading works (microphone please) the way the grading works on the same front side, that there is required to have a small ramp just to get down to the sidewalk level, and then the site slopes down behind. And then the last one is A-3, which will be an ariel. In this view, looking down on it, you can see the street, you can see how the entrance is going to come in and you'll see all this when you take a look at the site plan as well. But there's one entrance/exit, it goes around to the back of the building, and then all of the parking is in the rear. The main entrance to the building is from the parking lot side at the lowest level, and then the secondary entrance is towards the front facing the street.

Attorney Barbarula: Jim, the way that this particular property is configured since it is higher in the front and slopes down to the back, right, correct?

Architect: Correct.

Attorney Barbarula: So that base that this aerial gives you is a good idea that the parking area would really be subdued because you have the building between the road and the parking area of the building itself and the actual topography where the trees and the grass are. Is that correct?

Architect: Yes, that's right. So basically, the parking lot is at a much lower level. It's about a good 10' down or so from the street level, and then the building does block the view of most of that parking. I actually think there's something right around over here; there's another building or something over here. So that, as well, blocks this parking from the road.

Architect: I think as you're driving down that road, unless you're stuck in traffic, and you just happen to gaze off to the side, you're really not even going to notice that there's a parking lot back there.

Attorney Barbarula: Can you address fire issues and fire safety that you've designed as an Architect for this building?

Architect: So obviously, the building has to be designed completely up to current day standards, fire code and every other building code. There's an elevator, there's the required to stairways and then there's a fully sprinklered building. So we're hitting all the bells and whistles. All the fire ratings, and sprinkler and whatnot. It's everything that's compliant with today's standards and requirements.

Attorney Barbarula: Does this also have a standpipe? Is that part of this?

Architect: That will be required with the design of the sprinkler system. I do not show that on my drawings at this moment. But wherever the waterline does come in, you'll have your main fire line and then you'll have a domestic line. So the fire department's requirement is to have a standpipe there for being able to tie the hoses of the fire trucks to the standpipe so that they don't have to rely on the pump themselves. Or they can use the pump of the fire truck to suck out the city water and do what they need to do for pressure. So it's got a multiple uses of standpipe.

Attorney Barbarula: How does this building comply with the Americans with Disabilities Act?

Architect: 100%.

Attorney Barbarula: So there's no issues of access or accessibility with that in reference to your designs?

Architect: The parking lot will be completely compliant. The entryways are completely compliant so in the rear, where you have the parking lot, it's at grade. We're not even requiring a ramp. In the front, that secondary entrance, also required to be barrier free, has a small ramp on it. Every floor is accessible by elevator, which is actually a requirement, but since there is an elevator, then every unit is required to be barrier free. That comes along with a lot of little caveats of do this and don't do that kind of thing. But there's door clearances, door sizes, hallway widths, certain things in the kitchen that have to be designed for, and really the big one is the toilet and bathroom areas have the same requirement as a commercial building where they have the 5' turning radius, and the like.

Vice Chairman Grygus: Are you proposing four (4) or six (6) ADA Units?

Architect: They are all ADA Units.

Vice Chairman Grygus: You show the 5' turn around on some of them, but not at all?

Architect: That's correct. But they are all compliant. Every single one of them.

Attorney Barbarula: That's why I wanted him to testify. Any one unit in this building, a handicapped person can rent.

Architect: Right. So the way the code is written, they changed it a few years back about type A units and type B units. So you used to have to make just a couple of them handicap required, and then the other ones had to be adaptable. The way it works today is they pretty much all are just adaptable and they have to all have the correct clearances. But for instance, you don't have to put like grab rails up, that would be up to the tenant if they would require them or not. But all of the backing for the grab rails would be there, and whatnot. So whereas in a commercial building, you have to put the grab rails up from day one, here, it's up to the occupant whether they need it or not. But the clearances, the turning radiuses, the heights, all of that stuff, the switches, the height of the thermostat, the peep hole in the door, everything is compliant, has to be.

Vice Chairman Grygus: I'm assuming, on the second, actually all the floors, the first, second and third floor, the front units, those are going to be mechanical areas also off the balconies.

Architect: Every unit has a small mechanical area

Vice Chairman Grygus: It's shown on the west side of the building, but it's not shown on the east side. It's got the area for it that mirrors the west side, but it doesn't say mechanical.

Architect: Not every room is labeled, but they're graphically there. So on the right side, the mechanical areas are behind the balcony.

Vice Chairman Grygus: Right.

Architect: And then the other ones, you can see the closets off the balconies. Some of them say mechanical, some of them don't, but they all are the same purpose.

Vice Chairman Grygus: And then what is the other off of the bathroom?

Architect: Washer and dryer area. That's really the way that multifamily is going these days. The days of the laundromats, people don't really like them anymore, so these washers and dryers have become a little bit more compact and user friendly. We put trays under them for water leakage, you know, so they are really very safe.

Vice Chairman Grygus: Will that elevator accommodate a stretcher?

Architect: It has to, yes, so they're all ambulatory.

Chairman Dunning: Where's the hot water heater in this?

Architect: They're most likely going to be in that same mechanical room, but they're probably not going to be like your standard large tank. They're probably going to be on demand, so there'll be a small box that's mounted on the wall, high on the wall.

Chairman Dunning: Okay.

Attorney Barbarula: So each one of the units basically has their own tower.

Architect: Yeah, they're all going to be individually. The utilities will be metered separately for every single unit. They will all have their own hot water, washer and dryer, heating and air conditioning unit.

Attorney Barbarula: There isn't any issue or any kind of problem with a common area of washer and dryers, and that kind of thing.

Architect: No, we're not proposing a laundry mat, but we do have that leftover space down below for some kind of amenity space. I could be storage units for the tenants. There's a variety of things that it could be used for.

Attorney Barbarula: That would be an operational aspect.

Architect: Correct.

Attorney Barbarula: So ultimately if they wanted a lounge area, or exercise room, it is designed for human occupancy, correct?

Architect: Right, that's correct. So a lot of times they'll have like a meeting room, sometimes there'll be a small office if it's an association there'll be a little office area, or it could be divvied up to 21 little mini storage areas for the tenants. Lots of things, like exercise, as you mentioned.

Attorney Barbarula: We can go from storing all of the stuff that we should get rid of all the way to having a common meeting space. But architecturally safety; it is designed to be an occupied space. If we make it only storage, that's even less intensive of a use.

Architect: Actually, it's a higher intense but, no matter what the use is, it has to meet the building code. So it'll be fully sprinklered no matter what the use is. It'll have required number of exits no matter what the use is. And, you know, length of travel, hallway with stuff, you know it, again, no matter how it's selected to be used, it has to meet the code.

Attorney Barbarula: Now, it we can just go back to the rendering on the outside of the building to one of the exhibits where you had mentioned that it's residential in appearance, if you could just go through and just a little bit more about what type of materials, the type of effect and how you were trying to portray on this project.

Architect: The majority of the fenestration is going to be stone, probably like the cultured stone, something like that. And then the secondary siding will be the stucco. So that's pretty predominant and you could really see that well on this rendering. Then you have your windows, which are residential style windows. If you can see the eaves, the peaks, which again, is residential style, that roofing material will be like a Timberline type roof so it'll be residential style, so giving the whole building that residential character. Then you have the balconies that have the railings, which again, is nothing contemporary, it's just a simple railing, that's very traditionally residential.

Attorney Barbarula: These types of material, Mr. Cutillo, in terms of your architectural expertise, these are types of material that stand the test of time, the weather, especially the fact that in Wanaque we have four seasons mostly, and that this to be as minimal maintenance material will still keep the integrity of the appearance, correct?

Architect: Yeah, I would even go one step further and say that these are upgraded materials. So it's not vinyl siding, it's not wood railings. You know, they're all higher end materials.

Attorney Barbarula: And the life expectancy would be much more durable so there'd be less chance that it'll ended up being dilapidated looking over a short period of time?

Architect: You mean when the check clears?

Attorney Barbarula: Yes.

Architect: So yeah, these exact types of materials are very, very, very durable. Stone stucco, the roofs come with a 35 year warranty, you know material loan so that's something you know, in and of itself.

Attorney Barbarula: Mr. Chairman, I submit the point witness to the questioning by the Members of the Board.

Chairman Dunning: Okay, thank you.

Chairman Dunning: Your preliminary elevation shows this as a four story building. Everything you've said and all your paperwork calls it a three story building.

Architect: We'll split the difference. So technically, by building code alone, this is what would be referred to as a three and a half story building. If you look at the definition of that, in the building code that we use, it'll say that at least 50% of the foundation is underground. So 50% can be

exposed, like in the rear, and then half of it is not. So that's what we refer to as a three and a half story.

Chairman Dunning: I understand that but if you look at your drawing, and we're referring to what you drew, your entrance door is more than halfway towards the unfinished area of the basement so you're using more than 50%.

Architect: If you did the calculation as to how much foundation is buried, you'd come up with that number, but that's not obvious. Let me say that, if you're just standing in the parking lot, and you're looking at the building from the back, you would say yes, this is a four story building. It would appear to be a four story building.

Chairman Dunning: But where are do you, in your side view, left view, right view, whatever you want to call it, where do you distinguish the 50%?

Architect: Well, that calculation is not on these drawings. That calculation for 50% is not on these drawings. I know; it is not present on these drawings.

Chairman Dunning: Right. The other question I have is on your drawings of the three or four floors, whatever you want to call it, your one bedroom unit typical is 738 square feet, and that doesn't match our code. So you're asking for a variance for that difference in the footage?

Architect: Off the top of my head, I don't know what that minimum standard is?

Chairman Dunning: 750. It's not a lot, but it's still multiplied by four levels.

Architect: So if you look at the numbers, half the one bedrooms are 872, and the other half I have at 738. I can adjust that, and I could make them both 750.

Chairman Dunning: It's your drawing.

Architect: I don't know that that comment ever came up on the report.

Chairman Dunning: You're asking for different things. We're trying to see what complies to our codes and what doesn't. 750 in different parts of our ordinances seems to be the right code.

Vice Chairman Grygus: You don't have to make the both 750; you could just make ones that's 738.

Architect: I make that adjustment.

Chairman Dunning: You can move the walls. I'm just saying but to comply to code, you've got to make a change.

Architect: I didn't see that in the report.

Attorney Barbarula: Mr. Chairman, we will adjust this so there will be nothing less than the minimum 750. Because we need to take 12' so that some apartments could still be bigger, and nothing will be less than the 750.

Architect: It is an easy fix.

Attorney Barbarula: We don't want to ask for a variance on that.

Chairman Dunning: I didn't think so.

Member Covelli: I think that's the point of the question.

Attorney Barbarula: We are agreeing. We can do that without a problem. We can make sure that everyone is a minimum of 750 because we're trying to present the best product not only for presentation, but also for ultimate consumer. That's why we have the washer and dryer and 750 is the minimum for the space and every one of them will be 750.

Chairman Dunning: The mechanical room, I'm looking at the ground floor, 1000 square foot 2-bedroom, is the mechanical room not ventilated out anywhere?

Architect: They are.

Chairman Dunning: Where too?

Architect: So if you're looking at that bottom level, and you see where the mechanical room is, and then there's a balcony in front of it. So there would be a vent from that unit that would go out onto the balcony.

Chairman Dunning: Okay.

Architect: These are commonly referred to as magic packs, and there's a couple of different variations of that. So the standalone unit,

Chairman Dunning: Air conditioning heat, hot water, and how are they all feed? Natural gas electric, oil? What's the feed.

Architect: Most likely they are going to be electric. But if gas is available, that's up to the developer to decide if they're going to be gas or electric. But most of the units nowadays are actually electric.

Chairman Dunning: Okay. So in other words, you're trying to make everything fit the ordinances. The exterior ramp in the front, where does it actually lead to?

Architect: It basically leads to the sidewalk. Because you have to have two exits to the building to be code compliant, so the bottom one goes out to the parking area, and then the front one would just go out to the street level. It doesn't necessarily have to lead anywhere other than away from the building.

Chairman Dunning: All right, so you got one on the first level that comes out the front and the one on the basement level that comes out the back of the building,

Vice Chairman Grygus: I think those are labeled incorrectly.

Member Willse: Actually, if he's cut into the grade the one, as you're looking at the plans closest to the word "ground basement floor plan", that door doesn't go anywhere.

Architect: There is no door, correct?

Chairman Dunning: On the ground floor?

Member Willse: Actually on the ground floor, you only have one external exit, sort of people climbing out windows

Chairman Dunning: Yeah, on the ground floor, there's none to the back. The front one is first floor.

Architect: Yes.

Chairman Dunning: The other one is the basement.

Vice Chairman Grygus: Your A1 I think they're labeled incorrectly on the set we have because the rear elevation is where you have the handicapped spaces.

Architect: The one with ramp faces the road; that's the front.

Vice Chairman Grygus: You're calling out the front elevation?

Architect: Right.

Vice Chairman Grygus: Okay.

Architect: Even though characteristically when you pull into the parking lot, you're going to be in the rear of the building and that's going to appear to be like, like a front.

Vice Chairman Grygus: On A2 you're showing that ramp. So you're saying that the rear of the building from the road is you're considering that the front elevation?

Architect: No.

Chairman Dunning: No.

Vice Chairman Grygus: Okay, well if you look on A2, we've got that ramp in the rear of the building.

Architect: No, That's the front; that's the road side. The bottom is the road side. Yeah.

Chairman Dunning: Yes, it's a little confusing, but that's how this is drawn.

Architect: Yeah, so the front is facing the road, and the back is facing the parking lot. That's the way I have a page A1 labeled. And then if you look at the floor plans, when you typically lay out a building layout, the street side goes to the bottom of the page. So even though that's the back.

Vice Chairman Grygus: The way you have that drawn, that looks like from sidewalk. I was assuming that was the sidewalk.

Architect: That dotted line is actually the ramp.

Vice Chairman Grygus: No, I know that. If you look at the opposite side of the building, where that exit door goes out, I thought that was the sidewalk that you've had delineated there.

Architect: The solid lines are the sidewalk of the parking lot.

Vice Chairman Grygus: Of the parking. Okay, I got you.

Architect: Yeah, sorry for the confusion.

Chairman Dunning: The way this is drawn is a little confusing. What's the actual height? Looking at the rear elevation, there's a line that's off the ground by I'll say 5'. I don't know what that is. It says it has one at 35.6 and one to 40.4 inches. Don't we measure from the ground?

Engineer Nash: Yes. If you look at my letter, Page 4, Item 14, it's a little tricky, because, again, we have to follow the ordinance. Again, follow the code in Wanaque; it's not building code.

Everything gets measured in accordance with the Wanaque Code. The problem that the Board has is, if you go into the B Zone for the Business District, there aren't any definitions that apply to a building like this; a residential building. What's typically done, although the bulk requirements for the B Zone do are the are what the Board has to deal with. The hand you're dealt with are the bulk requirements of the B Zone. However, since it's a D Variance request, the Board has a lot of latitude. The way the Board has done it on previous applications, when there was a non-permitted use in the zone and, in this particular case its residential, so the Board can say this is residential, so we can apply some type of residential zone standard. It's not uncommon.

Attorney Barbarula: The comments that Mr. Nash is making that he put in his report, the Engineer will address because, just as he said, he's been telling you that what happens, they don't have these measurements in your B Zone. In the various residential zones, which you have a few, there are other calculations which give you the mean, the average and those types of things. Our Engineer will present and reference specifically, that's not an architectural Mr. Chairman just so you're aware of that, and what your Engineer has said, is he is extrapolating or using as comparison it would be

Attorney Mondello: We've done it a several dozen times.

Attorney Barbarula: I have the approvals that you've done here for about four these types of buildings. One right across the street from where I just relocated and I think that's 20 something units there. But those particular calculations that how you get the height, he was being modest when it says it's the application of Wanaque's ordinances and the interpretation of the physicality of the property. Our Engineer will address his issues and you'll hear how they came out calculated. Because if you when I look at it and say from this point to that point, we're wrong. The two of them their right.

Chairman Dunning: So let the Engineers battle it out.

Attorney Barbarula: Absolutely. Well there not going to battle that, we're going to come to try and explain how the ordinance is going to be applied.

Engineer Nash: So a couple of things too Mr. Chairman. You inquired about what a story is. So the story is defined in the ordinance so you don't go to the building code, you go to the Wanaque code because it is a land use application. So again, in the Business Zone, it just says 35' is the ways

to measure it. But they also in the Townhouse District and the Townhouse District, in my opinion, is the most I agree with that because it includes garden apartments. So to me, this is most closely resembling the garden apartment. Within the Townhouse District, they do define what a basement is. And it says the definition of a basement says, "An area of a building partly underground, but having at least 1/2 of its clear ceiling height above the average finished grade level at the exterior of the foundation. A "basement" shall be considered as a story if used for dwelling or business purposes." So any part of the basement is used for a dwelling purpose is counted as a story in accordance with the definition of a basement.

Chairman Dunning: So half it of its considered.

Engineer Nash: There are no halves. It's a story.

Chairman Dunning: Well, how its drawn, you've got half is basement storage and half is

Member Aumenta: Either way it's not 3-1/2 it is 4 stories.

Attorney Barbarula: I agree. It doesn't matter, because we say it's 4 but the zone doesn't have a restriction on stories it has on height. So we could call it whatever you'd like.

Chairman Dunning: Well, let me say this, years back we had a small condo and the same thing arose. And what we did, we limited the height of the basement, so it could never be converted to living quarters.

Vice Chairman Grygus: But this already has living quarters.

Chairman Dunning: Only in half the basement. I'm talking about the basement storage area. I don't want to see five years down the road, they start building apartments in there. Which happens.

Attorney Barbarula: You can't do that, Mr. Chairman.

Chairman Dunning: Why not.

Attorney Barbarula: Well, first of all, you have a Zoning Officer, and you have a very well written Resolution that you'll get from your Attorney and, if you go and take open flex space and make it another apartment, you then subject yourself to a \$2,000 a day fine until it's removed. We are not asking for that space to be apartments, but we're designing it to be a flex space so you could either put storage, or it could be a meeting area. We're asking for 21 units, if you were to put 22 units in there, that would be a violation of any approval we would obtain, it would be a zoning violation and that's perhaps what prevents.

Chairman Dunning: If we catch it.

Attorney Barbarula: I can tell you that you really don't do anything wrong today, because somebody will take a picture of it and out of 21 tenants, I'm sure that somebody might get unhappy because you got a two and a half percent raise in your rate and they'll come right down here, they'll go to your business administrator scream and yell, hand him the pictures and the Zoning Officer will be there and in about an hour and a half.

Architect: If I can also add, not to interrupt, but that whole front part of the building that's facing the street, it's really all under grade. So I could never design a compliant apartment down there because there's no windows or anything like that. So it would never legally be.

Chairman Dunning: All I'm saying is that stuff happens. Okay. That's all I'm saying. I know it shouldn't happen. And I'm sure the owner of his property at this point wouldn't want that to happen. He sells the building 10 years from now, and a lot of things have changed. All of a sudden you got three more apartments down there. We've had people live in the basements in his town and other towns, garages, we have a few of them.

Vice Chairman Grygus: Chris, was there any other, I didn't print it but I read it, items in your letter that dealt with architectural.

Engineer Nash: Yeah, I think I just had two items on the architecture.

Attorney Mondello: Where is the mechanical equipment for each unit and the common areas located?

Architect: So that was in the report. Basically, as I testified earlier that each unit has its own mechanical system so there aren't compressors all over the place. Since we want to have as much of the outside area landscaped as possible, the proposal would be to put them in an area on the roof. So what this drawing actually doesn't depict very well is that there's an area up here on the roof that's hidden, and that you would be able to put the very few compressors up there that you would require. I mean, you figure if there's two amenity spaces in the basement, and then one for each hallway, the most number of units you would have is four; I mean six (6) so there's really not a lot going on there. But our proposal is not to put them on grade.

Attorney Mondello: The other issue ¶33. plumbing and or exhaust vents through the roof should not be visible from Ringwood Avenue.

Architect: That's fine.

Engineer Nash: One other question. The second exhibit you put, could you put up?

Architect: Are you talking about the aerial?

Engineer Nash: No.

Attorney Mondello: I think it was same view just a different angle.

Architect: This is A-2.

Member Covelli: The one with the ramp?

Engineer Nash: Yeah. Is that a retaining wall in the front?

Architect: Where the ramp is?

Engineer Nash: Yes

Architect: I don't believe it's a retaining wall. I think it's just the way the lawn is sloped.

Engineer Nash: The shadow?

Architect: Yeah, the shadows from the building and the trees. But that's not a vertical wall there. It's just a shaded grass area.

Chairman Dunning: If you put the mechanical equipment on the roof, you're going to put some kind of buffer zone around it so it's not visible. Does that make the building higher?

Architect: No. What it is, is it's a carved out area of the roof. So our proposal, at the moment, is that the elevation that I've shown on my drawings is the maximum height for tonight's proposal, and then there would be a carved out area behind that, within that area. I would suggest to you that, you know, we are coming back again. I'm going to make those adjustments on the apartments sizes that we would just indicate that a little bit better for the next time around. What I'm saying to you is that, you know, we would say that there's no units that are going to be visible for the common areas.

Chairman Dunning: Okay. From your washer dryer, your dryer, you're going to vent that up through the roof, all to the west side of the building or out the wall.

Architect: They could go up through the roof, or they could go up through the wall. There's really not a lot of venting going on other than, you know, if you look at the front elevation, okay, that faces the street, there are some units that are going to have an air conditioning grill that's on

the wall. Okay, it's not a stack, or a flue, or anything like that. It's just a grill; it's just an air grill that is part of that unit.

Chairman Dunning: To get the heat out of the room.

Architect: It's what the mechanical system needs, so it brings in fresh air and exhausts it. So there would be actually two (2) per floor, that would be facing the front, facing the road. So that would be six (6) grills, you will see there. The rest of them are on the side and in the rear.

Chairman Dunning: Right, so you don't show any of that in your drawings.

Architect: No, you know why, because the heating.

Chairman Dunning: How big is it?

Architect: I don't know because with the heating units every brand is a little different, and some of those grills are a little bit larger. But hotels use them almost exclusively these days. If I could just guess the size of a grill, I would say something like maybe 18x24 at the most. It could be 12x18. But it's a grill and it'll look like a louvered vent. It won't look like an exhaust pipe.

Member Willse: If I could, you mentioned that the lowest level, those two undeveloped sections, are going to have an HVAC system and the compressor is going to be four stories up on the roof. How do you plan on feeding the piping, the freon up and back and forth, and the drip trend inside the building?

Architect: So the compressor will be on the roof. There's no drip tray there. Even if there was

Member Willse: I'm not worried about that, but I'm worrying about the freon line and the electrical line going from the basement up to the fourth floor.

Architect: Those would just be in the walls, buried in the walls, they would be hidden, and then when they come down

Member Willse: Would you please, when you do your revision, show us where that would be?

Architect: Well, we don't know where they would be. But, you know, the freon lines, the electric lines, those small lines, you know, a freon line is a three-eighths inch tube. So you know, it's buried in a wall that could be all over the place, that doesn't really matter, because nobody will ever see them. And then into the spaces in the basement, you would have a closet or a small room that would have the air handler within it. And from there, then you would have your condensate pump, and that would take it out to wherever it needs to go.

Member Willse: Now would you need to ventilate the room that has the air handler in it?

Architect: Yes. So not the room that has the air handler in it, but the whole entirety of the space. So you have to have your required air changes per hour. So again, down row behind landscaping, there could be a vent. But you know, these things come along, when you're doing your construction drawings, and we don't have the answer to the exact size of all these things.

Member Willse: I'm just thinking with the grade slope, that's going to be very difficult to hide that vent.

Architect: Yeah, there's going to be one and it would have to be on the side here and on the side over there. You know, they'd have to be worked out.

Member Willse: Perfect height animals to climb in on.

Architect: They are screened louvers.

Attorney Mondello: Any other questions from Board Members?

Member Willse: Let me just hover back a second. Running that on the line forty something feet up in the sky, going internally on the building, that doesn't create any kind of the fire code blocking issues.

Architect: Only between each floor there has to be fire sealed, but that's the only building requirement there is. If there within a cavity, and just remember, all the walls, I'm sure they would be in the demising walls, and all of those walls are fire rated already. So your kind of getting double duty, you're getting a pipe within a fire rated wall that has a fire separation between each level. So if you've ever seen that orange caulking looking stuff, that's what they use.

Member Willse: Have you gotten to the point what you're planning on using for the fire prevention from unit to unit?

Architect: They are one hour fire rated walls, five-eighths gypsum board on each side.

Member Willse: That's it.

Architect: And then they'll have a sound attenuation blanket between.

Member Willse: Will there be outlets on those walls?

Architect: Yes. What's allowed by code, yes.

Member Willse: Just remembering the Walt Whitman mall.

Architect: I understand exactly where your questions are coming from. But I can only say that we take every precaution that's required by code.

Vice Chairman Grygus: I would think that would be subject to plumbing, electrical review too, and infrastructure.

Architect: Everything, fire.

Member Willse: I'm just thinking of the nightmare of running 40' stretch and praying nobody hits him with a nail or anything else.

Chairman Dunning: Someone puts a picture up.

Member Willse: It wouldn't be the first time.

Architect: That's what I'm saying. They're better off in the demising in the hallway walls. I mean, we may find that we might have to put in a shaft for them somewhere. But those kinds of details aren't really figured out yet. But if there's six (6) units, and they're all small lines, it's really not a lot to think about.

Chairman Dunning: In 40' you could develop a leak and if they're buried in the wall, you're going to have a lot of trouble finding it.

Architect: So unfortunately, with those lines, when they develop leaks, you just have to replace the whole line. They probably sneak it through or they'll have to rip out the sheetrock in the hallways. That doesn't really happen that often.

Chairman Dunning: But it happens.

Architect: Oh, it could happen; anything could happen.

Member Willse: God forbid they hit the pex pipe.

Architect: I mean, you know, I'm not saying that we can't define a designated area, but it's not something that I think is really that important that it's going to be hazardous.

Attorney Barbarula: And these have to be done in your construction drawings. And you have fire, plumbing, electric, structure, all those have to meet and you have to meet the higher code for it being a multifamily,

Architect: Right.

Vice Chairman Grygus: You're bringing more than one unit off a compressor then.

Architect: Every unit has its own compressor, but it's built in that closet. These systems don't have a compressor, that like you've seen some of them at some times they've sat out in the lawn, or they've sat on the balcony. Okay.

Vice Chairman Grygus: These are like mini splits?

Architect: Well they are not mini splits. They're all in one unit. They're like a compact.

Vice Chairman Grygus: But there are compressors going on the roof.

Architect: That would be for the common areas. That was a question.

Member Willse: The hallways and the basement.

Architect: Yeah, that was the question about that. But these little units for the apartments are completely self-contained and that's one of the neat things about them. Again, just about every hotel that's being built, now, you'll see them in there. They can handle up to spaces that are much bigger than 1000 square feet. They're really pretty cool.

Chairman Dunning: It's a self-contained single package unit.

Architect: Correct?

Chairman Dunning: You put ductwork in there to get it in all the rooms.

Architect: Right, but not through the room. Again, any ductwork that would be for one particular apartment would stay within that apartment. It never goes through the demising wall.

Chairman Dunning: So you're going to run up to every room and every apartment but for that one unit.

Architect: Yes.

Chairman Dunning: Some of the split systems now, they put an air handler in each room.

Architect: Those are like mini splits. This is not a mini split.

Chairman Dunning: Okay, you're going the old way.

Architect: We're going the new old way.

Chairman Dunning: The mini splits make sense because you can control each room with temperature.

Architect: The thing with mini splits is they do have a standalone compressor. You can have a compressor and run three units off of it, but then that compressor is going to have to sit out on the balcony. The difference with these units, it's a package unit. So the compressor and the air handler are all in one, and that little vent that I was describing earlier, is for the compressor so they can breathe, and the fresh air. So they're really, you know, their package units, they're really small, they're really efficient and are super quiet. It's today what, you know, so many places are doing.

Attorney Barbarula: Using them, we don't have an adverse visual effect of a compressor on the roof.

Architect: Right, so we're getting rid of all those standalone compressors, and every unit will have a little grill but all of those grills will be lined up along the facade because everything lines up.

Every unit will be above another unit, so if you look at the side of the wall, on the high side, you'll see vent-vent-vent. It won't be a swiss cheese; it'll be all in a line.

Chairman Dunning: Actually, we'll say on the right side of elevation, there'll be vents at every level, maybe two or three across the face of that side.

Architect: Right.

Attorney Barbarula: It also eliminates basically any sound coming from outside the units.

Architect: They're very quiet.

Member Sbarra: These units are designed or intended at this point to be rentals, correct? I don't want to make that assumption.

Attorney Barbarula: What the Applicant, the young man right there, he intends is to have this as rentals. We've talked a long time and they're not selling this in 10 years. This is the retirement aspect. He owns a lot of other property in town and he intends to develop other properties in town. He is very hot on Wanaque. And these are going to be rentals. Right now, you can't build rentals fast enough and, especially in the last 60 days, your attorney could shake his head and tell you, because of a 7.25 mortgage rate interest, there are a lot of people who are not just young people, people who are in their 40s and 50s, who all of a sudden have been wiped out of buying a house, and they would love to have a two bedroom, even if it's a couple, because almost everybody works from home part time now. The dynamics of the rental market, the dynamics of the home market, have drastically changed because of covid, and they've drastically changed because of the work at home model. They now have also had an adverse effect because of the ramp in interest rate. For all of the needs of the rental units, our last cleanup batter is our Planner, the woman here, and she's going to be on my last night, last witness and she will go through all of the aspects of why this rental make sense. And actually why rentals, rather sales make sense. So she'll address those questions, if you want to write down and make sure you note that.

Attorney Mondello: He's got a good memory.

Vice Chairman Grygus: If we could get that plan submitted prior to her (Planner's) testimony.

Attorney Barbarula: Do you want an outline?

Vice Chairman Grygus: I'd like the whole planning report that she's going to submit.

Attorney Barbarula: We're didn't do a planning report. I do an outline with my Planner, and I live testimony by my Planner. I don't know if we can do a general outline.

Planner: We are going to have planning exhibits.

Attorney Mondello: Let's wait till we get folks sworn in. So it is the Board's pleasure, and it's a D-1 and a D-6 Variance, and if you're looking for a report, they certainly will produce one.

Vice Chairman Grygus: I believe that with this application, you're going to have to get our own Planner, and our own Traffic Expert.

Attorney Mondello: Oh, yeah.

Vice Chairman Grygus: And I would like something for that Planner to be able to look and, if possible, prior to the testimony.

Attorney Mondello: Reasonable request. Would you agree, Mr. Barbarula?

Attorney Barbarula: I would say that's a reasonable request. That's no problem.

Engineer Nash: You don't need a traffic expert because Boswell can do it.

Member Willse: So you are going to be that scout out there with the clip board and the stop watch.

Attorney Barbarula: He's going to have the little clicker like when you're at the movie; one truck, two truck, three truck. So, Mr. Grygus, I have no problem. I think our Planner can make a report so you have something.

Attorney Mondello: While we're on the topic, what's the Board's pleasure with respect to a Planner? Is it something that Boswell can do or do we need to go out?

Member Covelli: I believe we are so lucky to say that our Engineer is also a Certified Planner. Is that correct Mr. Nash?

Engineer Nash: Professional Planner.

Vice Chairman Grygus: That's fine, as long as we have a Certified Planner and Traffic Expert.

Chairman Dunning: That can listen to the testimony, read it ahead of time and be prepared to answer some questions.

Attorney Barbarula: We can certainly get you a plan outline.

Chairman Dunning: Same thing with a traffic report.

Attorney Barbarula: We have the traffic report.

Chairman Dunning: When is he going to testify?

Attorney Barbarula: Oh, as I testified when I came in, we received Mr. Nash's report a couple of days ago, and he wanted to have Saturday counts. So that's why I'm having at the next meeting traffic and my cleanup batter is planning. But you have a report, but this doesn't have Saturday and Mr. Nash asked that. The way I handle an application when I get an expert's board's report, I try to address it and that's why I'm not having him here tonight because if you said, okay, what's the traffic on Saturday? He'd say I have no idea. So rather than waste your time and his time, I'm going to have him come in a month from now. You already have that traffic report, which has a great deal of materials. The other issues that Mr. Nash put in his October 31st report will be addressed by a Traffic Engineer for that next meeting.

Chairman Dunning: Right, because we have a lot of questions on the traffic report. A lot of mysteries in there.

Attorney Barbarula: No problem. All ministries will be solved.

Member Covelli: Haskellians and Wanaquians are very busy on Saturdays.

Attorney Barbarula: I thought everybody stays home and mows the lawn and then puts all the leaves in those big brown bags.

Member Covelli: I'm just going to say to you Haskellians and Wanaquians are busy on Saturday.

Attorney Mondello: Any other questions for the Architect from the Board? No questions for Mr. Cutillo on his testimony thus far.

Chairman Dunning: At this point, he's going to revise the drawings. So once that happens, I'm sure there'll be a few more questions.

Vice Chairman Grygus: You need to open it up to the public?

Chairman Dunning: Yes, we got to do that next.

Attorney Mondello: Just so that I understand Mr. Chairman. There is going to be a revision to these plans and you're going have to bring the Architect back.

Attorney Barbarula: Yes, the revision has to be to show that there's no unit less than 750 square feet.

Chairman Dunning: Right.

Attorney Barbarula: Other than that, I think that's really it.

Chairman Dunning: The mechanical vents on the building, the dryer vents and the units on the roof.

Vice Chairman Grygus: And your penetrations.

Architect: Yeah, I'll be able to do as many as we can figure out.

Chairman Dunning: Bring the drawings up to what we talked about.

Attorney Barbarula: There are three things. We'll have them bring it back, that'll be an exhibit. If he gets in done 10 days ahead of time, I'll submit it. If it's not done 10 days ahead of time, he'll bring it in and give enough up copies and testify about it.

Attorney Mondello: That okay with the Board? All right.

Chairman Dunning: Any other questions?

Member Aumenta: You got mine.

Chairman: Okay, lets open up to the public.

Attorney Mondello: Any member of the public can ask Mr. Cutillo questions and questions only at this point. This isn't a commentary period, but questions regarding the testimony that he has provided thus far. Hearing none, seeing none next witness, sir.

Attorney Barbarula: At this time, I'd like to call my Engineer, Thomas Boorady.

Attorney Mondello: Nice to see you again Mr. Boorady, it has been quite sometimes. Looks like we both have a little gray. Please raise your right hand. Do you swear and affirm that the testimony that you are about to give is the truth, the whole truth and nothing but the truth so help you God?

Engineer Boorady: Yes, I do.

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

Engineer Boorady: My name is Thomas Boorady. My office is at Darmofalski Engineering Associates Inc.

Board Secretary: Can you go to the microphone?

Member Willse: Start again.

Engineer Boorady: Start again. Thomas Boorady. My address is Darmofalski Engineering Associates Inc., 86 Newark Pompton Turnpike, Riverdale, New Jersey, 07457.

Attorney Mondello: Board Members, I sat next to Mr. Boorady when I was a Member of the Zoning Board in Kinnelon and I certainly can tell you he is an Engineer.

Engineer Boorady: Thank you.

Attorney Mondello: If the Board is not satisfied with that, we'll listen to the testimony, but hearing none, seeing none, no objections to admitting Mr. Boorady as an expert in the field of Engineering.

Attorney Barbarula: And your license is in good standing?

Engineer Boorady: My license is in good standing, yes, and I very much appreciate Mr. Mondello's commentary. Thank you.

Attorney Barbarula: We have a couple people that want to look at that.

Attorney Mondello: Mr. Chairman and with the Board's permission, there seems to be an extra, may I give this to the audience so that they can.

Engineer Boorady: Do you want to lay it right here maybe?

Attorney Mondello: Members of the public, there is an extra set here, please feel free to view it.

Member Willse: Take it to your seat if you wish. You don't have to

Attorney Mondello: All right, thank you, your witness, Mr. Barbarula.

Attorney Barbarula: Tom, you are the Engineer who has been designing this project for the last three years.

Engineer Boorady: Yes.

Attorney Barbarula: First let's start with an overview of the existing conditions, if you could.

Engineer Boorady: Sure, I'll take you to Sheet 2 if you'd like.

Attorney Barbarula: Yes, please.

Engineer Boorady: Sheet 2 represents the existing conditions. As has already been stated, the subject properties in the B District.

Attorney Mondello: Just a second Mr. Boorady. If you're going to have comments (the public), please take it back to your seat because the recording is picking up Mr. Boorady, it's picking up you and I get screamed at by the judge, if the transcript of this does go somewhere else, why didn't I preserve and protect the record? Thank you very much.

Attorney Barbarula: If you want, you can bring it to the back as long as you give it to back him there are no issues.

Attorney Mondello: Alright, I'm sorry about that, Mr. Boorady: Please continue.

Engineer Boorady: Thank you, I appreciate that. Just turning to Sheet 2 is the existing condition survey and it also serves as a Demolition Plan. As has already been discussed, the subject properties are in the B District. When you look at the existing conditions, you have two, two-family dwellings and a detached garage as well as a shed. Those uses are non-conforming in the B-1 Zone. As you work your way down the rest of the zoning table, virtually all the zoning requirements of the B-1 Zone are met with exception to minimum front yard and the minimum right side yard to the right two-family dwelling. Other than that, we conform with all the B-1 zoning requirements. We're substantially under the impervious coverage. And again, it's just the front yard and right side yard setback. All those buildings are proposed to come down. Right now, entrances to the site are between the two, two-family dwellings. That's where the entrance is currently, and that'll be relocated under the proposed plan.

Attorney Barbarula: Can you tell the Board what we have already gotten? We have approval already on the site, right? We have some prior approvals right now, namely the county?

Engineer Boorady: That's correct. The Passaic County Planning Board hasn't approved it yet. We have an initial comment letter. And actually, this plan represents what we believe to be addressing all of the County comments. We haven't resubmitted to them as of yet. We decided to hear the Board's comments first, but these plan revisions, and by the way, everybody should have this. What I have on the easel here is not an exhibit. Everyone should have these plans consisting of 11 sheets, latest revised July 13, 2022. That revision was done to satisfy the County comments, and we'll be resubmitting to them. I don't think there was anything in those comments that was detrimental. They were housekeeping items, mostly, and we took care of those on these plans.

Attorney Barbarula: And in Mr. Nash's letter, he confers with the County comments.

Engineer Boorady: That's correct.

Attorney Barbarula: That's an item on his checklist?

Engineer Boorady: That's correct.

Engineer Nash: I do have one comment. Is there a reason why you went to the County prior to coming to this Board?

Architect: Yes, because this is a county road, we felt it was really important to receive any comments from the County with respect to traffic, pedestrian safety, ingress, egress. So we were pleased when we saw the report, they had what we considered to be fairly minor comments, and we've addressed those in the plans.

Engineer Nash: Okay. I think the Board might be offended that you went to the County first, but that's my thought.

Attorney Barbarula: I would say to the Board, there's no offense to be taken because you are a little bit more consistent, and you want versus what the County has been coming out with lately. So I have had experience with this Board, the county has been changing and if we couldn't get the

access, we needed here, there was no sense coming to you. So then don't take any offense. We needed to make sure we could get it in and out and they would be happy.

Engineer Nash: Okay, that's a better reason.

Attorney Barbarula: So at this point, can you go into your plans, please?

Engineer Boorady: Sure. I'm going start on the Cover Sheet. Just to give everybody an overview, there's a nice area on the top right corner, it shows where the subject property is located just north of the Dunkin Donuts and Jersey Mike's. There's also a flood hazard map and this is the current flood hazard map that was adopted in April of 2020 for Passaic County. There are flood areas to the west, and all the work that we're proposing as we go through the plans, you'll see we're avoiding the flood hazard areas altogether. So almost two-thirds (2/3) of the property will be essentially preserved, undisturbed, and protected by NJDEP rules, wetlands and flood hazard areas. And that's that map up here in the upper left-hand corner. You have your zoning map in the bottom left-hand corner. You can see all the surrounding area of Ringwood Avenue is B-1, B District. I am on the Cover Sheet.

Member Covelli: Can I stop you or let you continue.

Engineer Boorady: Good ahead, you can stop me. Feel free to interrupt me anytime.

Member Covelli: I'll save my questions for after.

Engineer Boorady: The back of the property does butt-up against the R-10 Zone of Haskell Avenue. But again, that's over 300' away from where the proposed development is. Most of what you see around is B-1 Zone. There are a lot of residential uses, which are also non-conforming in the B Zone, to the north of the subject property and across the street to the north, you have some residential zoned property. Across the street is the DuPont property. It's basically a rock face. If you're looking from this site across the street, it's a really tall rock. So it's acts as somewhat of a natural buffer to this property. You have your tax map in the middle of the sheet here and the list of owners. Again, this is two lots. We recognize the Engineer's Report which mentions that the law should be combined and that's agreeable to the Applicant. We'll be combining both lots subject to any approvals.

Then going on to Sheet 2, again, I think we covered everything will be demolished. So I'm going to skip over to Sheet 3. Did you have a question about Sheet 1, by the way, before I flip back and forth?

Member Covelli: I'll let you go. I got my little question noted. I'm okay, thank you.

Engineer Boorady: Thank you. This is the Site Plan. This is Sheet 3. On the upper-right hand corner, we have the zoning information. On the left-hand side of the Plan is the overall Site Plan. The upper right-hand corner, we have some flood information. I believe your Engineer has agreed with that; that we don't need any DEP Permits. While we're on the topic of DEP, you'll see a wetlands line at the westerly edge of the property, and you'll see a buffer. We have an LOY, and we're staying well outside of the transition area, so we won't need any Transitional Permits. We won't need any Flood Hazard Area Permits so we're clear from DEP regulation. Again, almost two-thirds (2/3) of the property will essentially be preserved, okay, and that's the west end of the property where Post Brook flows through the subject property.

Attorney Barbarula: Also, by doing that, we are absolutely eliminating any chance that the development would adversely affect any kind of flood aspects. Isn't that correct?

Engineer Boorady: That's correct. When I get to the Stormwater Sheet, I'll show how we meet the new DEP rules for green infrastructure as well. So we meet the latest rules for DEP with

respect to stormwater management. We're actually going to be reducing the rate at which we're sending runoff into Post Brook, or which eventually gets the Post Brook.

So I'm going to walk you through the site. Again, the old driveway is in the middle of the site, we're moving the driveway all the way to the south end. It's an entrance and egress driveway, and it slopes down to the left side of the building and all the parking is in the back. The shading that you see for the parking is the darker gray is just conventional pavement, and that's the stem leading back to the parking lot and the seven (7) spaces to the west. The other shading that you see down the middle is like a honeycomb pattern, that's also conventional pavement, but beneath that is stormwater management, which I'll go over in the next sheets. Then the smaller honeycomb pattern, which makes up the parking spaces essentially, is permeable pavement, and that's part of our green infrastructure. All the stormwater will come down and infiltrate through the asphalt and go into stormwater management system down below. Again, we'll show you that later.

Attorney Barbarula: That asphalt acts just as if it was a soil. Water hits it and then goes through it, even though it looks exactly like asphalt, correct?

Engineer Boorady: Yes, and that's part of the DEP's screen infrastructure requirements. Yeah, they want nonstructural methods of reducing suspended solids and pollutants. So all that stormwater just percolates right through like a sponge or a sieve, and goes right underneath to the stone below, and we'll see that on the following sheets.

Attorney Barbarula: Right, and one of the issues that Mr. Nash did get into is that it needs to be maintained.

Engineer Boorady: Yes, it does. And as any condition of approval, were required by the State of New Jersey, we're required by your Borough Code to prepare us Stormwater Operations and Maintenance Manual, and that gets recorded with the County Clerk and is binding on this property owner and all future property owners to maintain the stormwater management system. And that gets enforced annually by reporting. The Applicant is required to report to the Borough Engineer and the Borough Engineer is required to take a log and report to the DEP under your MS4 Permit, that all the stormwater measures are being maintained and properly functioning and that happens annually. So that's a deed restriction that goes with the property, runs with the land forever.

Attorney Barbarula: That's relatively new. It requires us upon approval, and acceptance of land by the municipality to actually physically record it in the chain of title.

Engineer Boorady: And that comes up in one of the Engineer's comments. So it will be maintained. It'll be vacuumed and make sure that it can accept the water, the runoff through the asphalt.

Attorney Barbarula: Thank you.

Engineer Boorady: Yeah, you're welcome. So that's the parking area, We have 16 spaces that run along the back of the building. We have 26 spaces across from there. Then we have another additional 7 spaces in tandem. If I could just go over the parking requirements really quickly. On the right-hand side of the drawings, you'll see the calculations. The total required parking spaces for RSIS is 39, and we're proposing to have 42 spaces. That's a 7 space surplus when you consider the EV requirements. So I think everybody knows the Governor, a couple of years ago, signed in a mandate that development within New Jersey consider electric vehicles. And in return, they give you a credit. It's like a two for one credit essentially, up to 10% of the parking spaces. So if you follow the parking calculations, essentially what it comes down to, is that we have 7 surplus spots. So we more than exceed the RSIS requirements for parking. One of the reasons that we did

that was we recognize the State Statute, we have to provide EV spaces, but we also recognize that we aren't a fully EV society at this point. And even if we were fully EV, there's still people who drive. So the credit that the State offered was kind of interesting, so we wanted to make sure we had enough parking regardless of the EV requirements. So we're actually showing the surplus. Attorney Barbarula: And one of the aspects of that is because, if we take a credit and we don't put in this parking spaces, and we have ended up with instead of 42, we end up with 38 or 36, people have visitors, people have guests at holidays. The EV is great for a two for one credit, but it doesn't actually give you a place to park.

Engineer Boorady: That's right.

Attorney Barbarula: So despite getting the credit, we've made sure that we have excess parking.

Vice Chairman Grygus: My question would be, is the EV space a charging station or parking space?

Engineer Boorady: So it's a parking space.

Vice Chairman Grygus: To me, I would think that the amount of time you can be in that should be limited.

Attorney Barbarula: There isn't any limitation.

Vice Chairman Grygus: So let's say there's 2 EV stations or spots and 4 EV cars, 2 are out of luck?

Attorney Barbarula: If you look at Mr. Nash's report, we have to also make EV ready spots too.

Vice Chairman Grygus: Let's say, I think that in 10 years was when all 6 has to be right, so in 10 years from now, you could have 10 EV vehicles in this place.

Engineer Boorady: So what we're doing at this time is, it's my understanding that the Applicants is agreeing to put in all 6 EV spaces upfront, because by the time you go through the labor and materials are running conduit, you might as well just put them in now, so we're putting in the EV now. It's going to be 3 heads that have dual cables on it, so they're 6 spaces with 3 heads. We actually show an extra head and your Engineer picked it up and we're going to remove that from the plan that's over by this light pole on the north side of the parking lot. So you're going to have 6 EV spaces.

Vice Chairman Grygus: Only EV vehicles can park in those spaces?

Engineer Boorady: No, I don't think that's true.

Attorney Mondello: That's not true. Any vehicle can park there.

Vice Chairman Grygus: So I don't get it; I just don't get it.

Attorney Barbarula: If you want to use logic, don't do that.

Engineer Boorady: We can ask Governor Murphy, if you'd like.

Attorney Barbarula: The Applicant and I had a long discussion about this, especially when we got Mr. Nash's report. It makes no sense for the developer not put in the infrastructure because we're not coming back. We're not coming back and rip up anything again, so we're putting in all 6. So we basically have a credit for 12. If we do that to our numbers, we even have greater spaces. But anybody who goes and does it in stages is insane. And then the aspect is, what you were saying about the restriction, in certain public spaces, it's automatically restricted. On private property it's bizarre because, if you're a business, you can you could make a private EV, or a public EV. The regulations are like the Wild West. We're putting in all 6 so you know, we're going above and beyond. We have physically extra spaces, and we're betting that, if you do the 2 for 1 credit, we're going put all 6 in so that's actually 12 credits.

Engineer Boorady: That's not correct.

Attorney Barbarula: Wrong numbers?

Engineer Boorady: We'll get a maximum of up to 10%. Our true credit is 4 spaces. All that math is here without having to go into detail but it was reviewed by your Engineer and I think he agreed with the parking calculation, more or less.

Chairman Dunning: How do assign whose got what space?

Attorney Barbarula: That's operational. We're going to have to find that out when we rent places to see who can afford an EV.

Chairman Dunning: Well, you've got 7 spaces doubled up.

Attorney Mondello: Let Mr. Boorady speak.

Engineer Boorady: I'll speak to that.

Attorney Barbarula: That's the tandem; that's for him.

Engineer Nash: Can I put a bow on the EV? So the electricity that these vehicles plug into is created by fossil fuels, just saying.

Vice Chairman Grygus: Who is paying for the electricity going to the EV?

Member Willse: Yeah, how do you regulate that? Is it going to be like swipe your credit card?

Engineer Boorady: I believe the landlord can regulate that any way he wishes. I think he can charge for it. There is a credit card mechanism. There's an app. There is potentially landlords who might make a complimentary, I don't know. There's probably going to be a fee charge because the nicer systems are 50 amps, and I think that's going to be a burden on a lot of property owners. So I would assume that hasn't been figured out yet. I would assume landlords are going to be charging.

Vice Chairman Grygus: Like I said, I could see it being an EV station, say limiting it to four hours.

Engineer Boorady: Right.

Vice Chairman Grygus: Because in 2035, he's going to do away with all fossil fuel cars.

Member Willse: No, that's California.

Vice Chairman Grygus: No that's here too. So if you end up with 20 EV vehicles in this lot, I mean.

Engineer Boorady: They are going to have to share or landlords are going to have to start thinking about upgrading their facilities.

Member Ludwig: I was actually thinking they should be running conduit even if they're not going to put the charging units in there if EVs become that popular.

Attorney Barbarula: The 6 are expensive enough.

Engineer Boorady: I mean some builders may choose that, but we're not.

Attorney Barbarula: Unfortunately, this was not well thought out. It was a knee jerk reaction to get it to be passed quickly. Your own attorney could tell you that. The land use attorneys, to which I'm a part of that group, we said you're going to create major problems, and this is what it has been. Because it doesn't say anything about how you go about paying for electricity, is the municipality going to go into a site, are you going to go into the apartments that are three buildings north of here and tear up their parking lot and put it in at the taxpayers' cost? I mean the issues are very bizarre. They are way beyond our Board here. But, with discussions with the Applicant, we've decided that take all of our requirements that Mr. Nash has very adequately pointed out, so much this time, so much that time. We're going to put them in; we're putting the 6 in, because it creates a situation where it's done while the lot is open. We don't have to tear anything up. We don't have to worry about pipes being there and not connected. Whether it's

charged or not charged, this is all going to be an operation situation. It's going to be very interesting.

Engineer Boorady: Okay, I think we're covered on parking and EV stations unless there's any questions.

Member Covelli: I actually have one question for you, which does not have anything to do with the validity of the law.

Engineer Boorady: I didn't say it was valid. I just said it was a little confusing.

Member Covelli: In this project, we're adding 21 apartments and adding charging stations in an area of town that we have a letter where we have a pump station that barely has enough power from the electric company. It's not a municipal problem; it's an electrical feed problem. It's an electrical feed problem/capacity problem. Has anyone checked to see if this? The Architect engineered every unit has electric, hot water, we could possibly have electric heat, maybe it's gas, maybe it's electric. We're putting an awful lot of demand on an infrastructure that I haven't heard anyone telling me this infrastructure can support what it is you're proposing.

Engineer Boorady: Can you just explain what letter you're talking about? You have a letter from whom?

Member Willse: A letter from the Department of Public Works.

Engineer Boorady: That letter I don't think says that there's an electrical problem. I think they just need the pumps.

Member Covelli: It says here there is a supply issue on Union Avenue that goes to a pump station on Union Avenue that currently operates on a single phase. A pump system that really needs to be brought up. The problem is not the Borough. The problem is JCP&L is not providing enough electricity on that road.

Engineer Boorady: That's not what this letter says though.

Member Covelli: Read the second paragraph. I'm talking about a letter from Mr. Skawinski.

Engineer Boorady: Yes, dated October 7 2022. I'll read it. Do you mind if I read it in? "The second issue that is a concern is the Union Court Sewer Pump Station. The pump motor in this station is a single phase motor that is undersized for our current demands." Our current demand doesn't mean current as in amperage.

Member Covelli: Perhaps I should identify my other hat I wear in this town. I'm the Chairman of the Regional Sewage Authority.

Engineer Boorady: Okay.

Member Covelli: We just had a meeting with the Borough and the discussion of that pump station came up. And it was reported to us by our own consultant to the regional is not enough power on Union Avenue and that is why the Borough is not converted that pump station. If you read further in that letter, he states this should be brought into consideration for any future development in that area.

Engineer Boorady: But this letter, and I appreciate your position on this.

Member Covelli: I'm not debating you.

Engineer Boorady: No, no, I'm not, I just want to be clear.

Member Covelli: I'm not focusing this on the pump station. Regardless of the pump station, you're adding 21 apartments where 4 units exist, as we speak, and the garage.

Engineer Boorady: Okay.

Member Covelli: And you're adding a lot of units. And all I hear about as all this beautiful electric, electric, electric, electric and somebody has to provide the electric.

Attorney Barbarula: Well, unfortunately

Member Covelli: I think, as a Board, we need some kind of assurance that if I were to vote to approve a project that caused a blackout in Haskell, because the lines can't support it, I didn't do my job as a Member of this Board.

Member Ludwig: Put some solar panels on the roof.

Member Covelli: Well, just as we talk about traffic, and we talk about roadways and infrastructure, electricity is part of the infrastructure. So we need some kind of assurance that, when all the buzzwords are electric, does this area support it? I bring to you a letter that our professional wrote, that I was in a meeting that there is an issue of electricity in that area as we speak. That's all. I'm not here to debate it with you; I'm just asking.

Vice Chairman Grygus: So I think what Frank was saying is part of an application process is a confirmation from water that there's adequate water supply for the proposal, for sewer there's adequate sewer supply. What Frank is saying is, given the circumstances of this, we probably should get some kind of confirmation from the power company, that there's adequate power.

Engineer Boorady: We can get a Will Serve Letter from JCP&L. Okay, we can provide them with a set of plans and get a Will Serve Letter.

Member Covelli: That's all I'm asking. I think we have a due diligence to ask that question.

Attorney Barbarula: That's not a problem with what you're saying about that being an electric issue really is not something that might have been in the meeting, because I don't see it's there.

But we can get a well serve later but that's not going to address the issue that you would need, you're going to have to do that with JCP&L, the Municipality and them because giving a Will Serve Letter doesn't say that they have putting another power plant online.

Member Covelli: I'm a volunteer Board Member, I don't have the authority to tell the Borough of Wanaque to go check with JCP&L.

Attorney Barbarula: Well, as a volunteer,

Member Covelli: I would refer you to the Division of Labor who is responsible for getting that, that representation. I think a Member Grygus has said it very well. We asked for sewer, we asked for water and, in this case, and in this environment and this current climate, I think we have to ask for is there adequate electric. How you achieve that is on you.

Vice Chairman Grygus: Especially when you have a generation station right down the road from there that already has a history of huge failures and is antiquated.

Member Willse: In case you don't know it's by Haskell Town Center; huge substation to substitute.

Attorney Barbarula: We can submit our plans and I can guarantee you we'll give you a Will Serve Letter because, as far as utilities concerned, they're able to satisfy the needs of Wanaque.

So we'll get you that Will Serve Letter.

Member Covelli: Just doing my due diligence.

Attorney Barbarula: You're absolutely entitled to that.

Member Sbarra: While my colleague had brought up that that letter you know from the Superintendent of Public Works, I don't know if you guys want to address that letter as far as what's actually stated in there with the water main and the sewer issues as well with this large development. I want to give you guys an opportunity to address that as well while we're on that topic.

Chairman Dunning: The Fire Department has asked for 2 hydrant hook-ups in the rear of the parking lots.

Engineer Boorady: Well let's try to address one comment at a time, but I'm happy to go through them all.

Member Sbarra: Sure, if you want to start off with the Department of Public Works letter that you're supposed to read.

Engineer Boorady: The first item is regarding water supply and the way I read this letter is the concern is that the municipality is supplementing their wells with water from the reservoir. There is nothing in here that explains that capacity is really an issue. So we don't see capacity being an issue to supply water to the site. Whether the municipality needs to buy water from time to time from the reservoir that seems like an operational issue. They're doing that now.

Member Aumenta: I do think it's something we need to take into consideration because if it forces us to now have to run out of water and purchase more water and go down those roads, because of another set of 21 plus apartments that are going to be placed in there, I think, again, it's our due diligence as this Board, and working, you know, as volunteers for this town, that we need to take that into.

Vice Chairman Grygus: That's an expense that all the users are going to bear.

Engineer Boorady: So I'll give you a couple items to think about. You know, we're coming back next month, right, but a couple of things to think about. You're going to have 21 people paying a water bill so that's going to be income for your water utility. That's number one and that's going to help you do upgrades to your system.

Member Willse: That's going to be a wash according to the amount they use their paying.

Engineer Boorady: Well, the zone of this property is the B Zone. Some of the uses that can go here are restaurants, which I think we'd all agree would use a lot more water.

Member Willse: Then their water bill would be substantially higher.

Vice Chairman Grygus: Washers, dryers, dishwashers and showers.

Engineer Boorady: You have water constantly running in a restaurant to wash produce, to wash dishes. There's constant water running almost always in a restaurant. So I just want to give you a couple of things to think about. If we came in here with an improve use, let's say a restaurant, you potentially be using more water than 21 apartments.

Member Covelli: You wouldn't be before us, you'd be before the planning.

Engineer Boorady: That's correct. I just wanted to give you a couple of things to think about.

Capacity wise, there doesn't seem to be any comment here about the infrastructure being able to handle supplying water to this development. Now whether the municipality, from time to time, has to buy water from the reservoir, that's an operational issue. Again, you're going to have more income here. Right now you have two dwelling units, you're going to have 21 people paying into the system. So this is something to think about.

Member Sbarra: How about the sewer concern?

Engineer Boorady: So again, capacity is not an issue and the issue seems to be the fact that pump upgrades are needed. They're needed now. I mean, typically, you have a three phase motor, and you have dual pumps to make sure that they can keep up, and you also have a generator. It seems like the Department of Public Works is asking for upgrades to assist them now, regardless of any development. And again, the amount of potential grease or waste that might go into a system from a restaurant is potentially more than 21 apartments.

Vice Chairman Grygus: I don't see who that could ever be.

Engineer Boorady: I don't know if you've ever seen a restaurant.

Attorney Mondello: Just one second. These are excellent discussions, due diligence.

Engineer Boorady: Just something to think about.

Attorney Mondello: At the end of the day, Mike is never going to let them build this if he can't understand, to his satisfaction and satisfy himself, that there is adequate water, there is adequate sewer, etc.; you're just not going to let them build it.

Engineer Boorady: Well, there appears to be adequate water because you have.

Attorney Mondello: I'm not saying there isn't.

Engineer Boorady: Because you have Wanaque Reservoir as a backup, which is a wonderful thing.

Member Willse: Did you talk to the sewer authority to make sure they can handle the additional flow?

Engineer Boorady: No, we can follow up with them.

Member Willse: I think that should have been done.

Engineer Boorady: We can get some clarifications on this letter. Yeah.

Member Covelli: Actually, this letter doesn't address that.

Engineer Boorady: It doesn't mention capacity.

Member Covelli: But I just told you my other hat is the Sewerage Authority. You should check with them.

Engineer Boorady: Yeah, but it doesn't mention capacity issues. It mentions really operational issues; undersized pumps.

Member Willse: This letter comes from the DPW. He's talking about the pump and is there a potential issue.

Engineer Boorady: It's an issue now.

Member Willse: He doesn't speak for the Sewer Authority, whether they have the capacity to accept more flow than they already are now.

Engineer Boorady: We can investigate that.

Member Willse: Where that would put them in their overall total capacity capabilities.

Engineer Boorady: We can investigate that. I would have imagined that there would have been commentary on there, but we'll double check with him.

Attorney Barbarula: The other aspect is, if you don't have any capacity, then you really, as a municipality are required to put a moratorium

Member Covelli: That's on sewer.

Attorney Barbarula: Well, if you have no sewer capacity, you should have a moratorium.

Engineer Boorady: Isn't that the question, sewer.

Member Covelli: I'm not saying that. What I'm saying is the question, the sewer is the last item mentioned, we asked about electric, we asked about water, those are the things we're talking about. Sewer was the last issue that was brought up.

Engineer Nash: Sewer is not going to be an issue because they don't have enough water.

Architect: Listen, we're going to obtain a Will Serve Letter from JCP&L, we'll get some similar written approval regarding sewer. Again, we didn't envision there to be a capacity problem for sewer, and we also didn't envision there'd be a problem with water supply, because you have Wanaque Reservoir, where you pull from when needed.

Member Covelli: By the way, if you look into that Wanaque Reservoir, my recollection, Wanaque does not actually have a technical connection, we use rain woods, and it's considered an emergency connection. I wouldn't say we have complete flow and access to all the Wanaque

Reservoir. We can feel free to use any and all of that we want. I believe a lot of that's already spoken for in other communities. I'm just saying.

Architect: And you mentioned the Planning Board. If we came to the Planning Board with a restaurant, what happens then?

Member Covelli: I don't sit on the Planning Board/

Chairman Dunning: A restaurant would use less water than 21 units.

Architect: I'm not sure about that.

Chairman Dunning: I sold commercial dishwashers. They 4 minutes, 5 minutes cycles, that's it.

Member Willse: My daughter takes a 45 minute shower.

Chairman Dunning: Restaurant is not going to use more water than residents. Residents fill up a bathtub.

Architect: Okay, we're going to reach out to the DPW and get clarification on capacity.

Member Willse: Well, you have to go to the Sewer Authority, not the DPW. They don't have control over capacity.

Chairman Dunning: Let's get back to the parking lot.

Attorney Barbarula: Were we on the parking lot?

Chairman Dunning: We were going there, and we got sidetracked.

Attorney Barbarula: Water, sewer and electric. Quite frankly, we never anticipated that there'd be an issue of supply.

Chairman Dunning: It happens to us.

Attorney Barbarula: Because if there is that that, first of all to me, when I read those reports, that appears to me that it's an operational aspect, and he's not happy with the current situation and he's saying that the current situation isn't good. It has nothing to do if we never came here. That situation exists. We'll get you, because I think that once we ask them in writing, can you service it, I think you'll see a different response. But we'll get a response. So I'm more than happy to talk about parking.

Member Covelli: Just so you know, the meeting we had last week, had nothing to do with your project. It had to do with other things in those areas and the fact, and by the way the Superintendent was not there, but an Engineer was there, and the Facilities Operator for the Regional, who said the pump station, the reason those pumps have not been changed is there isn't adequate electrical supply to the area. That's how I knew the answer to that. I didn't expect you to know that. I'm just saying that, if I know that, I have a due diligence to ask the question.

Attorney Barbarula: Ad quite frankly, I'm glad you mentioned that because we're not going to put \$10 million if you can't supply the power, that you indicate that.

Member Covelli: Not us. JCP&L supplies the power.

Attorney Barbarula: Well, water and sewer flows through the municipality. Electric is JCP&L. So I'd be more than happy to go back to the parking lot.

Chairman Dunning: The 7 units that are behind each other, how does that work?

Member Aumenta: That's my question too.

Architect: They're going to be reserved for the 7 two (2) bedroom apartments so that they'll be able to park tandem.

Member Willse: So there's going to be assigned parking spaces then?

Engineer Boorady: There is for the two bedroom apartments, yes. They can use those spaces, but there's enough parking where you may not even need the tandem spaces. So we have a little bit of

a surplus of parking. We were concerned about the EV statute and not having enough parking. We didn't want to take that credit. So we wanted to make sure we had enough parking. So if the road is perfect the way Murphy envisions it, and people have EV parking spaces, and they're driving with only one car instead of three cars in the family, then, you know, we'll be fine. We won't have to have tandem parking. But we're putting that in because we believe we want to have enough parking for people and visitors.

Member Willse: So those 14 spots will be pre-assigned, pre-designated specifically for the two bedrooms.

Chairman Dunning: They'd be numbered for each apartment.

Engineer Boorady: They'll be designated for the two bedroom apartments. There are 7, which fits perfectly with the arrangement.

Member Sbarra: My question to this is what happens if one of those two bedroom apartments have an electric vehicle?

Engineer Boorady: Then they use one of the electrical spots.

Member Sbarra: So they're not using the assigned spot.

Member Aumenta: Are they going to get three spots.

Engineer Boorady: They're going to charge and move their spot. You know, we have a surplus of parking so we don't envision that to be an issue.

Chairman Dunning: What about visitor parking?

Engineer Boorady: That's worked into to your calculations. They are actually the RSIS standards. Visitor parking is worked into that number.

Chairman Dunning: I mean, I don't agree with these numbers, okay. I'm old school.

Engineer Boorady: Yeah. They're from the RSIS standards.

Chairman Dunning: Which I don't agree with.

Engineer Boorady: Yeah, I know, but that's what we have to follow and that's why we have a surplus.

Chairman Dunning: Well, here's the thing. You've got a 9x18 parking space. Do you ever measure an F150 Ford Truck?

Engineer Boorady: There is room for overhang on the parking lot. So there's a 6' wide sidewalk.

Chairman Dunning: But that doesn't mean the trucks going to overhang. That structure 19-1/2' long without having a hookup in the back for a trailer, which some of them seem to always have.

Vice Chairman Grygus: I think what the Chairman is saying is our standard for the town is 10x20.

Chairman Dunning: Right, and they're 8' wide.

Engineer Boorady: The Residential Site Improvement Standards is 9x18, and that's what we're following; the RSIS.

Chairman Dunning: We're looking for some 10x20 in there. You got to be realistic. Nobody just buys a subcompact, a smaller sports utility vehicle, they are buying bigger vehicles.

Member Aumenta: Especially around here with the snow.

Chairman Dunning: That creates a major problem in parking in this town already.

Vice Chairman Grygus: That kicks in another issue with your 24' width. Our standard in the town is 25'.

Chairman Dunning: Yeah, we look for 25 or better. The other thing is, if you pull all the way down at the end, the 80 year old grandmother that's coming to visit her daughter, how does she turn around?

Engineer Boorady: There's a little area to the north, a 5' area, so people come back out into that.

Chairman Dunning: Yeah, but it's not paved. It's got a curb.

Member Aumenta: And you got to jockey those cars, right? So if you've got to get one car out, that's in the tandem, you're jockeying this one to pull the other one out to get back around. If you've got an oversized vehicle, now you've got no room to do that either.

Chairman Dunning: That double stacked cars is problematic when you get 21 different residents trying to fit all into this with the EV lanes, which I'm not big on electric cars.

Engineer Boorady: Nobody is right now. That's why we have a surplus of parking.

Chairman Dunning: The thing is we have a clown in Trenton that's demanding that we go all electric, which some people are buying into that and they're buying these cars.

Engineer Boorady: So again, the 7 tandem spaces, the 14 spaces, will function for the two bedroom apartments. They are going to be reserved.

Chairman Dunning: You would think. I come home and there's no other place to park but in one of them slots. What do I do?

Engineer Boorady: We don't envision that happening. We have a surplus of parking.

Chairman Dunning: It's going to happen.

Vice Chairman Grygus: We've had prior projects.

Engineer Boorady: I could take away the 7 spots and then still meet your parking requirements for the state standards. We're trying to provide a surplus here so I hope you recognize that. I understand it's tandem.

Chairman Dunning: Where do you put 7 more cars?

Engineer Boorady: What I'm telling you is that we're parking more vehicles than we actually need to so that we address your concerns about visitors.

Chairman Dunning: Here is the thing. The State Standard is for one bedroom apartment 1.8 cars, how the hell does that work? They make an eighth of a car?

Member Willse: Two Honda Fits. They equal 1.8.

Engineer Boorady: Actually, half of that is for a visitor, believe it or not. The RSIS includes visitor parking in that number.

Chairman Dunning: In the affordable housing descriptions in our ordinances, it says two cars per unit, one bedroom unit, so it's two cars. If you multiply that into this, you don't have enough parking.

Engineer Boorady: 21 times 2 is 42.

Chairman Dunning: That is for a one-bedroom unit. A two bedroom is technically 2.2 or 3 or something. The numbers make no sense. Trenton's got to wake up, okay. They come up with all these different numbers that are not workable. How do you provide 2.2 or 3 per apartment? How does it work, where is it working here, it can't. I'm not arguing with you, I'm just saying.

Engineer Boorady: I know.

Chairman Dunning: The standards that we're supposed to follow it's ridiculous.

Engineer Boorady: Like I said earlier in the night, we did our best to provide more parking regardless of that EV reduction that we're allowed because we recognize your concerns. We want to make sure we have enough parking. There's nowhere to park on the street. So we have surplus for a reason. **Chairman Dunning:** Exactly, there is no other place to park.

Engineer Boorady: That's right. That's why we're providing more.

Chairman Dunning: Here comes grandma to visitor daughter 7:30 on a Saturday night, where does she park? You don't have extra spaces.

Engineer Boorady: We do. It's worked into the RSIS Standard for parking.

Chairman Dunning: Forget that standard, because that standard doesn't work.

Engineer Boorady: We are going in a circle here.

Attorney Mondello: That's the standard that you know, you the Applicant wants to adhere to. But this D-1 Variance, and if the Board is suggesting something else, you might want to think about it because the last time I listened to Judge Harris, he said D-1 Variances don't exist, and he's up at the Appellate Division.

Attorney Barbarula: RSIS Standards in parking is.

Attorney Mondello: I get it John, but

Attorney Barbarula: The standards may not and nobody may like that standards, and obviously, I get it very clear that the Chairman doesn't like the standards. However, those are the only standards that you really can go for, and the D-1 Variance doesn't say that you disregard the designs State standard.

Attorney Mondello: I agree, but what that Chairman says this big truck is XY and Z. It's not an unreasonable request to make the space a little bit bigger.

Attorney Barbarula: We have extra spaces, maybe we could put in a couple of trucks spaces.

Vice Chairman Grygus: The spaces and the aisle width.

Chairman Dunning: The aisle is another thing.

Member Covelli: Can I ask how many two bedroom units there are again?

Engineer Boorady: 7

Attorney Mondello: There are 7 tandem parking spaces.

Vice Chairman Grygus: Because, understand that when we have issues like we've come across in this town, the complaints don't come to RSIS, it comes to the town into the Board. So it's our job, I believe going forward, that once we recognize there's an issue to try to stop that issue from happening in the first place. We've had a huge issue down Carter Road, where they count garages as parking spaces, but everybody uses the garages for storage.

Chairman Dunning: The garages are too small.

Attorney Barbarula: If you look at what has been passed in this town, which I have, in the last three or four applications, none of them have the amount of extra spaces that we have. The ones that were passed, the last three, I could get you the Minutes and the Resolutions, they don't have extra. And if we took the credit for the EV you're supposed to recognize by State Statute and that's 1-1/2, 2 spaces, we've given you more. We'll look and see about what may be some full size. doing that, but what we have here is physically more than what is required. So I mean, that's what we're talking about.

Chairman Dunning: This EV thing doesn't work.

Engineer Boorady: Which is why we're exceeding that requirement.

Attorney Barbarula: I think it is ridiculous. I had to deal and tell my Boards this on a recent application, because it was a multiple family with 10 spots. They put in EV and when they have people fill those apartments, there's going to be a problem no matter what because when you put them in, you take out and they take out the availability. So you don't really have

Vice Chairman Grygus: So then why would you approve something like that?

Attorney Barbarula: You have no choice. That happens to be a State Law. We have to give them credit for that.

Member Willse: Can I ask a question past EV so we could just keep going for a few minutes?

Chairman Dunning: Go ahead.

Member Willse: I mean, theoretical use of the parking area, you're going to have Landscape Larry maintaining the property. How's he going get a 20' trailer and a 15' or an 18' foot truck in and out of that property to cut the grass?

Engineer Boorady: There's room to turn around at the end of the driveway to do a K-Turn.

Member Willse: He is going to be able to turn around an 18' truck with a 20'trailer on the back.

Engineer Boorady: If they have to use smaller vehicles to come in and maintain the property, then that's what they'll do. But there's room to turn around a garbage truck so I think they're going to be able to jackknife the trailer, the landscapers.

Member Willse: They do that a lot unintentional. They try not to do that intentionally.

Engineer Boorady: I don't mean jackknife in a way that's going to cause an accident. I mean to angle the trailer so that they can make a 3-Point Turn.

Member Willse: How's he going to do that? He pulls in down the driveway. Where's he going?

Member Aumenta: Where's he going to park?

Engineer Boorady: He's going to make a right.

Member Willse: He's going to make a right turn and now he's pointed to the dead end.

Vice Chairman Grygus: Now he is headed at the dead end.

Engineer Boorady: He's going to make a right turn and then there's room to back-up towards the dumpster and then do another point turn and then come back around.

Member Aumenta: Where's he going to park that he's not blocking every single parking space in that lot?

Vice Chairman Grygus: While he is cutting the grass?

Engineer Boorady: He may temporarily block a spot or he may park right in front of the dumpster right here. He can park right here.

Member Covelli: He can park on Ringwood Avenue.

Engineer Boorady: He's not because he's going to get a ticket.

Chairman Dunning: One big question we haven't addressed - the fire truck. You've drawn a small or small ladder truck in those plans. Our new truck, our elevated, super big ladder truck ladder will not fit in that site.

Member Willse: Your elevated platform truck is about the size of a Jersey Transit Bus.

Engineer Boorady: If someone from the Borough or the Fire Department is able to give me the template, or the dimensions of the new fire truck, I will revise our turning template plan to show that the truck can come in.

Chairman Dunning: We need the big fire truck to get in there to a four story building.

Engineer Boorady: I need the dimensions. So if you can direct me to the right person to talk to. I can call the Fire Chief. If someone can share the dimensions that would be perfect.

Chairman Dunning: His name is here, Mark Oliveri.

Member Aumenta: We shared the letter from the Fire Department.

Chairman Dunning: He didn't bring it up, the Police Chief did.

Engineer Boorady: Yeah, that's right.

Chairman Dunning: It's a major concern, because of the height of your building, and one little exit on the back and one little exit on the front, an elevator electric goes out, these people are running down the stairs, if they can get down the stairs.

Engineer Boorady: Yeah. They may not pull in to the site because of fall zones from the building, depending on where they stage it. But we can show that a truck can enter the site.

Chairman Dunning: They have to get into the site.

Engineer Boorady: Well, a smaller fire truck can.

Chairman Dunning: I'm talking about the big ladder.

Engineer Boorady: Usually the pumper will go on site to connect to the FTC, the fire connection. But the ladder truck won't always go on site because of the fall zone.

Vice Chairman Grygus: Yeah, but the problem with that is if you go back to those architectural, and you have the fire in the living area of one of those apartments on the top floor, the only means of egress from them is through a window and you're not going to put a ground ladder up 40'.

Engineer Boorady: There's two stairwells and there's an hour fire rating and they're sprinklers.

Chairman Dunning: You have a major fire in a basement stairwells going up in the center column. The only way out is off the balcony or the windows. You're talking about a public safety issue here that must be addressed.

Engineer Boorady: I will set the new fire truck on the turning template.

Chairman Dunning: Look at this, I can tell you right now the truck and getting in here. It's big.

Engineer Boorady: Okay.

Board Secretary: I'll get the dimensions and e-mail them.

Chairman Dunning: And the other thing is, it's going to get in there, and this is where the operator of the truck is going to have trouble, if that parking lot is full, can it totally anchor down and operate up to the fourth floor?

Engineer Boorady: I don't know the answer. I need the dimensions of the truck, and then I'll be able to answer you next month.

Vice Chairman Grygus: I'm looking at the architectural for the two bedroom unit, if there's a fire in that kitchen, your only means of egress is the balcony or the windows. They're going to need that ladder truck to get those people out in that case.

Member Aumenta: Is there any requirement for fire escapes or anything when you go up four stories.

Engineer Boorady: There are two stairwells that are fire rated.

Member Aumenta: Yes, but if the fire is inside you need to go out the windows.

Vice Chairman Grygus: Counselor, no disrespect, but I think Mr. Mondello made a valid point that with respect to a D-1 Variance, you know, some of these things that the Board is bringing up, I agree, I don't believe are unrealistic. In today's environment, if this was 20 acres that the townhouse zone requires, and it was in a permitted use, we wouldn't be having a lot of these issues because we would have enough usable property to be able to make something fit.

Attorney Barbarula: Yeah, but you would also have 250 units and you don't have another 20 acres anywhere unless you want to tear down about a quarter of the town. There's nothing that big that is out of the Highlands. There's nothing. And a reason that I'm aware of that is because that's one of the reasons that you're not under a builder's remedy affordable housing. Listen, your concerns are realistic. The aspect of whether or not state law applies, you have to apply it. I mean, it's unfortunately, you have to abide by what the regulations are in the design standards.

Chairman Dunning: Right. But in something like that, the old thinking was that the town could make the parking size 9x18 to 10x20. As long as we made it bigger, there was no problem.

Attorney Barbarula: I'm not disagreeing with you.

Chairman Dunning: Well, that's why we're asking for bigger parking spots.

Attorney Barbarula: When you do bigger parking spots, you end up with less. You know, and when you have less, because let me tell you something, I understand the aspect of the trucks and

how big they are, the trucks are going to be banned, and you're not going to have big trucks. That's one of the reasons these designs are there. You are having EVs because that's the way that New Jersey is going. We can put some, some 10x20 in there. But every time that you make this space bigger, instead of having excess parking, we're going down. Full analogy of the townhouse section and the 20 acres is not actually, I think when we get to planning, you'll see I don't think that's quite appropriate. Look, we have to come back anyhow, we'll see if we can fit some in there for people who are brave enough to pay \$8 a gallon for their truck. We'll see if we can fit some in there because they may not even be able to afford to pay the apartments.

Member Willse: Not only trucks, you got minivans that are in that size. A lot of people are buying in Tahoes and Suburbans. A lot of those people really should be having to take a road test before they can buy it.

Vice Chairman Grygus: I would have two questions. Why are you applying RSIS Standards to a business owner?

Attorney Barbarula: Because we're not having a business use.

Vice Chairman Grygus: This is not permitted so you are requesting a Use Variance, where the burden is heavy.

Attorney Barbarula: We are requesting a Use Variance. Mr. Grygus, the burden of the Use Variance is not whether or not we'll meet designed standards. We're talking about whether or not it's more appropriate use than what you have zoned there. Let me just say if I may for just one second. We can put a business use there. You're talking about what do if we put a business use there. We go to the Planning Board, I don't have to worry about electric, water, sewer. I'm doing a permitted use. The amount of traffic that I can generate with a permitted use, it could far exceed 21 houses because you are going to have people leave in the morning, come back in the afternoon. Mr. Covelli's aspect about that people in Wanaque are very busy on the Saturday. I need reference that and that's why I'm asking the traffic to come back because that's what Mr. Nash put in this letter two days ago. When you're looking at a Use Variance, we have to show you that the weighing of the good and the bad. That's basic and were making it as simple as possible. But it doesn't mean that we impose on this property standards for a 20 acre piece of property townhouse. What we're looking at here is does this make sense? And how can we make it operate as best as possible? What Mr. Boorady has said is that we are proposing the 9x18 because we can get more units in terms of spaces. You know yourself, when you have people in your apartment, they need someplace to park. What you see today is people have, you know a couple, they both have cars, with excess spaces that are 9x18 versus 10x20. We go with 10x20, we're going to lose spaces, so we're going to be down. There'll be bigger, and they'll have more room to throw open their door, but you're going to have less spaces. If you don't like to have excess spaces, and you'd rather have that size, we can re-work it.

Vice Chairman Grygus: Let me ask you this. Is it feasible to provide more parking if you had a smaller building? Yes or No.

Attorney Barbarula: Of course, that's obvious if we made a smaller building.

Vice Chairman Grygus: So then there is a means to the end.

Engineer Boorady: Let me just say 2/3 of the property are going to be preserved.

Vice Chairman Grygus: Their wetlands, so to say you're preserving them it's not that they can be used in any way anyway. They are on the other side of the brook. You can't even get there.

Engineer Boorady: That's fair, but we have a situation where we're trying to accommodate a development that makes sense, that makes sense from a parking standpoint.

Vice Chairman Grygus: Why do you need 21 units?

Attorney Barbarula: Why do we need it because we're trying to get the maximum benefit of the property.

Vice Chairman Grygus: So it's a monetary thing.

Attorney Barbarula: No, it's appropriate here because the amount of space that we have here to develop, the overall size of the property, because regardless of the fact that whether it's wetlands, we're still entitled to make that total calculation. When you take that total calculation, the amount of impervious surface we're using is very in keeping with having 21 units. It makes sense on the development, it makes sense on a regional lead. Right now this area of the county needs housing. That's why two buildings up here, you'll prove that three, four years ago, they don't have vacancies, none of these have a vacancy.

Vice Chairman Grygus: They are not 21 units. Not the Rhinesmith Building.

Chairman Dunning: No, the one by the town center.

Vice Chairman Grygus: What one are you talking about?

Attorney Barbarula: Two up on the same side here isn't that 20 units.

Member Willse: That's Rhinesmith.

Attorney Barbarula: And that's not 20 units?

Chairman Dunning: The old school building. Rhinesmith Building.

Vice Chairman Grygus: That didn't come before this Board so I don't know.

Chairman Dunning: That was a Planning Board matter.

Attorney Barbarula: That's 30 units on a smaller lot.

Vice Chairman Grygus: That didn't come before this Board. I would also argue that this Board still has the responsibility to make sure that that site works.

Attorney Barbarula: Absolutely.

Member Covelli: I'm just hoping for thing, Mr. Chairman, at the next meeting, that we can work. You've been before this Board, how many times?

Attorney Barbarula: The last apartment we had twelve meetings over a year and a half.

Member Covelli: I think that I have to put my bias on the table, because I'm sitting on this Board. But I happen to think this Board does both; we work very hard to work with Applicants as well as balanced the needs. There are 12 people in the audience tonight. There's 11,000 that are sitting here tonight. But they charge us with the responsibility of looking out for them. I just hope at the next meeting, it could be a little less argumentative and perhaps we could talk about if that's your concern Board Member so and so, how do we sit here and adjust things to make them work? That's all I would say. But don't dispute me know, don't argue with me, let's just say, thank you Mr. Covelli.

Member Covelli: Thank You. Let me say this.

Mr. Covelli: We don't get to say anymore. Please don't say anymore.

Member Willse: He's lawyer. He has to.

Mr. Covelli: Okay, please don't say anymore. Thank you Mr. Covelli is sufficient.

Vice Chairman Grygus: Because personally I believe that to come out and say that the need for apartment rental units is the deciding factor over the economic impact of it is disingenuous.

Attorney Barbarula: I'm not saying over. I'm saying basically the need generates how many units would be here. I also said the size of the lot entitles us to be considered, even though it's wetlands. So I have no intent being disingenuous. Obviously, if there wasn't money to be made here, nobody's going to redevelop this property. It will remain four units or it will go to a

commercial use. Mr. Grygus, money is always, any application you have in front of you here, money is the deal, period, okay. Money is the deal. However, here, the reason that the money makes sense is that there's such a big regional need and the second aspect is this particular unique shape of this property, the size of the property, the ability to put in the units in here to make it work, to make a very attractive building is also part of that aspect. So I don't mean to be disingenuous. Money is always the factor, otherwise, I don't get hired, period. Nobody comes before here unless it means money in their pocket.

Vice Chairman Grygus: That being said, I also believe that some of the Board's concerns could be accommodated by reducing the number of units in the building and that's all I'm going to say.

Attorney Mondello: I'm going to this in. It is now 10:10pm. Go ahead Mr. Chairman, I'll never step on your toes. Go ahead.

Chairman Dunning: While we got Mr. Boorady here. What about active recreational areas? Where does that fit into this?

Engineer Boorady: So if I could continue to go through the plans or do you just want to go through your questions.

Chairman Dunning: I asked you a question. On that site, where is there an active recreational area for tenants, children, whatever. It's a tight site.

Engineer Boorady: It is a tight site but there is a whole back area here that we can provide some access to. And there's access now but we can provide some additional access to get to this back area. You have maybe 60,000 square feet of area.

Chairman Dunning: I know that. I walked the property a day or two ago. But that's something we need to talk about.

Vice Chairman Grygus: That's a long way from the building.

Chairman Dunning: You're going to have children in there. You're going to have adults that want to sit out in the summer and have a barbecue in the back. You got a lot of property back there.

Engineer Boorady: We could put some access to that. We could put some pedestrian access to that.

Chairman Dunning: But that's going to change your parking schematic also.

Vice Chairman Grygus: I know that the county wanted your driveway to be 10' off the property line or you have another foot that you have to slide that driveway to the north.

Engineer Boorady: I believe we already slid it to conform with their requirements.

Vice Chairman Grygus: I think their requirements said they wanted 10' and you're showing 9' on the plan.

Engineer Boorady: I'm showing 10.4.

Vice Chairman Grygus: Not the plan I have.

Engineer Boorady: As I mentioned, the plan is July 13th revision.

Member Willse: 7/13/22

Member Aumenta: That's the one we have.

Member Willse: Revision No. 1 AP County Planning Board comments dated 6/22/22.

Engineer Boorady: Yeah, 10.4'.

Member Willse: I'm old so I'm using my little friend here. My little friend shows 9.0.

Engineer Boorady: That's to the wall. Then add another 8.2' to that if you're looking at that particular point. As you go closer to Ringwood Avenue, we have 10.4', because there's a flare to the driveway.

Chairman Dunning: No you don't. That's where your wall is at 10.4'.

Engineer Boorady: Yeah, so we have even more actually, excuse me.

Chairman Dunning: But the pavement isn't at 10.4'.

Engineer Boorady: The driveway has been slid north to comply with the County requirements. There's more than 10'.

Chairman Dunning: There's more than 10' on the curb.

Engineer Boorady: Again, do you have a plan that's revised July 13th.

Member Aumenta: Yes.

Vice Chairman Grygus: Yes.

Engineer Boorady: Okay, so on Sheet 3, you're going to see the dimensions.

Member Willse: You know the problem is he's not showing the apron across the sidewalk.

Vice Chairman Grygus: I'm just looking at a dimension 24' the width of the driveway and right to the left of that it's showing 9.0'.

Engineer Boorady: To the wall, keep going.

Member Willse: 10.4' to I guess somewhere along the side of it. I think that's a storm drain or an ADA bubble ramp in the sidewalk. I can't tell what the heck that's supposed to be.

Chairman Dunning: It's not identified.

Engineer Boorady: Let me walk you through it.

Member Willse: I think it's an ADA bubble ramp. What do you think it is Chris?

Member Aumenta: I think that's what it is.

Engineer Boorady: That's an ADA ramp. That's required.

Engineer Nash: It's a detectable orange notice.

Engineer Boorady: That 4x2 area is a truncated dome that's part of the ADA ramp. But we exceed the County's requirement. Like I said, we believe these plans have been revised to address all of their comments. Again, we wanted to give this Board an opportunity as well to review it. We're trying to do this in a way to avoid multiple revisions from different agencies. So we wanted to get some preliminary comments from them, then come to this Board and get your comments.

Chairman Dunning: Okay, thanks. Mr. Barbarula, one thing we haven't talked about is low income housing.

Attorney Barbarula: All right let's talk about that. I talked to the Town Attorney. You have no requirement. However, I have read the various approvals and they have been all over the map here. There is nothing in the zone. There's not a townwide ordinance, and you're not part of a settlement agreement. So I discussed this with Mr. Fiorello, and I certainly would ask, and I would like to talk to him. I just talked to him again today because I talked to him a long time ago. And I think that you and I had also talked about this aspect quite a while before when I thought we were closer. We intend to, but didn't get there yet, we are going to give 2 units but we're going to make them handicap disabled. I actually use the right word disabled two units because I believe that they're giving two for one credit for disabled units. Although the whole building is ADA capable, you have to make further revisions to the unit, and I think they're things such as you have to make so that the stove comes down and certain other things and all the grab bars that Mr. Cutillo talked about they all have to be installed, the bumpers, everything there and we are going to give you 2 units on the ground floor, disabled available, so you should get this 4 credits. As far my discussions with him that I can represent you, as an officer the court, they haven't gotten forward with your affordable housing representative, I forget what his name was, to come up with anything because Wanaque is fully developed in areas where you are not restricted by the

Highlands. If you look at your town, you got a stranglehold here, rightfully so. I mean, I like the idea that we're preserving, but you can't do anything here. So the Affordable Housing Council can't say I'm counting all this space. Because if they ever did that to Wanaque, you'd go from 10,000 to about 40,000 people, because they'd allow you to have 20 twenty-story buildings.

Chairman Dunning: We would be knocking down

Attorney Barbarula: So they didn't do that. But as far as my understanding, and your attorney can contact Mr. Fiorello, there is no town wide requirement. But when we got to the planning aspect, where that would be a cleanup to tell you that we are going to have 2 fully capable disabled units.

Member Willse: Council, that that leads me to ask a question. You are only going to have 2 handicap parking spaces for the whole complex, and you're guaranteeing 2 disabled/handicapped living units. What happens when a third person moves in? Let's say for instance, a third person moves in who, we'll use the 80 year old I'm out of my house I'm living in this but I'm on oxygen because I did whatever I did when I was younger, and I inhaled it. And now they need a handicap space.

Attorney Barbarula: Mr. Willse, one of the aspects of dealing with Mr. Grygus' questions and Mr. Dunning's questions about the size of the parking spaces, goes to the number of parking spaces.

Member Willse: But you have already designated 2 for handicap now without saying you are doing anything in the building to affirm and guarantee there are 2 handicapped units in the building.

Attorney Barbarula: I am telling you that we were going to get to the point where we're giving you 2.

Member Willse: Okay, so then you would have to designate those spaces for handicap?

Attorney Barbarula: Well, here's let me, just if I may. We have to go back and see what effect would be if we went to 10x20. Because as you know, if you got 18 and if you go 9 to 10 and 18 to 20, you don't have some 40 units, you're going to go down. Than, if necessary, we can always add, and I've got to see what our numbers are. We always add more or handicap in front of the units. But one of the things that I had thought of when I was talking to Mr. Fiorello is he has indicated that somewhere in town, you have a veteran handicap, recently.

Chairman Dunning: Yes, a new building on Ringwood Avenue.

Attorney Barbarula: Right, and you got two for one credit. And that's basically what I said, that would be perfect if we could do the same thing and get two for one credit.

Chairman Dunning: That's a four unit building. That's all it is.

Attorney Barbarula: Yeah, but they give you two, for every unit that's over there. If that's four, it counts as eight. We got to come back, we're going to take a look at what, whether we switch the whole site 10x20. I don't think that's a great idea, because I think it's going to be a major impact on the number of spaces, and quite frankly, people would rather have the space then have an extra foot. But we're going to look at that or at least partially and see if there's a combination. We're looking to develop the plan as best as possible.

Member Aumenta: And Counselor you're designating now, you've mentioned to us suddenly, that you're going to designate 2 handicap.

Attorney Barbarula: I'm not suddenly, I'm answering the question.

Member Aumenta: You didn't mention that previously.

Attorney Barbarula: No, because it wasn't the time.

Member Aumenta: So we've got 2 handicap units now. What if you have a handicapped visitor? You've only got two designated spots.

Attorney Barbarula: That's how they develop the Residential Site Improvement Standards. If I have an indication that the tag or license, I will park anywhere I want. Having lived with somebody who was handicap, my father would park on the sidewalk and not one cop would ever dare give him a ticket. If he were have a handicap visitor, they'll park anywhere they want. It is the standard.

Member Aumenta: So I guess it's just you know, originally we had all you know 42 parking spots and then you've got 2 handicap. Now we don't have 2 handicap because the two handicaps are designated to 2 ADA that are going to designated as disabled houses.

Attorney Barbarula: Well, that's not necessarily true because we could also work out different spaces. Basically because of what you're asking us you've really put a complete different design aspect that we have to look at. We may have 4 handicap spaces and only have 30.

Member Aumenta: That's all I'm throwing out. In my mind, you went from 2 handicap parking spots to 2 handicap that are designated to 2 of the residents and now you have no handicap parking spots for anyone else. That's kind of where my mindset.

Attorney Barbarula: We have to look at that. I'm only answering the Chair's question about how I'm going to handle it.

Chairman Dunning: And how you redo the plan. You've heard our comments. We're looking to make this thing workable, or it's not going to fly.

Attorney Barbarula: I understand.

Chairman Dunning: Okay. As far as visitor spots, your plan doesn't give us visitor spots. I don't care how you juggle the numbers.

Attorney Barbarula: Well we have 42 spots.

Chairman Dunning: I know, that is 2 per unit. Let's face it, today's world, most families have two cars, at least. You got a two bedroom situation here, 7 units, the sons 18, he doesn't have a car? You show me a kid today that doesn't have a car. They all do.

Attorney Barbarula: I can't answer those aspects, because quite frankly, how many children would be living here is planning testimony. So I don't want to get an argument and all due deference, you know that's my job to argue. But that relies on planning testimony about what kind of units generate what kind of people, whether they generate children, whatever we expect.

Member Aumenta: I think you need to take into consideration what the location is of this proposed property. You're not on a side street and there's no side streets there where anybody can park. They have to park in that park spot. There is no on street parking.

Attorney Barbarula: That's why we went for more parking spaces and didn't take the credit for EV.

Member Aumenta: But it's something you need to consider, right?

Attorney Mondello: One at a time please.

Attorney Barbarula: We have 42 spaces, where 42 is not required.

Member Aumenta: Understood.

Attorney Barbarula: We're going to look at the 10x20, and if we do that, we're not going to have 42 spaces.

Member Aumenta: Understood.

Chairman Dunning: Here's one other item that we'll address at our next meeting. Ringwood Avenue.

Attorney Barbarula: Right.

Chairman Dunning: We need a drawing showing where the two lanes start, where the two lanes stop going northbound, where the two lanes start going southbound, because at your driveway, it's four lanes wide. If you try to make a left out of there, right?

Engineer Boorady: It's on our plan. If you look at Sheet 11 spreadsheet is showing the aerial view. We have a Traffic Engineer and they'll provide detailed traffic testimony, but just to answer your question on Sheet 11 to satisfy Passaic County we prepared to sight distance exhibit.

Chairman Dunning: All right, I see that now.

Engineer Boorady: 300 feet north of the proposed driveway is where people driving south have the opportunity to go off into the two lanes.

Attorney Mondello: Microphone Tom.

Engineer Boorady: Sorry about that. So the exhibit that you see on Sheet 11 was to satisfy say Passaic County's requirement to show adequate sight distance.

Chairman Dunning: But they don't live here; we do. We know what that traffic here is insane in the morning.

Engineer Boorady: Absolutely.

Chairman Dunning: And your traffic report talks of a 4:00pm to 6:00pm in the evening. It's more like 3:00 to 7:30pm.

Engineer Boorady: The Traffic Engineer is coming next month. I can't testify to traffic.

Chairman Dunning: Thank God because I have a lot of questions of him.

Engineer Boorady: Absolutely. But just so you know, the striping 300 feet north of the site for vehicles driving south that's where they have the opportunity to go into the two lanes and then further down, it opens up to three lanes as you know.

Chairman Dunning: Let me ask you this, do you think it's a good idea to make a left out of there in the morning?

Vice Chairman Grygus: Anytime.

Chairman Dunning: Anytime but the morning is the worst; it's brutal.

Engineer Boorady: I think there's going to be courtesy gaps given for people leaving that (laughter). I know this is New Jersey.

Vice Chairman Grygus: They don't even merge going northbound.

Engineer Boorady: I know; I understand.

Vice Chairman Grygus: I would like to know if those sightlines take into account the trees that the County it wants in the right-of-way area along the sidewalk?

Engineer Boorady: The trees are west of the sidewalk. They're closer to the building so that sight distance line is in front of the trees.

Chairman Dunning: You going to move the trees?

Engineer Boorady: We are going to try to preserve the trees.

Chairman Dunning: Going north of your property, the trees are on the curb side to the road and it does impact the line of sight. Not a lot, but a little bit.

Vice Chairman Grygus: I'm looking at where that stop bar is compared to where the edge of the sidewalk is.

Engineer Boorady: The trees are on the building side of the sidewalk.

Vice Chairman Grygus: Correct, but so is the stop bar.

Engineer Boorady: Yes, but when you look at the sight distance line. I'll give you guys a chance to look at Sheet 11.

Vice Chairman Grygus: I'm looking at the Landscape Plan because Sheet 11 doesn't show where the trees are.

Engineer Boorady: But you can see the sight distance line that crosses the sidewalk when there's no landscaping on the sidewalk.

Vice Chairman Grygus: I understand that, but if there's a tree just to the west of that sidewalk, it could, depending on the canopy.

Chairman Dunning: Go take a couple pictures. Next meeting you can say there it is. The trees are here and then we're done.

Engineer Boorady: They are on the Aerial. Okay, there's a sight distance dash line heading 300' north, and that sight distance is east of the trees. Meaning you will have adequate sight distance without the tree being in your way.

Chairman Dunning: If you pulled up far enough.

Engineer Boorady: And that's why we show.

Chairman Dunning: You have to be on the sidewalk for that

Engineer Boorady: We show that standard.

Attorney Mondello: One at a time guys. I really want to preserve this record. I'm concerned about where it may go.

Engineer Boorady: We're showing the sight distance taken where the driver's eye is going to be in accordance with the County standards for showing that and that information is down here. The posted speed, the height of the eye. The trees will not be in the way.

Chairman Dunning: Posted speed limit is 35. Designed speed 40. What does that mean?

Engineer Boorady: Well, the posted speed limit is 35 and we all know people don't drive 35.

Chairman Dunning: We know they do 50 there.

Engineer Boorady: Well, the design speed is 40 because there's a little factor of safety in there. So wherever we see 300' feet in each direction, south and north.

Engineer Nash: And that is standard.

Chairman Dunning: One last question. We got to quit in two minutes.

Member Covelli: I have a question before we quit.

Chairman Dunning: Okay, one last thought. What about signage for this building? What are you doing?

Engineer Boorady: Right now, we're not proposing any signage except for the address.

Chairman Dunning: Which will be on the building itself?

Engineer Boorady: Yeah.

Chairman Dunning: Okay, go ahead Frank.

Member Covelli: Mr. Boorady, you spoke about that there'll be recreational in the back, you use the term of doing "the access".

Engineer Boorady: Pedestrian access.

Vice Chairman Grygus: He is going to show access.

Member Covelli: There was also discussion among the Board that people may want to recreate in some way or fashion on the property. If you're doing your plans, if you would include some thoughts on what you might include for some kind of recreation; a picnic table, to say. Really, there was talk of all these things that I'm going to believe, I don't know, the fire code left and right, I'm going to believe people are not going to be able to go live on their balconies, or the like, so they would have to go to, let's say, an area such as that to do something, or there's going to be a field area or any playground equipment or something of that nature. You don't have to answer it, but I'm saying could you draw it. I don't want you to have to go back and draw something else. If you're going to propose something, could that be included in our next?

Chairman Dunning: Next Meeting you'll address a lot of the questions and we gave you few to work with.

Engineer Boorady: Thank you. Yes, we'll do our best.

Chairman Dunning: Mr. Barbarula, you got anything else?

Attorney Barbarula: Well I have lots all right. I got a sign for Mr. Mondello that it's time to end.

Chairman Dunning: It's 10:30pm.

Attorney Barbarula: So if you would make an announcement that there'll be no further notices, we'll see you whenever date you give us.

Chairman Dunning: Are you going to have your redrawn plans or your comments ready for next month?

Attorney Barbarula: If I'm not, I will advise.

Attorney Mondello: I believe Mr. Nash has some comments.

Chairman Dunning: I'm sorry, Chris you have a comment.

Engineer Nash: Just two things to consider in the plan revisions. When you're looking at the active passive recreation area, can you also account for the riparian zone that you're going to be in and the limitations that you might be faced with and also the handicap parking space, if you're committing to disabled person, do the handicap parking spaces that you are going to provide, do they both need to be van accessible?

Architect: They essentially are van accessible now.

Engineer Nash: Both of them?

Engineer Boorady: Yeah, because you have an 8' space between them. So both of them can be van accessible.

Member Willse: So one van would have to back in but the other could pull up.

Chairman Dunning: One has to go in backwards then.

Engineer Nash: Okay, that's your answer, that's your answer.

Engineer Boorady: Well, I mean, they both have, you know, if we're going to add another ADA space, we'll have to explore that. There's a lot of information here.

Engineer Nash: I'm asking you to account for or opine on, you know, if there's two disabled people, typically, only one of them drives.

Attorney Barbarula: One problem is that if you're looking for 10x20, you're going to severely affect the total number of spaces. And we have to look at that, because that may defeat the purpose of what the Board wants. So we have a lot to think about.

Engineer Nash: I was asking to count for that.

Attorney Barbarula: And we're taking Ms. Aumenta's so the set aside units may have their own designated spaces; the same as the two bedroom. I mean, first of all, I certainly didn't expect to

come in and say that a long established town of this size of 10,000 people that there would be a question of supply of electric, water and sewer. Never thought that so that kind of took the presentation sideways. The aspect of whether or not you want 10x20, it takes the fact that we spent months and months over designing it so we have 42 spaces, has now been thrown into a monkey wrench. We're going to address all that beforehand, and if you'd be so kind to carry this meeting, and let us know when. If there's any reason that we can't make it in time, I will advise you.

Attorney Mondello: The next meeting is December 7th. There is no additional notice. You won't receive anything from the Applicant as you may have. We don't typically entertain questions at this point, but if it is something urgent, please come up to the microphone, identify yourself, and we'll try to answer that question.

Ms. Olsofsky: My name is Jeanette Olsofsky and I'm representing my mother Brigette Roberts that lives on Haskell Avenue. I just wanted to know if the start time would be the same as tonight.

Attorney Mondello: Yes. Okay.

Ms. Olsofsky: Thank you.

Member Aumenta: 8:00pm E.S.T.

Attorney Mondello: Anything else from the Board?

Chairman Dunning: That's it for this. See you next month.

Attorney Mondello: Thank you everyone, for your patience.

Attorney Barbarula: Do you want to keep those Exhibits?

Attorney Mondello: No, take them with you.

MOTION TO CARRY APPLICATION ZBA2022-10 TO THE DECEMBER 7, 2022 MEETING:
made by Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Willse, Ludwig, Aumenta and Sbarra
Motion Carries

Attorney Mondello: If you have any conversations, please take them outside as the Board does have some additional business that they must attend to.

PUBLIC DISCUSSION: Do we have any public discussion?

Ms. Olsofsky: Have a greet night.

Chairman Dunning: Thank You. You too. See you next month.

Member Aumenta: See you next month.

Member Covelli: Don't forget the electric.

Ms. Olsofsky: Yeah, please, I can't be working at home and then the electric goes out because

Attorney Mondello: All right, we shouldn't be talking about the application or detrimental effects it may or may not have, especially without the Applicant here. Have a good evening.

Chairman Dunning: Public Discussion, Mike you have anything?
Attorney Mondello: He is exhausted too.

RESOLUTION: ZBA2022-09 – Ferreira, Joseph & Aneta – 130 Jefferson Avenue, Haskell,
Attorney Mondello: This was in the matter of Joseph and Aneta Ferreira. The Board may recall, unfortunately, Mrs. Ferreira had a severe stroke and was handicapped as a result of that. They came before the Board, seeking to construct an addition on the front and south side of the existing house and to construct the deck on the south west side of the existing house. I did circulate this. Any comments, questions, corrections? Hearing none, seeing none. I do believe there may have been a condition or two that was added. The height of the deck railing shall be increased. There was some concern about the railing and the pool. So that's essentially it. Hearing none, seeing none, I'd ask for a Motion followed by a Second to Memorialize this Resolution.
MOTION TO MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY:
made by Member Aumenta, seconded by Member Sbarra. Voting yes were Chairman Dunning,
Members Aumenta and Sbarra Motion Carries

CORRESPONDENCE: No, all correspondence the Board received pertained to the Application.

VOUCHERS: submitted by Boswell Engineering for the 8 McKinnon Place Application in the amount of \$53; and for the Ferreira Application in the amount of \$265.

MOTION TO APPROVE: made by Member Aumenta, seconded by Member Willse.
Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Willse, Ludwig, Aumenta and Sbarra

VOUCHERS: submitted by Ronald Mondello, Esq. for the Ferreira Application in the amount of \$495; and for attendance at the November 2, 2022 Meeting in the amount of \$400.

MOTION TO APPROVE: made by Member Sbarra, seconded by Member Aumenta.
Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Willse, Ludwig, Aumenta and Sbarra

MOTION TO APPROVE OCTOBER 5, 2022 MINUTES: made by Member Aumenta, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Aumenta and Sbarra. Vice Chairman Grygus, Members Covelli, Willse and Ludwig abstained as not qualified.

ENGINEER'S REPORT:

Engineer Nash: We had an earlier application this evening, which I can't discuss, but we talked about EV Charging Stations, whether you agree with it or not. The DEP is coming out with new regulations. They are going to raise all the flood elevations in New Jersey by two feet (2') because the data shows that the rain falls will increase in the future and it's going to be much more

flooding and they have to raise the 100 year flood elevation two feet (2') but they can't tell us it's going to rain next week. Everybody's fighting it.

Vice Chairman Grygus: What data could they possibly provide to support that.

Member Willse: I will tell you this in 2010 or 11, I was down at the convention in Atlantic City. I attended a seminar where a former governor was the keynote speaker in this seminar, saying that we're pumping too much water out of the ground for drinking purposes, and Southern New Jersey is slowly sinking downwards. It was very difficult not to fall out of the chair laughing as I left the room. How do they come up with this crap? They just pass these rules.

Engineer Nash: this is, like, very far reaching. People are going to be in floodplains that aren't now.

Vice Chairman Grygus: Exactly and then they're going to require flood insurance. The other thing is this whole thing about making apartment buildings and stuff convert their heating sources and stuff to electric, which they still have not provided their cost for their energy plan.

Member Covelli: I have a question for the Engineer and Attorney who's not in the room. I heard a lot of things thrown around tonight. This EV, is it an Executive Order, or a Regulation or it's a Law.

Engineer Nash: It's a Law.

Member Covelli: It's a Law, so the Legislature passed it.

Engineer Nash: Yes.

Member Covelli: And the Governor signed.

Engineer Nash: Yes.

Member Covelli: Okay, just needed the clarification.

Engineer Nash: I have a three page synopsis of it. I could you send it to the Board?

Member Aumenta: Yeah, I'd like to read it.

Engineer Nash: It didn't come from me, but I refer to it all the time. It's a writable PDF so I can copy and paste.

Chairman Dunning: This whole EV thing is just out of control.

Member Aumenta: Well, the problem is, even if you look at California, they're passing all the laws but they don't have the infrastructure.

Chairman Dunning: You won't be able to buy a gas car.

Member Willse: In a couple more years you can't get a gas car.

Vice Chairman Grygus: California just admitted that their only way for them to produce their electricity is fossil fuels.

Member Ludwig: I love all these EVs that you see that are catching on fire.

Member Willse: That's because of excessive water penetration down Florida.

Member Ludwig: There was a brand new one that wasn't in water or anything that just caught fire.

Member Willse: That's most of the North Korean ones. No one trusts those.

Member Covelli: How high is that parking compared to the flood area by the Post Brook?

Engineer Nash: I was going to ask him this.

Member Covelli: Not that we're testifying. I'm only asking questions. I hope if you have any conversations

Engineer Nash: I think we shouldn't talk about the application.

Member Covelli: The Applicant should be prepared to answer the question at a future Meeting.

Member Willse: He can always go home and research and come back at another meeting.

Engineer Nash: That concludes my Engineering Report.

DISCUSSION: Vice Chairman Grygus will be away and not in attendance at the December 7, 2022 meeting. If necessary, he will listen to the tape of the meeting.

MOTION TO ADJOURN AT 10:45PM: Motion made by Chairman Dunning Member Ludwig and carried by a voice vote.

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