

**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 January 17, 2021 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 with the Borough Clerk

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

ABSENT: Members Donald Ludwig and Michael Levine

**Application ZBA2021-07 – Licastro, Jason, Gorge Drive-Vacant Lot (Block 423/Lot 31)
Applicant has requested an adjournment to the October 6, 2021 Meeting, and agreed to waive all time limits. The Board granted this adjournment and the matter will be heard on October 6, 2021.**

Mayor Mahler swore in 3 Members: Helena Aumenta, Suzanne Henderson and Michael Sbarra. Member Aumenta is moved from an Alternate Member to a Regular Member.

Member Covelli: Mayor Mahler, while you are here, I would like to formally have the Minutes reflect that our Chairman is back at the helm of this Board. We missed him and we are so happy to see him here. He has made a miraculous recovery. Welcome Back Jack!

Mayor Mahler: I believe Jack is the longest serving Board Member in our Town, probably in history. I think you have Gil beaten by one year.

**Application ZBA2021-03 – Buske, Thomas & Judith, 1161 Ringwood Avenue,
(Block 448/Lot 1)**

Peter Lefkowitz, Esq. of Nurik & Lefkowitz for the Applicants.

Attorney Lefkowitz: When we last we left, we had submitted our Application for site plan with actually 2 Use Variances. We took the comments of the Board and of the neighbors into consideration and, as you all should have copies, we resubmitted an Amended Plan dated August 6, 2021 taking into account those concerns. To make things a little easier we printed out easier copies to handle for the Board.

Attorney Mondello: Jenn, do you know where we are with Exhibit Numbers? Typically the Site plan is marked Exhibit A-1.

Board Secretary: I look at the previous Minutes and carry over.

Attorney Lefkowitz: At this time what we would like to do is call Pat McClellan and have him qualified.

Attorney Mondello: Mr. McClellan, were you previously sworn in and qualified as an expert in the field of engineering?

Engineer: At other municipalities, including this one, yes.

Attorney Mondello: Wasn't it during the last Zoom Meeting?

Engineer: No. Actually, the last time I had the pleasure of appearing before a Board in this town was the apartments on Fourth and Boulevard.

Attorney Mondello Swore in Engineer McClellan.

Engineer: Patrick McClellan and my office address is 11 Furler Street, Totowa, NJ. I am a 1989 graduate from New Jersey Institute of Technology with a Bachelor of Science in Civil Engineer. I have had a license in the State of New Jersey as a Professional Engineer since 1994. I am 50% owner of the firm MCB Engineering Associates in Totowa since 2002. As stated, I have had the pleasure of appearing before this Board and the Planning Board a few years and also roughly 150 Land Use Boards in the northern part of NJ.

Attorney Mondello: Any objections from the Board members with respect to admitting Engineer McClellan (hereinafter "Engineer") as an expert in the field of Engineering. Hearing none, seeing none, your witness.

Engineer Nash: I do have a question. The plans were prepared by Map Engineering so we have an Engineer from a different firm providing testimony on these plans?

Engineer: Yes sir.

Engineer Nash: How does that work?

Attorney Mondello: Engineer Nash misses nothing. So Mr. Hogan prepared these plans, so why is it that you are here testifying.

Engineer Nash: And it's Map Engineering, a different company that prepared the plans.

Engineer: Map Engineering in Kinnelon and Mr. Hogan was the engineer of record. Our firm was hired to consult with Map Engineering on the project over the last eight weeks consulting over some revisions that needed to be made and we made a decision that I would be the one who testified tonight.

Attorney Mondello: Have you gone over the plans that were drawn by Map Engineering in detail?

Engineer: Yes sir.

Attorney Mondello: Having visited the site?

Engineer: Yes, I have.

Attorney Mondello: Have you spoken to Mr. Hogan about how and why he developed these plans?

Engineer: I spoke his associate Cory.

Attorney Mondello: I have no issues with that, unless the Board Members do. Hearing none, seeing none.

Member Covelli: Attorney Mondello, I still have two points of parliamentary order. The first is was our Zoning Officer provided a cop of this and do you have an extra copy to hand him this evening?

Engineer: I do have extra copies.

Member Covelli: Would you please hand him a copy.

Engineer: For the record, that is Plan Sheet No. 3 from the revised plan. Simply what we did was just highlight the changes primarily as a testimony tool tonight so I could help the Board understand what has changed.

Member Covelli: I appreciate the cheat sheet and thank you. My second point of parliamentary order is, since we all have a copy of this, can this easel be resituated so that the public may see what you are testifying to?

Engineer: Absolutely.

Attorney Lefkowitz: Can we mark this as Exhibit A-2?

Attorney Mondello: I hope we are at A-2 and if the Engineer could be so kind as to describe what exactly the Board and the folks in the audience are looking at.

Engineer: Exhibit A-2 is a Sheet 3 from the Updated Site Plan that was submitted. It is dated August 6, 2021 and prepared by Map Engineering and I have had a chance to review this plan and I was part of the conversations that lead to these changes as well.

Attorney Mondello: How many sheets is it?

Engineer: The set is 6, but I am only showing 1 tonight because I can illustrate the changes on this one sheet.

Attorney Mondello: I see that there are little yellow highlights, isn't that correct?

Engineer: That is correct. What I have done is I've highlighted the major changes with red ink and yellow highlighter. You folks have reduced versions of that so if you can't see the board, hopefully you can see, I know it is a little small, but it should all be there.

Attorney Mondello: Go ahead Mr. Lefkowitz. You can ask questions and work on the mic at the same time.

Attorney Lefkowitz: Starting in the upper left hand corner where you have "increase from 19.7 feet", can you explain to the Board what that is and why the change was made.

Engineer: In the upper left hand corner you will see a label that says "Increase from 19.7 feet"; the drive aisle by your ordinance is required to be 24'. What we were able to do was, actually it's not quite at 24', but we've increased it to 20.5' so we've added a little bit more backup space to those parking spaces.

Attorney Lefkowitz: Why weren't you able to accommodate the full 24'?

Engineer: Proximity to the property line, size of the parking stalls that we were trying to accomplish and also the width of the property in that area makes that, unfortunately, not possible.

Attorney Lefkowitz: Moving clockwise to the next notation on the plan, “Add tenth exterior parking space”.

Engineer: On the previous plan we had 9 parking exterior spaces shown on the plan, this version, because of some other changes, we were able to add the extra space to get 10. Just looking ahead, there are 2 in the garage in Building B, so we have a total now of 12 parking spaces which is an increase of 1 space from the previous plan.

Engineer Nash: It says 10 parking spaces. Where are you getting 12?

Engineer: The other 2 are in the proposed detached garage which we labeled Building B. There are 2 sheltered spaces in that garage and that’s consistent since that building was on the previous plan but in a different location. 2 of the spaces have always been in the garage and 9 were outside and now we have 10 outside.

Engineer Nash: That works and it’s conforming as long as those parking spaces turn over every day. If you park vehicles in there overnight and for long periods of time, that doesn’t count towards the demand that the use has.

Engineer: My understanding, from talking with the applicant, is that those 2 parking spaces are going to be for the use of the residential unit so they’ll have 24 hour access to those spaces.

Engineer Nash: All right, that makes sense.

Engineer: Moving on, what we also have done is we’ve increased the parking stall size. We had 9x18 on the previous plan and we know the Board was concerned for the idea of some larger vehicles since this is a site that might invite that kind of vehicle, so we now have 10x20 parking stalls. The combination of increasing the parking stalls size and trying to get another 10” or 11” out of the width of the drive aisle, put us a little closer to the side property line. On the previous plan we were 5’ off here and we have 3’ now. Again, that is the direct result of putting a little bit more parking and drive aisle in.

Engineer: The next change that we made is the location of Building B. Building B prior was located a little bit further back on the property and a little closer to the northerly property line. What we have done now is we’ve placed the detached garage next to the commercial garage and we are able to actually use that as a screening device. In addition to the 6’ high fence that exists out there, these buildings are side by side and also help to screen whatever is happening on the property in the back. As a result of relocating Building B, we had to slide Building C about 21’ to the south as well. What that did is it reduced the rear yard setback a little bit by 21’ but it is still conforming and it is still actually conforming by quite a bit. In my opinion it doesn’t diminish the rear line.

Engineer: As we continue around, the applicant is now proposing 12 spruce screening trees along the southerly side to, again, further screen the property from the adjacent properties.

Engineer: Finally, we are showing on the plan 10 locations that are intended for some vehicles and equipment storage. They are in strategic locations; 3 of them are behind Building C because Building C offers as a great screening, so when those vehicles are up against the back of that, they won’t be seen by anybody on the Ringwood Avenue side.

Then we have the other remaining 7 spaces right in the center of the yard as far from all the side property lines as possible.

Because of the result of these changes, I would like to run through the Zone Table because it does have an impact on the relief that is being asked for.

a. The parking setback for the side yard, which is required to be 10', was previously 5' and now we are asking for that variance to be for 3'. That is the change that I was pointing out because we enlarged the parking spaces and we widened the drive aisle.

b. Our parking stall size is required to be 200 square feet. Previously we were asking for relief that. We no longer need relief for that because we have increased that to the 10x20. We no longer require variance relief for parking stall size.

c. The aisle width required is 25'. We are at 19.7' on the previous plan. We are 20.5' on this plan. We still require variance relief but the magnitude of it is a little less as a result of the revision.

d. We are required to have 12 parking spaces. Previous plan had 11. The addition of 1 space now allows us to be compliant with that part of the ordinance as well so that is another variance or waiver that we no longer need.

e. With regard to Building B, which is the detailed garage, we made some changes to the setbacks because we relocated the building, which used to be a little further back and a little bit further north and now it is up against Building C for the reasons I testified to. Just for the record, we are at 44.8' front yard setback from Coles Avenue. We were at 22.2' so we actually increased the distance from Coles Avenue to the building. Required is 20' so we are more compliant then we were before.

f. The side yard requirement is 10'. We were 15' from the line of Lots 2, 3 and 4. We are now at 12.1' so it is a couple of feet closer to the property line; however, it is still compliant.

g. The side yard combined of the total of the two. Because we changed the side dimensions on both sides, we had 365' before and we have 252' now where we are required 25' so we are very far in excess of that.

h. For the rear yard which is measured to the line which is adjacent to the property to our south, we had 100.3' on this plan and we had a 123' on the other plan because again as it was a little bit more northerly, it is a little closer in the east direction, it's also went a little bit in the south direction. So that number reduced a little, but it is still far in excess of what is required, which is 25'.

i. The building height for Building B is required to be 15' and it was previously designed at 14.8' and it is now set at 11.8'.

Moving on to Building C, there are a couple adjustments to that as well.

a. The front yard to Coles Avenue increased a bit because we're sliding away from Coles Avenue. We were at 52.2' and we are at 74.8 now.

b. The side yard for Building C is required to be 10'. It was 15.6' prior and it is now 12.1', and that is the same setback as for Building B because the fronts of those buildings are allowing, so that setback is the same.

c. The combined setback which is required to be 25' and it was 233.1' and is now 235'. Again, it is slightly larger but far in excess of what is required.

d. The rear yard, which is required to be 25', went from 58.6' to 37.4'. Again, that's because it slid to the south and the rear yard is considered to be the line that's up against the southerly property.

e. Finally, we a building height for Building C that is required to be 15' and on the plan it is called out at 16.8'. We recognize that if it was going to be 16.8' that would be a D Variance. I would like to testify that we are going to lower the height of that to be 16.5' so it doesn't exceed 10% over the required building height.

Those are the changes.

Chairman Dunning: Building C, you have two sides yards. One is 235' so that is all the way to the rear of the property, right?

Engineer: There is one to the river and then there is a small one to the properties to the east of us.

Chairman Dunning: The height of the building is 16.5' but your drawing here shows a height of 17.8'. The detailed drawings do not match any of the criteria you just mentioned.

Engineer: The site plan has it at 16.8' and we recognized that is in excess of what the ordinance allows so we would like to request a C Variance for that, but we can't do so if we are at 17.8' or if we are at 16.8' so we are asking the Board to consider a modification to that plan so that building is 16.5' high.

Chairman Dunning: That Building C, are there windows in rear of it or not?

Engineer: There are no windows in the rear.

Chairman Dunning: Your drawing shows three windows in the back of that building. The page is A-1 of 1 and it's the last drawing that was in the set you provided. The measurements and details on this do not match anything you gave testimony to.

Attorney Lefkowitz: Chairman, we can't hear you.

Attorney Mondello: He said the testimony is not aligned with the site plan that was designed by Map Engineer.

Engineer Nash: The architecturals don't match the testimony.

Attorney Mondello: Page A-1, the last page of the architecturals.

Engineer Nash: I have one question and Mike may want to chime in. Why isn't it one building, why is it separated into two buildings? Why aren't they joined together?

Construction Official: If it is one building, it's going to be seen as one building.

Chairman Dunning: It shows two side walls joined together; double wall.

Construction Official: It is still one structure and the only other thing you may want to check and Mr. Mondello will be able to verify is the height variance in the MLUL. The 10% rule triggering a D Variance is only on the principal structure, it is not on an accessory structure. I think you are going to find that the height may not very well trigger a D Variance for an accessory structure, it is only on a principal. The setbacks are going to be the setbacks for the building. It's not going to matter whether it is one building or two. They should remain the same.

Engineer: The physical location of the buildings will still be compliant with the side yard. For clarification purposes too, the rear of what we are calling Building C does not have windows and it is reflected that way on Mr. Cutillo's plans. Then the difference in the

building height, what Mr. Cuttillo is showing is the height to the ridge line, but the zoning ordinance measures height to the average height. There is a slight pitch to it so the zoning height is a little bit less than the ridge line.

Attorney Mondello: Mike (Construction Official) is correct, Section 6 the height of a principal structure, which exceed by 10' or 10% of the maximum height permitted is for a principal structure. It doesn't apply.

Chairman Dunning: Let us go back to this Page A-1. You are building a ramp on this house from the front covered porch, around the side, to the elevated deck on the rear. Look at the first drawing right side view elevation.

Engineer: I apologize . I have not prepared the architectural plans.

Chairman Dunning: Well, it doesn't make any sense and that's why I'm asking. It is the last page of the set. Right side elevation, where the deck coming from the front to the elevated deck in the back, where is the handicapped ramp? There is something wrong but it looks like it is going the wrong way.

Engineer: I think it is a staircase; I don't think it is a ramp.

Chairman Dunning: All these four views do not show that elevated walkway to the deck, which makes it handicapped accessible.

Mr. Hill: The first floor is handicapped accessible, not the second.

Engineer Nash: The first floor of the house would fit the definition as a covered porch. You would have to measure the setback to the porch and I think we've measured to the building. If you look at the site plan to see the setback requirements, it is to the physical house not the porch.

Chairman Dunning: The deck doesn't show there at all, the ramp.

Engineer: Just so that I'm understanding, on the site plan or on the architectural plan?

Chairman Dunning: The architectural plan of the house. The view of the house.

Engineer: I believe the architect showing the ramp on the right side elevation I'm seeing it.

Chairman Dunning: But it's going from the front to the back downward not up to the deck.

Engineer: It doesn't go up to the deck because that is the second floor of the unit. The first floor is handicapped accessible, not the second floor.

Chairman Dunning: That is only for the first floor.

Engineer: That is only for the first floor.

Chairman Dunning: What is the width of that?

Engineer: It has to be a minimum of 42" believe.

Member Covelli: When you look at the front elevation, that handicapped ramp looks like it is an add-on. Actually it is very unappealing looking and it is also not covered the way it is portrayed in the front elevation. Would there be a way to put that where it incorporates even with the edge of the porch and then also include a roof over it?

Chairman Dunning: Don't forget you have the bump out on the side of the house.

Engineer: The railing detail that is on the covered front porch, instead of stopping at this side of the ramp, it can continue on the other side of the ramp. From the street it would like that's a deck, and it could be continued down the Coles Avenue side.

Member Covelli: And you could widen the roof overhead and cover it.

Engineer: Do you have any objection to that?

Applicant: No

Engineer: Yes, we could do that. For the record, that would reduce that setback to about 5' between the ramp and the overhang.

Member Covelli: But now it's incorporated and it looks like it is one unit when you look at the front. I think it is much more appealing to the eye and it is covered for the protection of the handicapped person using the ramp. I think it is also easier for the property owner to keep it clear.

Engineer: I think that's a good idea.

Chairman Dunning: What's the actual measurement going to be there.

Engineer: 5'

Chairman Dunning: You have it marked on the little baby plan here at 10.1'.

Engineer: Yes. Again, the observation was correct that measurement is to the base of the house so the extra 5' that we are looking for is the width of the ramp, the railing of the ramp and then a little bit more for the overhang of the roof.

Chairman Dunning: How about in the front? With this new covered porch on the front, what is the actual measurement from the porch to the property line?

Engineer: The porch on the front extends out 6' (5.11'). We have a setback of 19.2' so that'll be 13.2' so that would include the front deck.

Vice Chairman Grygus: Getting back to the site plan for a minute, and although you weren't present for the original meeting, one of the things that the Board was very interested in and was pretty insistent in is a listing of what is going to be parked there on a daily basis and where it is going to be parked. In other words, 2-tandum dump trucks, 1-tractor trailer, 1-lowboy trailer; not just delineating this is where we are going to park. We wanted to get an idea of the intensity. How much stuff was going be there. The other thing we had asked for was a tracking plan for the largest vehicle that would be on the site to show it accessing and leaving the site on Ringwood Avenue.

Attorney Lefkowitz: I don't recall that, but we can testify about that. The Field Manger will testify about the vehicles. We will recall him and he'll testify about that and what you are asking for.

Member Covelli: Building B is a block building and Building C is a pole barn, or butler building, whatever you want to call it?

Attorney Mondello: I'm sorry but we can't have these conversations between folks in the audience that have not been sworn.

Mr. Buske: I am not the audience; I'm the owner.

Attorney Mondello: Sorry, whether you are the owner, the audience

Member Covelli: Would we like to swear the owner in?

Attorney Mondello: At some point but that is up to Mr. Lefkowitz.

Attorney Lefkowitz: We'll call the owner and he will be happy to answer those questions once we are done.

Member Covelli: I thought, at the last hearing, my concern with Building C, and you have already addressed some things and I appreciate the improvements that you've made, but my concern obviously is noise to the house that is east of this property, of where these garages are. Obviously, a pole barn is going to have a lot less sound suppression then a block building. I don't know what kind of repair work and at some point we would like to know what is going to go on in that building. Are we sandblasting from 7am until 10pm?

What is going on because there is a young family that was here at the last meeting that lives in the house to the east and their backyard is next to where this building is? I am interested in gathering some information as to the type of building, what will go on in that building and what will be done to respect the neighbor to the east?

Engineer: I will defer those questions to the owner or the owner's rep.

Member Covelli: The way it is drawn, it looks like a pole barn at this point, but if the owner testifies its block, that's for our consideration.

Chairman Dunning: What's the interior of Building C? Is there a restroom in there, office space, and what kind of power are you bringing into that building?

Engineer: I think questions for inside of the building can be deferred so I don't have to seek side-eye counsel from the audience.

Attorney Mondello: Any questions on the testimony to Engineer McClellan just gave?

Engineer Nash: Can we go back to the parking lot? I just have comments on how we can reduce some of that pavement. So this parking lot is an attempt to create an aisle but it is really connected to Coles Avenue and separated by Coles Avenue basically by a curb. Why don't you consider a single drop curb and change that 20.5' dimension to 10' to bring the whole thing closer and have a full drop curb and all head-in parking? And whatever variances you need for the drop curbing, I think is a better design then trying to fit an aisle?

Member Covelli: You are talking about Chris on the part that is behind Building A, to the east of Building A where the proposed parking stalls are?

Engineer Nash: Yes, the 10 spaces. Instead of having an aisle that's substandard anyway, why don't you remove the aisle completely, not completely, but reduce it to 10' so you have a 10' backup space. If this configuration was on a public street, that would be the standard. 10' behind the parking space. I think it would be a better design and it's certainly less pavement and it'll be much more functional.

Engineer: The Applicant is amendable to that. The only caveat I'd say is that we'd have to extend a little bit beyond it so that there was access to the part in the back. We can certainly incorporate that into the plan.

Member Covelli: It's almost like the idea that you would have a sidewalk there without necessarily a sidewalk.

Engineer: What will happen is we will end up with approximately 110'x10' of pavement coming out and you can revert to a soft scape or something.

Member Sbarra: Correct me if I am wrong, but are you not also trying to hide those parking spaces behind Building A so they are not necessarily visible from Ringwood Avenue?

Engineer: That's part of the strategy. Again, if the municipality gives us an indication of what is more important to them, we can certainly entertain the relocation of the parking spaces.

Member Sbarra: I would think, in respect to what Mr. Nash was saying, it would be great idea to cut down on some of that impervious surface by moving those parking spaces a little bit north, but I think it would be a better design, and I'm not trying to design your plan, but kind of tuck that behind Building A so it's not necessarily visible from Ringwood Avenue.

Engineer: What would happen if we slide it the 10', that seems to be the number that allows us to still have the 10' before we hit the right-of-way, the vehicles are actually not sticking out all that far, maybe 4' or 5'. So maybe what we can do is supplement that area with a couple more of the spruce trees or some sort of a screening landscape. It is set back from the road so we have a good orientation because it's not like it is just off the road. You look at the backside of the building and that's going to kind of screen your vision also. If we put in screening shrubs or screening trees, I think we can accomplish the same goal.

Vice Chairman Grygus: While we are talking about that parking, is it possible to shift that parking to the west so that we could gain some recreation area there to the rear of the house.

Engineer: My understanding with the tenants is they are intending to have a deck on the house for the residential use. That is what is proposed now. We might be able to do something in that 10' area that we reclaim because of the relocating of the parking lot. I'd like to keep the parking lot as close to the building as I can especially because of the handicapped accessible space will be there. We do have an opportunity now maybe to do something again in that 10' area.

Vice Chairman Grygus: Another question I have is can you explain challenges you would have to overcome if you were to slide Building C to the west?

Engineer: Anything pushing the buildings west. At some point it will interfere with the truck movements and the activity of that area. I can't tell you if 5', 10' or 50' will do it.

Chairman Dunning: You're saying towards the river, right?

Engineer: Yes.

Member Covelli: In other words what you are saying Bruce is to create a wider aisle or wider buffer between the building and that rear property that we have expressed continued concern.

Vice Chairman Dunning: Correct.

Member Covelli: So right now you have 10' to 12'?

Engineer: The 10' is the setback and we are 2' beyond that so we are 12' from that. There is also a fence along that property line. Applicant has a 6' high solid privacy fence there so between the solid fence and then the building setback about 12'. The closer the building is, or effective it is as a screen up top, because as it starts to slide away, so that was the intent so the neighbor sees building and fence, but not vehicles.

Vice Chairman Grygus: If you slid it to the west, you wouldn't have to necessarily see vehicles. I just feel like you don't get this imposing, it's like the big wall at the Red Sox Stadium. To look over that fence and have a 16-1/2' building, and this property is so deep, I just don't understand how sliding the building another 20' is going to infringe on the maneuvering for the trucks.

Member Covelli: It also takes the operation, again understanding that the building design for operation could be held inside the building, you move that further away from the property line and therefore from that neighbor.

Engineer: The Applicant would consider looking at that. We just can't make a commitment because we do have the regulated areas on this property, so there is only so much we can do. We certainly can take a look at that.

Member Sbarra: Can I make another suggestion? I know you guys added those 12 spruces, have you considered adding any sort of landscaping behind that building in between Building B & C and those residential lots as a screen?

Engineer: Yes, actually that can be done too.

Member Sbarra: If we are looking to use that as a screen.

Engineer: That is a good idea because again just to put the scale in perspective. This being 16-1/2' high some of these trees would easily be taller, not at installation, but not long after they would be taller than that building.

Member Covelli: You have also brought the roofline down. That was a big help in terms of softening what that property owner sees when he looks out his backyard.

Vice Chairman Grygus: You are typically not going to have a building that length as your next door neighbor.

Engineer: Again, it is all the way at the rear of their property, but with the screening idea, then what they'll see, once the trees mature,

Vice Chairman Grygus: Again, to Frank's point, moving the building also takes the operation further away from those residents.

Member Covelli: The trees, the distance, all add to the visual improvement and sound reduction of that residential property.

Engineer: I appreciate that and we'll take a look at that. Like I said, what we have to just make sure that whatever we do is approvable by the DEP. If we are in conflict with this plan, we just want to make a commitment here that is approvable, so we will look at it.

Member Covelli: Showing Exhibit A-2 to the Engineer, he questioned if this is the first flood plain line that you are identifying?

Engineer: Yes.

Member Covelli: So you could bring this building to the corner of that line without a problem.

Engineer: That's probably as far as we could go.

Member Covelli: I have two engineers here. Can someone tell me how much distance that is? Moving that building west to that first line Chris.

Engineer: Looks to be about 10'.

Member Covelli: That's just about the number we were looking for, wasn't it?

Vice Chairman Grygus: I'm comparing it to the 10' behind the building, it's probably another 10'.

Attorney Mondello: So if the Board is so inclined to grant the relief sought by this Application, that'll be a condition unless you can disprove. In other words, the DEP or somebody else says you can't do it. If you can't show that to us, that's what you are going to do.

Chairman Dunning: With the location of the dumpster and then you have seepage pits in front of it basically, is that problematic? You are going to have a garbage truck backing over those seepage pits? It's the second page.

Engineer: They are seepage pits that are designed to. The standard off the shelf is not intended for traffic or loading, but they do sell them with sufficient structural integrity to be driven over and driven over by heavy vehicles.

Chairman Dunning: How is the water getting there?

Engineer: It is being collected by the leader drains.

Chairman Dunning: And then it is going to pipe under the garages?

Engineer: It'll pipe around it and then get into the drywall system.

Chairman Dunning: So it will run behind the building or under the building?

Engineer: It won't go under the building. It'll go around the building. If the building has four down spouts with one in each corner, usually there is a pipe on the left side and pipe on the right side that come together and then one pipe goes into the system.

Chairman Dunning: But you have 3 buildings here? The main thing is the house to bring it all the way to the other side of Building C. You are going to have to trench out and put some pipe under something.

Engineer: Yes. It will meander around the structures. We would avoid going underneath the building.

Vice Chairman Grygus: Do you have floor drains in the garage? It doesn't show on the plans.

Attorney Lefkowitz: We'll save that for the owner.

Member Covelli: You were not here for the last testimony, but the Board expressed a concern, and this might be a good time to ask because the owner is out of the room, we had some concerns with the visuals. When you come down Ringwood Avenue, and you look down Coles Avenue, you see stuff at the end Coles Avenue. We want to eliminate the natural desire or inclination to start taking over Coles Avenue as part of your driveway, as part of your use, it is a dead end street and ends at the brook, I don't know exactly where that is, I don't know if you own property behind the end of Coles Avenue before you get to the brook, I'm not clear on that. But the visual of looking down from Ringwood Avenue to Coles Avenue you see stuff, all kinds of construction stuff. Would the Applicant consider a fence running from on the northwest side, which you are using all four parking, to keep this operation on the property owner's property, and not to encroach on Coles Avenue?

Engineer: So that I'm understanding, if we relocate the parking spaces closer to the line and using Coles Avenue as the drive aisle,

Member Covelli: I'm assuming this is your entranceway, right?

Engineer: Actually it will probably be coming in just next to parking space #1.

Member Covelli: So at some point you would start a fence here, and go back, to keep this operation on the property and not encroach into Coles. I think again, the Board made that concern clear at the last hearing. It would be something I would like to see incorporated into this. That we keep that operation, I also understand that there are other actors in that area on other properties that are spilling onto that road that is not your responsibility and not your problem, we have a Zoning Officer and enforcement to take care of that, but we have this application before us.

Engineer: The only thing I will throw out there because it sounds like that conversation will continue when the Applicant is discussing, there may be some prohibition about putting that fence in the floodway. This property has floodway and flood plain. The floodway does come up to a point where if fencing can be installed it's probably about 60' or 70' of fencing and then anything beyond that would probably be prohibited by the DEP because it would be in the floodway and they would have an issue with that. The same thing that if it is agreed upon, we'd want it to be caveated with as long as it is permitted by DEP.

Member Covelli: Understood. Also depends on the type of fencing you use.

Engineer: Since you are looking for a visual, maybe there are other ways other than fencing like a tree put in a strategic location. We've seen this on other large tracts where there have outdoor vehicles and they want to be able to know that you are staying on your property so we had a case where we put a certain here and a certain here and at any time the Zoning Officer can go out there and he can make sure that it's not encroaching.

Member Covelli: Anything we can do to make his life easier would be appreciated. He already has a job; this is the Borough of Wanaque, where we don't always have a clue.

Engineer Nash: There were two comments in my previous letter that I want to address. First item is a survey must be provided and this cannot be waived. (Board Secretary provided Engineer Nash with a copy of a Boundary & Topographic Survey prepared by ZI Land Surveying, LLC dated 4/3/2021).

Second item is as far as the plans for the seepage pits proposed, there were no test pits.

Engineer: The seepage pit design was based on generalized information and I recognize the comment we're in an area with flooding and rather than rely upon generalized conditions, what would ask if the Board would consider is that testing would be done at the time of construction and, if there has to be an adjustment made, it can made in the field. We do that a lot on projects so as not to create a disturbance prior to when construction activity is going to begin. Would you consider that?

Engineer Nash: It would be up to the Board but the argument of a prior disturbance. The seepage pit has to work and it's nice to know ahead of time that it is going to work. If the Board wants to have that done at a later time, I don't have an issue with it.

Attorney Mondello: So if the Board is so inclined to grant the relief sought by the Applicant, two things would be required survey (already provide by Board Secretary) and then the seepage pit testing would prior to the construction.

Attorney Mondello: Any other questions for this engineer? Residents within 200' come up. These are questions, and questions only. There will be a time period where you can comment and say I don't like this application and here is why, or I love this application and here is why. These are questions only for this Engineer.

Resident: Can I come up and look at the drawing?

Attorney Mondello: Absolutely. While this gentleman does that, are there any other questions from members of the public. We'll expand it out past the 200'. Questions from members of the public? Hearing none, seeing none we will wait for this gentleman.

Scott Manzak, 1182 Ringwood Avenue, Haskell

Mr. Manzak: With the question about the garages, we have two spots for the residents that are moving all the way around to the side?

Engineer: What we are labeling as Building B, yes.

Mr. Manzak: Those are going to be for the residents all the way around in the front of the building? They are going to work all the way around back to there.

Engineer: With the revision that we discussed, there will be a

Mr. Manzak: I understand the yard and got what you were saying there. But those aren't designed for the business to use then, correct?

Engineer: No, they are for the residents.

Mr. Manzak: Just for the residents?

Engineer: Yes.

Attorney Mondello: The Applicant, of course, has no objection that this be put in the Resolution that those spaces are strictly for the residents, not for dump trucks.

Engineer: Correct.

Attorney Mondello: There you go.

Mr. Manzak: There are spots in there for handicapped parking?

Engineer: There is and that is the closest one to the building.

Mr. Manzak: We talked all about the fence line going down along the property line, but that fence isn't anything that was put up by the landowner, right? That was basically from the houses.

Engineer: Actually, my understanding is that the Applicant has constructed that fence.

Mr. Manzak: Just curious as to what type of upkeep would be done on that or anything? Just curious as to how they are going to get to the garages if there are going to be trucks parked in front of the garages?

Engineer: The trucks we are showing in front of the garages is a part of the operation and that is just part of how the business will be run. I think the Applicant will be better to explain that when he comes up.

Mr. Manzak: The trash containers, where were they moved to from the original site?

Engineer: They are located here at the end of Building C.

Mr. Manzak: You guys were talking about moving the building closer to the flood plain or flood line. What would happen then with the trucks? Where would they go to park?

Engineer: What we would be doing is reducing this open space by about 10'.

Mr. Manzak: Are the trucks still allowed to park into the flood area?

Engineer: The trucks can, but the building can't, but could if you meet certain criteria that I'm not sure we can meet here. The safest thing to do is to keep it out of the flood hazard zone.

Mr. Manzak: What kind of parking would it be for the trucks? What's allowed in the flood zone, macadam, non-macadam? How much are you going to be over in the flood zone space?

Engineer: There is grandfathering afforded here because there is existing conditions and the Applicant is not changing that. Again, these are not going to be formally delineated. This is showing the intention that the Applicant is to have his equipment at the sector of the property and that's just consideration for the visual of the neighboring properties. These vehicles, under the grandfathering and under the permits by rule, are allowed by the DEP.

Mr. Manzak: Thank You

Attorney Mondello: Closing this portion, next witness.

Attorney Lefkowitz: We call John McDonough

Attorney Mondello Sworn in John McDonough, 101 Gibraltar Drive, Parsippany, NJ .

Attorney Mondello: If I'm not mistaken, you had testified before this Board, isn't that correct?

Planner McDonough: I have. I was here a few months ago before the Planning Board, but I testified on this Application in front of this Board as well (hereinafter "Planner").

Attorney Mondello: All right, fair enough, your witness.

Attorney Lefkowitz: You stated you were here last time and there was quite a concern about the traffic and the noise that was allegedly going to be generated by this property and the neighbors were concerned. Could you give me some ideas about the truck traffic that goes up and down Ringwood Avenue.

Planner: Two key points with this Application. Number One with respect to the sound. I'll start with that and then I'll go to the traffic generation. We now have put building masses completely against the "back of the adjacent residential properties". We know we are dealing with a D-2 Use Variance here. A use that is not permitted in your B Zone; the contractor yard and the commercial garage. They have been repositioned so that they now become a double layer effect or double wall system. Somebody had a good question about disappearing like the Green Monster out there in Fenway Park. That's actually a 37' high wall and these are going to be 16' high walls at the back of the buildings. You have a building wall against a privacy fence so you have a double layer of protection there for the adjacent residential neighbors. I think I heard that the Applicant is willing to put some greenery in between as well so you actually get a triple layer of protection there, which will certainly effectuate better privacy, better neighborhood interaction, which is really what we are looking for whenever we are dealing with a D-2 Use Variance.

D-1 remember is a use that is not allowed in the zone. D-2 is when it is not allowed in the zone, but it is already there. Whenever we are dealing with D-2, we look at site betterments, site improvements and by virtual of what the Applicant has done here by aligning these buildings so they create that double wall effect, it is going to hide what is now an open yard adjacent to those residential neighbors. Those buildings will essentially be bigger than any of the trucks or the materials in that yard. I did say it last time, and I'll just remind the Board again, that you do have a Noise Control Ordinance here as well and performance standards, dust control and any of the other nuisances that maybe associated here that the Applicant is bound by to comply with. Again, that can be cited with your Noise Control Officer, if it is an issue. The key point is, from a D-2 Variance standpoint, we look at a much better edge and much better integration with the adjacent neighborhood from a sound and functional standpoint.

Attorney Mondello: Let me just ask you, or stop you here Mr. McDonough. So I know you are indicating that it is a D-2 Variance. Do we know when this particular property was in operation, i.e., prior to the prohibiting ordinance?

Planner: I don't know if that's been factually established on the record.

Attorney Mondello: How do you know that this isn't a D-1?

Member Covelli: I was actually thinking the same thing counselor.

Planner: I'm not going to argue D-1 or D-2. I think even the more stringent test will be met as well. I thought I saw it in a review letter that it was a D-2, but I think this also

meets the more stringent D-1 test as well by virtual particular suitability. Remember, whenever we deal with a D-1, we are looking at enhanced proofs. On the positive side you look at specifics to the site itself. We call that the particular suitability test. We don't only look at the broad purposes of zoning, and I put forth a number of them last time, I can put them forth again, but in terms of particular suitability remember that this is a site that's five times larger than your Zoning Ordinance minimum would require in the B Zone. There is an opportunity here that we have a spacious site, to create some buffering, to provide for adequate circulation on the site and storage of essentially what would be a contractor yard, materials, equipment and vehicles. By virtue of its sheer size, by virtue of the fact that its long standing history has been used for this purpose, whether or not that actually predates the Ordinance or not, I think you do have proof positive that the site can accommodate a use of this nature because it has done so for a long time.

With respect to the negative criteria, again the enhanced burden of proof here is to reconcile the omission of the use from the zone plan. We know that the B Zone allows for a lot of different types of non-residential uses. I mentioned last time about potentially a convenient store, potentially a fueling station with a repair garage. We know that there is a practical reality that wouldn't happen here because it is so offset from the road. But the zone plan does contemplate it. It does contemplate non-residential use back here so we do have, I'll say that friction, between residential and non-residential. Whenever we have that zone line that splits residential and non-residential, we look for an opportunity to soften that edge and that is exactly what our Applicant is doing here. We think a negative aspect of the use test is met as well, regardless of whether it is a D-1 or D-2, we think the enhanced burden is met.

With respect to the traffic generation, just reminding the Board that, as I see it, Ringwood Avenue does accommodate truck traffic now. It is essentially a truck route. It is one of the main arteries here; one of the main collective roads in your communities, so I see this as a truck storage yard along the truck route so I think there is good integration there as well. This is not going to exacerbate truck traffic in the area. In fact, I think the testimony on the record now is that the intent is over time the vehicles are going to get pulled off the site and pulled to another site. This is not to intensify the traffic on the property, but we do think that it does have good compatibility by virtue of the nature of the road and the nature of the use itself. They are compatible.

Attorney Mondello: Any questions from the Board Members? Hearing none, seeing none, residents within 200' any questions on Planner McDonough's testimony? Hearing none, seeing none, I think the Board would like to hear from the Applicant.

Attorney Lefkowitz: We are going to recall Ed Hill.

Attorney Mondello: Good evening sir. You do remain sworn, but please state your name, spell your last name and give us your address.

Mr. Hill: Ed Hill, 173 Halsey Street, Paramus, NJ.

Attorney Lefkowitz: Again, Mr. Hill, what is your position with the Applicant?

Mr. Hill: Director of Operations

Attorney Lefkowitz: As Director of Operations, are you familiar with what is going to happen, or what you propose to do on the site?

Mr. Hill: Yes.

Attorney Lefkowitz: Directing your attention to Building C, the commercial garage, can you tell me what the construction is going to be for that building?

Mr. Hill: The construction is a metal building, a butler building, put up on a masonry frame.

Attorney Lefkowitz: What kind of power is going to be in that building?

Mr. Hill: Probably just a 200AMP Service. No bathrooms.

Attorney Lefkowitz: Is there going to be a floor drain?

Mr. Hill: Floor drains.

Attorney Lefkowitz: What is going to be the purpose of this building?

Mr. Hill: To do basic repairs on our trucks. Major repairs we go to a company called Go Ahead, but basic repairs right now we are taking them to a company when we can do it ourselves. We would like to be able to have that opportunity.

Attorney Lefkowitz: Give us examples.

Mr. Hill: Oil changes, repairs, tune ups, changing filters and changing tires.

Attorney Lefkowitz: Will you be sandblasting or anything like that?

Mr. Hill: No. We go to Quality Auto Part and we have a truck down there now getting painted.

Attorney Lefkowitz: Counsel made a very good point about the level of sound has been a concern as you know. I think the Board would really like to know what's going to happen in there, and the neighbor would like to know, I'm sure, what the level of noise is going to be as far as what's going on in that building.

Mr. Hill: Again, it is just basic hand tools being used. Nothing crazy like jack hammers or anything like that.

Attorney Lefkowitz: What would be the hours of operation?

Mr. Hill: 7am to 4pm basically is our normal operation. The big thing is that we get out of there in the morning. I am there a lot and there is no one there but myself.

Engineer Nash: Is that 7-4 Monday thru Friday?

Mr. Hill: Yes. We come on Saturdays to do maintenance work, if we need to.

Attorney Mondello: Identify the maintenance work please.

Mr. Hill: Taking care of the trucks, making sure they work.

Vice Chairman Grygus: That work isn't done Monday thru Friday?

Mr. Hill: No, not now it isn't. It will be when we have the building.

Vice Chairman Grygus: So maintenance work will be done Monday thru Saturday?

Mr. Hill: Yes.

Vice Chairman Grygus: Given your proximity to a flood plain, are there oil separators in those floor drains? How do you deal with that?

Mr. Hill: We'll meet all code compliant to build the design. What we do for a living so you know is we install storm systems. We are site contractors so we are going to make sure we comply with every code that there is.

Vice Chairman Grygus: Where do the employees working in the garage go to the bathroom?

Mr. Hill: They will go into the house into the office.

Attorney Lefkowitz: If you recall, the first floor of the residence is office and it will be used only by the Applicant.

Chairman Dunning: How many trucks do you keep on that site?

Mr. Hill: We reduced it quite a bit. We are figuring about 5-6 dump trucks.

Chairman Dunning: How many do you have there now?

Mr. Hill: 4 or 5. Dump trucks?

Chairman Dunning: Dump trucks, small trucks, a construction trailer.

Mr. Hill: That's our lowboy; the big one. That stays there a lot. That doesn't move.

Chairman Dunning: Bucket loaders, is that all staying?

Mr. Hill: We are reducing our footprint because Mr. Buske did buy a farm and he just closed on it a couple of weeks ago. We have already moved some of the stuff out of there. We have to do some site improvements on the property in order to utilize it. It is an old farm and it has a culvert drain and we are not sure of the structural integrity of it. So what we are doing is we are going to replace that drain, we've ordered a part and then we can move more equipment up there.

Vice Chairman Grygus: Can you give us a list of what will be there?

Mr. Hill: I can give you a general list.

Vice Chairman Grygus: Here is the thing. You are asking us for relief and part of the consideration of that relief is: what is the intensity of the non-permitted use going to be? If you are going to park 6 trucks there, not so bad, but if all of the sudden you get 15-20 trucks and then I saw trucks of another contractor.

Mr. Hill: We have already taken that out. We addressed that. You guys addressed that including the end of Coles. We've already one a lot of improvements on getting the stuff out of Coles. It is just taking time. Again, we only closed on the property and we didn't realize that this was an issue.

Member Covelli: Where is the property?

Mr. Hill: In Jefferson and it's a long trip so we are not moving everything up there because of the wear and tear on the trucks.

Vice Chairman Grygus: I think what the Board would like to see is "we are not going to exceed 2 dumps, a tractor, a lowboy, a backhoe or loader something along those lines.

Mr. Hill: Unlike the paving companies which go out and they come back the same day. We go out. We are site contractors. We did Ryebrook Municipal Building and we were there a year and a half. We did Kean University and we were there almost three years. Our equipment gets moved and is placed on a site on a regular basis and stays there. Our lowboy, that big one that you saw, that big tractor, that doesn't move sometimes for four or five weeks. Doesn't move, just sits there, because we don't move equipment that much. Our job is not in and out. Our job is doing the site work.

Chairman Dunning: When you are slow, where do all these vehicles go? When you are busy, there could be one truck there, I understand. When you are slow, I just counted twelve, where do they go?

Mr. Hill: Some of them will go there and some of them will to the farm.

Chairman Dunning: What guarantee do we have about how many go there? That seems to be a major issue.

Mr. Hill: We put on the plan 10 parking spaces on the outside, which is a 10 parking area.

Chairman Dunning: That's car parking. I'm talking about your trucks.

Member Covelli: No. For 10 vehicles.

Mr. Hill: No. We have 10 parking area spaces is what we are talking about.

Chairman Dunning: That includes your backhoe, bucket loader, etc.

Mr. Hill: Yes

Member Covelli: So would you say, trying to be fair to all sides, Bruce brought up naming vehicles but I think that gets a little bit cumbersome and I also think it's not enforceable. Would you maintain that there wouldn't be more than 10 vehicles/apparatus, calling a backhoe is not a vehicle. So 10 pieces of vehicles/equipment on the site and no more than that at any one time.

Attorney Lefkowitz: Yes

Mr. Hill: Yes

Member Covelli: Or outside storage? Obviously, if you want to keep something in the garage, you keep something in the garage.

Mr. Hill: We will be using the garage.

Chairman Dunning: You have small pick-up trucks and everything over there.

Mr. Hill: The small pick-up trucks get taken home by our guys. Right now we have guys that are away on vacation.

Vice Chairman Grygus: Your testimony is your plan shows 10 vehicles/pieces of equipment.

Mr. Hill: Right, which is what you guys asked us to do.

Member Covelli: Whatever combination you choose.

Vice Chairman Grygus: The Planner or the Engineer, not sure which one, made some kind of reference to materials.

Mr. Hill: We are not a company that sells stuff out of our yard. We don't have customers coming in. There is nothing like that at all. If we have extra material left on the job we might dump off but then we take it back out.

Member Covelli: Will your material be aggregate, piping?

Mr. Hill: Maybe some piping, stuff like that. We make money by our trucks leaving empty, going to job sites, dumping off either asphalt, stone or other materials, and then coming back. That is what we do. We ship out and go to job sites. We come back empty.

Vice Chairman Grygus: There is no proposal for fuel tanks on the site at all?

Mr. Hill: No. Malanga's is a fuel company that we use that we have an account there and you guys can check.

Vice Chairman Grygus: I'm not sure who this question would go to, but I would like to see the vehicle tracking plan for the lowboy. That sounds like that's going to be your biggest piece of equipment coming in and out of there. I would really like to see that showing Ringwood Avenue onto Coles. Both directions, in and out.

Mr. Hill: We can do that.

Attorney Lefkowitz: We can make that a condition.

Mr. Hill: There are other tractor trailers that pull in all off of Ringwood Avenue as well.

Vice Chairman Grygus: I guess from Bruce's point, and I'm not trying to put words in your mouth, it might mean how you adjust the usage of your property up to Coles to accommodate the swing. Is that a fair statement?

Mr. Hill: Yes

Vice Chairman Grygus: I just want to know that the site can get in and out without creating a real hazard at that intersection.

Mr. Hill: We've been doing it.

Chairman Dunning: What about all the loose little construction pieces that are now where Building C is going to go? Where is all that stuff going?

Mr. Hill: They will either be in racks inside the building or we'll take them up to the farm.

Chairman Dunning: If you put them inside the building, then you can't put a truck in there.

Mr. Hill: No. We'll put them in racks inside the building.

Chairman Dunning: If you have 3 trucks in there, how much room do you have for racks?

Mr. Hill: We have plenty of room.

Chairman Dunning: All of that will not be just thrown around the yard?

Mr. Hill: No. If you ever saw Mr. Buske's house it is immaculate. He doesn't like a mess.

Chairman Dunning: This isn't his house, it's a construction yard.

Mr. Hill: I know, but he makes me clean my office.

Attorney Lefkowitz: All of that will be inside and that can be a condition as well.

Mr. Hill: Yes

Chairman Dunning: But something should be shown on the plan if you are going to leave it out on the ground.

Mr. Hill: It is not going to be left out on the ground. Everything will be nice and neat. Clean ground.

Member Sbarra: To clarify, you guys aren't planning on dumping anything on the site even leftover material.

Mr. Hill: If we dump something on the site, it's not there for long because we're going to take it out because it is not meant to store there, it's meant to be used on jobs.

Member Sbarra: Is there an area that maybe you can designate? I don't know what exactly you would be dumping there. I want to make sure it's not going behind Building B & C and in between.

Mr. Hill: If we are going to dump something there, it is going to be convenient for us to take it back and put it in. We are not going to hide it somewhere so we would have to spend money trying to get it out.

Member Sbarra: I get that but I'm just wondering if you guys can't designate an area where something may be dumped.

Mr. Hill: Sure, we can do that as a condition. Not a problem.

Attorney Lefkowitz: Absolutely.

Member Covelli: I am listening to the other Board Members and I'm going to propose this in a slightly different way. I'm listening to what they are saying. I don't want to micro manage your business or your work site. What I think we all have a common goal here is your operation is to stay inside your property to minimize everyone else looking and seeing it. Which brings me back to what I said earlier, which was what can we do to screen your property from Coles Avenue? When you have an answer to that, where the pile of aggregate that was left over, who cares. Where those 10 vehicles, I don't expect you to sit here each night and say let me see I'm right where that box was, where I drew it on the plan to park that vehicle, or am I off. Again, the more the site is shielded, the more latitude and flexibility you have to run your operation.

Mr. Hill: We took your recommendations after the last meeting, remember where the building was the last time, so you wanted more of a shield, you wanted everything behind and we moved everything behind what we call the "flag" piece of property so you don't see

it as much anymore. You don't see it practically now at all. You said that when you looked down Coles Avenue you saw construction equipment. That is in the process of being removed. It was somebody that was there prior to us, they've been there for 18 years and they understand and they're moving the stuff. They moved a lot of it this past Saturday. They have a little bit more to go.

Attorney Lefkowitz: The Board recommended a fence and I know that there is an issue with you having a fence there – down Coles Avenue. Can you explain why?

Member Covelli: We could even use the word screening because the Engineer had concerns of what he could put in the flood plain. If this being considered as your entrance to the yard, if you could put something here and this all stays hidden to the degree you can with the screening you are allowed to erect.

Member Sbarra: Even if it's not a fence but some kind of landscaping.

Member Covelli: If this becomes the entrance to the yard, between these two points, from here down the screening comes in so you can't see what's going on here. That allows flexibility for the Applicant to use his property the way he wants, other than he has to answer to the DEP.

Member Covelli: In regards to what you would like Mr. Hill for the benefit of everybody there, you can show on the board Exhibit A-2.

Mr. Hill: In regards to what you were saying, screening this way so the only people that will see it is Big Foot, which is the tree company. Hiding it from them is not a big priority. You are talking about marking it so you don't see anything over so if we come up with a way that we mark it with either a cable or two posts or two trees. Is that what you are talking about?

Member Covelli: As much screening as possible recognizing that I don't know how long Big Foot is going to be there, I don't know how long that operation is there. The application before us tonight is this one, not what's going to happen up the street.

Mr. Hill: If we make it so that we don't use the Coles Avenue, we can do something like as far as a fence or anything like that. Maybe two markers so that when the Zoning Officer looks down he sees that nothing is over it, he knows.

Attorney Lefkowitz: Is there a reason why some kind of screening, whether a fence or something else, would not be practical in that area?

Mr. Hill: It's just that you have truck traffic and there is a possibility that it gets run over. We have drivers; it's just not Tom and myself driving.

Member Covelli: You are determining the width of the opening of your yard to Coles Ave. If they can't fit through 40', I don't think he wants them driving a truck.

Attorney Mondello: I don't quite understand the apprehension to a fence, other than money. I just don't get it. If the DEP doesn't have a problem with it. As Chris mentioned, they're not going to have a problem with a chain link fence.

Member Covelli: With a couple of trees along it to soften it from a visual aspect.

Engineer Nash: They would have a problem with the chain link fence in the floodway.

Vice Chairman Grygus: Just a row of arborvitaes even that's going to delineate it and provide a screening, or maybe he has a different landscape screening that would work better.

Attorney Mondello: Some type of landscape screening. We want to make it as accurate as possible.

Member Covelli: I think it's going to go a long way with the neighbors, with the whole visual from Coles Avenue and hopefully we are setting a trend on what's going to happen north of Coles Avenue.

Attorney Lefkowitz: It doesn't have to be a solid run of arborvitaes, it could be spaced perhaps, but to soften the view. Is that correct?

Attorney Mondello: I think it's twofold. Soften the view and make sure stuff isn't stored there.

Attorney Lefkowitz: It is a borderline and but also something that softens the view.

Member Aumenta: I just want to ask outside the barrier, a point of clarification, so originally when we had testimony it was noted that the Building B was going to be used to house cars that were owned by the owner. Now I'm hearing that it's going to be parking for the residents.

Attorney Lefkowitz: That will be in the Resolution. That will be a condition that that's what it has to be.

Member Aumenta: I just wanted to clarify that.

Attorney Lefkowitz: Yes, that has changed in order to accommodate the required number of parking spaces.

Chairman Dunning: The proposed top soil stock pile area.

Vice Chairman Grygus: I saw that and I think that is just for construction purposes.

Engineer: When we are doing construction that is a requirement of the Soil Conservation District. It is just a place designated so that during construction if there is any top soil that gets striped it gets stock piled there, protected with silt fencing, and then it gets reused for wherever top soil is needed. It is only during construction; it's not a material that is associated with the business. This happens on every construction site.

Chairman Dunning: It's a temporary pile of dirt.

Engineer: Yeah and it may not even be a pile of dirt. Right now, it's a location just in case it is needed. I don't think there is going to be much top soil stock piling. You can't get your certification without having it from the Conservation District.

Chairman Dunning: Question on Drawing 4 of 6, proposed stabilized construction access pad. That thing is going out to Coles Avenue.

Engineer: The purpose of that is the same Agency. That tracking pad is designed so that when trucks come on and off the site during construction, that tracking pad is meant to pull the sediment and dirt out of the wheels of the truck.

Chairman Dunning: That's fine but you can't put it in the Borough street. We don't have that authority to give you that permission.

Engineer: It's supposed to go up to the edge of the pavement. Every job I've ever done goes to the edge of the pavement. It's meant to protect the roadway. Also it is temporary.

Chairman Dunning: Just put it on your own property.

Engineer: If the District allows that.

Chairman Dunning: Have you considered any active, outside recreation for your tenants upstairs?

Mr. Hill: We have the deck area, which would be like if you had a big apartment they have balconies off an apartment.

Chairman Dunning: A lot of them have an outdoor area with a picnic area and swing set, whatever.

Member Covelli: You know what's interesting Building B lines up with the rear of Building C, is there any reason you don't have Building B lining up with the front of Building C, which would create an area? By the way, if you are moving that whole building to the west 10', you got an area that is common to be used by the tenants or maybe a picnic table for the employees to go have lunch during the nice weather.

Mr. Hill: We'll have the 10' area that we are making along the parking lot and then we'll have the 12' area behind the buildings now.

Vice Chairman Grygus: Is there a reason why that wasn't aligned with the front of the building?

Mr. Hill: Just preference.

Attorney Mondello: So if this is a preference for the Board, it's not an unreasonable condition. You don't know whether this is a D-1 or a D-2. If it's a D-1 Variance and the Board votes it down, Mr. Buske has to stop his operations. It comes to a grinding halt because he doesn't have prior permission to do what he is doing today. I think the Board wants to bend over backwards and help everybody out.

Mr. Hill: We appreciate that.

Attorney Mondello: Mr. Hill, when they make a suggestion to move Building B so that it lines up with Building C. Yeah

Mr. Hill: I wasn't arguing. I just said the reason was is because it was a preference.

Member Covelli: I think you should create a recreational area. Also and Jack mentioned it before, that dumpster is all the over at the end of C. If the residents are also using that to dump their garbage, how do they get there.

Mr. Hill: It's not that far. You go to some of these big apartment complexes, people are walking a long way.

Chairman Dunning: Here is the thing. You've got to walk past five car spaces, then behind two buildings to get to the dumpster. It doesn't name any sense.

Mr. Hill: On a condition we relocate the dumpster for the residents. We'll get a resident garbage pick-up area. We'll move it. We have a 10' area that we are creating now and you have another area. Because it is a one or two bedroom apartment upstairs, so we'll need two pails and we'll put them at the bottom of the steps or underneath the steps.

Member Covelli: That dumpster is intended to service everyone on the property both your business and the tenant, correct?

Mr. Hill. Yes, but we can make it so that there is garbage pails.

Member Covelli: We don't you want to get garbage cans for the tenants because we don't want garbage cans on Ringwood Avenue.

Attorney Mondello: Why not? They are allowed to.

Member Covelli: Because they are all over the place all the time.

Attorney Lefkowitz: I don't think you can single us out saying that we can't do this.

Attorney Mondello: Mr. Covelli, I think Attorney Lefkowitz is correct. The residents are entitled to put their two or three garbage cans out on Ringwood Avenue. They are the residents, not the business necessarily.

Chairman Dunning: You would have to put them against the back of the house under the deck.

Mr. Hill: Solved.

Chairman Dunning: Where are you putting the recyclables? Paper is one Wednesday and plastic and glass is the other Wednesday. The garbage varies winter to summer. Winter once a week and summer twice a week.

Mr. Hill: We'll make note of that.

Member Covelli: How many sewer connections on that house? Just so you know Wanaque charges \$12,000 for a sewer connection.

Mr. Hill: One

Member Covelli: One connection for the business and one connection for the residence.

Mr. Hill: Whatever the building code allows.

Attorney Mondello: Any other questions for Mr. Hill? All right, residents, questions for Mr. Hill on the operation of this business and testimony? Hearing none, seeing none.

Attorney Lefkowitz: We would like to recall Planner McDonough.

Planner: I was just going to give a recap of the changes that Mr. Buske will stipulation to. I am going to use the board Exhibit A-2 and tilt it towards the Members and tilt it back to the public. There are about 5 or 6 things I think based upon what I gathered and I think we have our Applicant's okay. I am going to put in blue marker on Exhibit A-2 what the Applicant is agreeing to do.

1. Take Building B and slide it so that it will be even with Building C.
2. I know the Board was looking for an additional 10' to the west. We are going to ask, in lieu of that, we keep what have here just to enable truck maneuverability stipulating again to 10 vehicles/equipment. Running this row of evergreens that we have along the south and run that along the east property line as well all the way along the back. And then another string of evergreens along the western side of the parking lot. To the extent practical, we are blocking views from Coles Avenue. So a string of evergreens along the parking lot, along the back property line behinds Lots 2, 3, 4 and 5. Again, asking the Board to hold the line of where Building C is right now so that would be a 12' offset from the property line.
3. Widening the drive aisle. I think that was the request of the engineer and that our engineer agreed to that the parking spaces are to be 10' off the property line. So we may have more wiggle room here for plantings, but we probably want to maintain some connectivity between the residents and what now becomes a nice little open space pocket in the back.
4. I think with the building itself, there was talk about in the beginning about make this ramp covered on the site to kind of serve as a wrap-around porch.
5. Running the fence along Coles Avenue or some kind of screening between Coles Avenue and your property.

Planner, questioning Number 5, questioned why? Only because what I saw on the aerials last time of what is on the other side on Lot 12 and 13 I'm seeing vehicle storage.

Vice Chairman Grygus: You don't know what that is going to be. That's not a permitted use either on those sites, so you don't know what is going to end up there.

Planner: Now I got it, if that turns to dwellings, we need some sought of edge there.

Attorney Lefkowitz: The main concern I believe is the ability to have the trucks turn without taking out whatever is put in there.

Member Covelli: As I said before the Applicant is designing the opening of the property. Come on these guys are professional truck drivers. That is a big lot. You can swing lots of stuff around in there.

Attorney Mondello: What is being installed, classified or called "screening" from Coles Avenue and the Applicant's property? What is going in there?

Member Covelli: We want to see what you are going to do from your property to Coles Avenue.

Planner: I get what you are concerned about. Planning is about balance right. We are trying to maintain functionality, trying to maintain safe circulation and nobody wants a truck backing out onto Ringwood Avenue so we want trucks to be able to turn around here. I don't know what we need for an opening.

Member Covelli: Here is a balance, and something you didn't think about, why couldn't you have a rear entrance to the property closest to the end where you could circulate on that property? You could have two cuts *per se*. Why do you have to function all out of one entrance?

Planner: Okay, a horseshoe. We are talking about a loop.

Attorney Mondello swore in Thomas Buske, 104 Beech Avenue, Pompton Lakes, NJ.

Mr. Buske: Did you ever drive a 78' tractor trailer?

Attorney Mondello: No

Mr. Buske: Well that's why you can't have anything there. You just can't. One Coles Avenue is too narrow of a road anyway. Is that a standard road? I don't think so.

Chairman Dunning: Half the roads in Wanaque are substandard. That road was probably built in 1922.

Mr. Buske: We don't have the 25' road as it is.

Member Covelli: What are you saying is 78' long?

Mr. Buske: The truck and the tractor (lowboy) is 78' long from bumper to bumper.

Attorney Lefkowitz: Can we have two minutes?

Board took a break at 9:17pm and reconvened at 9:26pm with all Members present.

Chairman Dunning: Everybody is back so let's start up again. Counselor are you ready?

Attorney Lefkowitz: Yes. Mr. McDonough go ahead.

Planner: The Applicant will agree to 2 additional changes based on the last interaction with the Board.

Opening and buffering on Coles Avenue. We're going to channelize it in at the western most portion of the site and channelizing out at the eastern end of the yard. In between there will be a row of evergreens, arborvitaes or something similar. The width of the openings will be defined by the turning template.

Vice Chairman Grygus: Great, that'll be perfect. That will take care of Frank's other concern of operations spilling out.

Planner: It defines the edge, which is a really good point.

Planner: The last piece of the puzzle:

The loose materials, material storage, would go from Lots 12 and 13 would be across and be screened by the evergreens. I drew a circle on here that would be behind where the vehicles are stored and behind the evergreens.

Vice Chairman Grygus: Just delineate that on the finalize plan.

Planner: All of this scribble Pat will put together and make it a real plan.

Attorney Mondello: So I am going to go over my list to make sure we are all on the same page.

You just designated the dump site.

We know the number of outside vehicles is not to exceed 10.

We just spoke about the screening on Coles Avenue.

We understand that Building B will be parking for residents only.

Bituminous pavement is to remain on the Applicant's property.

Moving Building B to align with the front Building C.

Talk to me about dumpsters for the residents since Member Covelli has still expressed some concern about. Planner stated it would go behind in the notch behind Building B. It would be the most remote from residences. Again, that would leave some area for open space or for outdoor use. It would be tucked in the back by Building B. It will be serviced closer to the parking spaces.

You are going to cover that ramp that was discussed early on in the hearing.

Plantings behind the buildings.

Plantings to the west of the parking area.

Continue the plantings from the front corner, where the last planting is, across all the way behind the buildings to the end of Building C.

Chairman Dunning: Any other questions from Board Members?

Engineer Nash: Previously, Building A didn't have a porch on the front and didn't have a ramp on the side so those setbacks have been exacerbated.

Chairman Dunning: The setbacks on this plan are no good.

Engineer Nash: Right, so they are not quantified. I don't know if the Board is going to vote tonight, but typically you are voting on a variance that's quantified and right now it is not quantified.

Member Covelli: I think the Engineer read those numbers earlier.

Engineer: Yes. The setback to Coles Avenue we testified would be 5' after we considered the ramp, the railing and the cover. The architectures showed the width of the front porch to be 6'. So 6' minus 19.2' would put it at 13.2 to Ringwood Avenue.

Member Covelli: Those steps are into the porch. The front steps to the front door are they outside the deck line or even with the front of the deck.

Engineer: The project a little into the front yard.

Member Covelli: The setback is less there.

Engineer Nash: I think the setback should be to the porch, not the stairs.

Vice Chairman Grygus: Was this application submitted to Passaic County?

Attorney Lefkowitz: Yes it was.

Vice Chairman Grygus: Did you get any response from them?

Attorney Lefkowitz: No and they were provided with these revised plans as well. We got no response.

Member Covelli: Which is part of our Resolution Mr. Mondello if we were to grant the release sought by the application we would include both the County and the State with respect to the DEP on this.

Attorney Mondello: That is always in there.

Attorney Mondello: If there aren't any other questions for any of the Applicant's Witnesses, we are now opening up to the public. This would be an opportunity for you to be sworn in and to speak either for or against the Application. Are there any members of the public, whether within 200' or outside 200', wish to be heard? Hearing none, seeing none, that public portion of the meeting is closed and back to the dais for discussion or motion for or against.

Member Covelli: I will make a Motion to Approve Application ZBA2021-03 as provided by the revised plans submitted as part of this evening's testimony and as marked-up at this hearing tonight with all the provisions provided with the approval of the Board Attorney and Board Engineer prior to issuance of building permits.

Vice Chairman Grygus: I second.

Member Covelli: Any discussions on the Motion?

Attorney Mondello: It is a D-1 Variance from my perspective.

MOTION TO APPROVE APPLICATION ZBA2021-03: made by Member Covelli, seconded by Member Vice Chairman Grygus. Voting yes were Vice Chairman Grygus, Members Covelli, Henderson, Aumenta and Sbarra
Chairman Dunning voted no.

Motion Carried with 5 Yes Votes.

PUBLIC DISCUSSION: Anyone from the public have anything to discuss with the Board?
Hearing and seeing no one.

RESOLUTION: None

CORRESPONDENCE: Attorney Mondello will be away for the October 6, 2021 Meeting.
Attorney Scott G. Sproviero, Esq. of New Milford will be covering.

VOUCHERS: submitted by Boswell Engineering for the Licastro Application in the
amount of \$424.

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

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the September 1,
2021 Meeting in the amount of \$400.

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

MOTION TO APPROVE August 4, 2021 MINUTES: made by Vice Chairman Grygus,
seconded by Member Covelli. Voting yes were Chairman Dunning, Vice Chairman
Grygus, Members Covelli, Henderson, Aumenta and Sbarra

ENGINEER'S REPORT: Nothing New

DISCUSSION: Member Covelli would like to welcome back Suzanne Henderson to the
Board. She was an outstanding member in the past and it is really nice to have her back
here. I'd like to congratulate Helena for making a Full Member now and she is no longer
an Alternate.

MOTION TO ADJOURN AT 10:15 PM: Motion made by Chairman Dunning and carried
by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary