

REGULAR MEETING

ZOOM VIDEO CONFERENCE

Meeting called to order by Chairman Gilbert Foulon with a salute to the flag at 8:06P.M.

READING: Open Public Meeting Announcement

This is Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends on February 28, 2021, 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, a copy thereof has been on file with the Borough Clerk and will be posted on the front door of Borough Hall on the day of the meeting.

ROLL CALL: Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Charles Strobel, David Slater, Jack Crilly, Jack Jordan and Donald Pasquariello

PRESENT: Attorney Steven Veltri

ABSENT: Member Mary Leonard

After the Meeting, Engineer Michael Cristaldi did advise the Board Secretary that he had issues trying to log on to the meeting. When he did log on, he could hear everyone, but he could not speak or be heard.

MINUTES: from the February 18, 2021 Meeting.

MOTION TO APPROVE: made by Member Slater, seconded by Member Crilly. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Members Platt, Strobel, Slater, Crilly and Jordan

Councilman Cortellessa abstained since he had issues with the audio and couldn't hear much of what was going on during the meeting.

Member Pasquariello abstained since he did not attend the meeting.

COMMUNICATIONS/REPORTS: None

APPLICATION STATUS: Amended Site Plan for Burger King Location and additional New Business Applications for next month.

NEW BUSINESS APPLICATION: Cestus Realty & Development, LLC

Sale & Rental of Equipment

**Property Owner & Business Owner: Nicholas Sgobba, 97 Lackawanna Ave.,
Unit 991, Totowa, NJ**

Property Address: 550 Ringwood Avenue, Wanaque, NJ

Authorized Agent: Michael Walker, Esq., 14 Countryside Lane, Ringwood, NJ

Michael Walker, Esq. appearing on behalf of Cestus Realty & Development, LLC. The principal, Nicholas Sgobba, is also appearing.

Chairman Foulon: What is the business?

Attorney Walker: He purchased the building in September 2020. The business is the sale and rental of construction equipment. We are talking about small construction equipment, not major equipment, that biggest of which would probably be scaffolding, ladders, forklifts. There is nothing that would require any kind of any registration with the State of New Jersey, and there will be no outside storage. The building size is 6874 square feet and he is anticipating that there will be one to two employees there on a daily basis. There is one bathroom that is available and there is access to the interior premises side road, Melrose Avenue. The building is at the corner of Ringwood Avenue and Melrose Avenue. He anticipated operating Monday through Saturday 8am to approximately 4pm. The deliveries will be sporadic. Generally speaking, they would take place sometime earlier in the day. There will not be a lot of activity and again, the ingress and egress will be from the side road, Melrose Avenue. Any other information that the Board requires, we will be glad to answer any inquiries.

Chairman Foulon: Right after he brought the building, I noticed that there was a truck parked there all the time. Is that going to be standard?

Attorney Walker: No it is not. I addressed that with my client and that will not be the case and he can further elaborate on that, but he has had some equipment that has since been removed from the Ringwood Avenue side and any kind of apparatus that was in the truck, has been stored inside. It will not be a regular feature.

Chairman Foulon: Any questions of the Board?

Member Crilly: In terms of the rental equipment, where will the pickups occur and what will the nature of the vehicles be in picking up the equipment for the construction rentals? Since you are saying they are small, are they going to be basically like contractor pickup trucks and where would the pickup site be?

Attorney Walker: You pretty much identified it. There will be no large trucks or any eighteen wheeler truck that will be at the site dropping off or picking up. I am going to see if my client can respond, but I believe pickup will be off of Melrose.

Mr. Sgobba: It will be small vans and pickup trucks. No large vehicles, small rack trucks, nothing large.

Councilman Cortellessa: What is the frequency with these small trucks picking up materials that re there?

Mr. Sgobba: Early morning around 8:30am to 9:30am, that will basically be the period of time.

Councilman Cortellessa: What do you mean there will be no materials being stored outside? What kind of materials are you talking about?

Mr. Sgobba: There are no materials; nothing is being stored outside of the building.

Councilman Cortellessa: When you are talking about materials, can you tell me what kind of materials you are talking about stored inside the building? I am looking at your explanation of the work that is going to be done there, and there is a statement that says, "there will be no outside storage of any materials". Just curious what types of materials are you talking about?

Mr. Sgobba: In other words, speaking to the attorney when I talked to him, we are not storing anything outside.

Councilman Cortellessa: That is not my question. My question was; what materials are you storing?

Mr. Sgobba: Scaffolding, planks, power tools, generators, small equipment needs that are rented out to different subcontractors.

Councilman Cortellessa: These are not materials; this is equipment.

Mr. Sgobba: That is correct.

Vice Chairman Graceffo: Is the primary purpose of the business to other contractors or to the general public?

Mr. Sgobba: Just to other contractors.

Member Slate: What building is this in?

Board Secretary: Community Auto Center.

Member Slater: That little garage building is 6800 square feet?

Chairman Foulon: Yes. There are about four or five lifts in there. You can fit quite a few cars inside for work.

Member Platt: Plus there is a place in the back too. The day I was in the building he had nothing but scaffolding and planks, that was it.

Vice Chairman Graceffo: I understand you purchased the building. Is that correct?

Mr. Sgobba: That's correct.

Vice Chairman Graceffo: I took a walk around the property today, just to be concerned as to what was going to be taking place there, and I'm glad that you purchased the building, that's a good sign and I'm hoping that maybe in doing so, you'll take some consideration in maybe making some improvements. For example, I know that there are a number of windows broken, both in the back and on the side and on the garage door. Besides being a hazard, obviously it doesn't look like an appropriate kind of facility for Ringwood Avenue. It will be nice if that can be taken care of. At the same time, the sign frames up on the top of the building, that were there from the previous company that was servicing there, I don't know if you are going to use them to signage the building. In any case, I think if you are going to put a sign up, it has to be within the code, but at the same time we would like to see maybe the entire frame either utilized or removed rather than leaving wood framing up on a building. Obviously, there is a side yard there where you could use for storage, right now it is quite appropriate, and I hope that it remains that way and doesn't become a collection of odd equipment and things that are not really necessary for the maintenance of the building; not become a catchall. It would really be nice if the entire building could be painted, at least a fresh new coat to make it look like an appropriate building for Ringwood

Avenue. In fact, the back of the building has one section that is green and another section is another color, so it would be nice if the whole building could be somewhat maintained to an appropriate level for Ringwood Avenue. That I would appreciate very much to be honest with you.

Mr. Sgobba: I think you for that. I'm planning, at the end of summer or early fall, to revitalize the entire building. The building is going to be stucco, windows are going to be replaced, and the back of the building is probably going to get a vinyl siding application. I am looking to be a good steward in the town. We are there to stay for a long time. I want to get involved also in the township with the local sports and township activities so we want to be stewards. I hear you. The side area is going to be cleaned, landscaped and not used for storage. You'll be surprised by the end of summer, early fall. With regards to the signage, we are going to try and keep the same sign that is there to get the proper approvals and get new signage in place where that existence signage is.

Vice Chairman Graceffo: If that happens, I will be very happy with that.

Mr. Sgobba: That is going to happen.

Chairman Foulon: I have one question. Is it a permitted use?

Attorney Walker: Yes it is a permitted use. There is no variances being sought.

Councilman Cortellessa: Mike Hafner do you have any comments? He is talking, but I don't know to whom. I do have one question. I am one of the Council Members who is concerned about traffic on Ringwood Avenue. There are a number of programs we have going forward that I believe, and not everybody agrees with me, that traffic is a major issue. You talked about the equipment being picked up early in the morning and I guess dropped off a night, can you talk to me a little bit about the traffic issues that I'm concerned about. What trucks are going to be going in and out of Ringwood Avenue, especially in that time of the morning, when people are trying to get to work?

Mr. Sgobba: It's an early morning pickup. It is going to be before 8:00/8:30am, roughly the hours between 7:30/8:00am, no longer than 9:00am. They are quick pickups; they are not long pickups. It is small equipment that's taken in and taken out and delivered to the constituents on the job sites or at their facilities. I don't foresee any type of traffic snarls. The tenancy before us that occupied that space had about twelve cars parked there at one time going in and out and I have photographs. We only have three trucks/vans there so we are not going to be impacting any way your traffic. There is not going to be any major impact. We don't have any big trucks or any type of traffic coming in and out. It is a quick delivery, quick in and out with drop off and pickup that we do. We are a small frame in regards to supporting subcontractors and contractors on a rental basis. It is a quick turnaround. I don't see any traffic snarls in regards to us, especially compared to what was there before. You had a least twelve cars parked there going in and out when it was a repair shop.

Chairman Foulon: The trucks that are parked there are only during business hours.

Mr. Sgobba: Correct.

Chairman Foulon: Like I said earlier, you had a medium sized truck parked there for maybe a month.

Mr. Sgobba: Yes a rack truck.

Chairman Foulon: Yes, that will not be there?

Mr. Sgobba: That is correct.

Chairman Foulon: Okay, that is all I wanted to know. Any other questions gentlemen?

Vice Chairman Graceffo: In other words, you are not planning on parking any of your construction vehicles, rack truck or vans on the property site?

Mr. Sgobba: One or two vans will stay because they are the ones that make the deliveries and pickup.

Vice Chairman Graceffo: Will they be parked inside or out?

Mr. Sgobba: Outside in front of the building. There is parking there.

Chairman Foulon: Will they be brought inside after closing?

Mr. Sgobba: No, not inside the building.

Member Crilly: If I look at the existing building, there are the two garage doors in the front that have the service bays and then the office that is to the north side of the building facing Ringwood Avenue, so those front bays are not going to be used for pickup, it is all on the side on Melrose? Meaning, that is not a long front on Ringwood Avenue, but you are saying the pickup trucks are going to be picking up the scaffolding and tools are going to be going around the corner to Melrose?

Mr. Sgobba: Right and in the front also. The garage doors in the front open up so sometimes they'll be picking up from the front. Those big doors open up also.

Member Crilly: Okay, but that may be an issue with morning rush because 8am is not that early, that's kind of prime time for rush hour and that's Dom's concerns. That is the only issue I see is that I see the building and it just seems to me that the access to the building to the contractors is on Ringwood Avenue and I'm not aware of what is on Melrose.

Mr. Sgobba: There is a another large side door on Melrose so that's where we are making our access.

Chairman Foulon: If you are parking your vans and trucks in front of the building, where does the contractor come with his truck to pick up the equipment?

Mr. Sgobba: The two vans are not parked there during the day. The vans are going in and out and coming back at night.

Chairman Foulon: Is there any reason why you cannot park them inside?

Mr. Sgobba: We can probably fit the two vans inside.

Chairman Foulon: How many do you have total?

Mr. Sgobba: There is only three vehicles.

Chairman Foulon: So there would be one van parked outside.

Mr. Sgobba: Yes.

Chairman Foulon: What about the stake truck?

Mr. Sgobba: That stake truck goes off site. There was there for a month because we were moving stuff in and out but that can be off site.

Attorney Walker: You have another facility in Passaic County in Totowa?

Mr. Sgobba: Yes we do.

Chairman Foulon: Any other questions gentlemen?

Member Slater: Gil, I just wonder, and I'm not questioning his integrity, but if he is going to be doing scaffolding and that kind of thing, that is a high volume piece if it is the tubular pipe, slipped together and spanned with planks. Would it be easier to say that I'm going to store that outside under a perhaps a roof of some kind that you put up and give yourself

the room inside so that a vehicle could back in and load. If it is around the backside, it is out of sight and if it's neat, it is far more workable I would think from the outside.

Chairman Foulon: It is not out of sight of the neighbors.

Mr. Sgobba: Yeah.

Attorney Walker: There is pros and cons to that because they do border right on residential properties. If he is to store it outside, it may not impact Ringwood Avenue, but it would impact his neighbors behind the building.

Chairman Foulon: Right. We are trying, like hell, to get rid of anybody storing goods outside. That's gone too far in town.

Councilman Cortellessa: I sort of agree Gil. I'm a little concerned about the number of construction type sites that are springing up on Ringwood Avenue. Not only the look, but also the traffic issue and safety issue. I was up at this building today as well and I'm not sure how you can control that traffic going in and out of Ringwood Avenue. I understand what you are saying, and hopefully I want you to be successfully, and if you are successful you are going to have more and more volume. If you have more volume, then you are going to have more and more trucks going in and out. You are not trying to move there just to have ten trucks coming in and out a day. You are there to grow the business, I would assume, and that is why you brought the property. My concern continues to be for our community and the fact that Ringwood Avenue is getting to be not an attractive place for all the construction type work that we have going on and the safety regarding traffic issues. Those are my concerns.

Attorney Walker: If I may, I am also familiar with the corridor and I would note that due to the nature of the building, there is going to be some kind of commercial business in there. Certainly, from everything we heard, this is a vast improvement than what existed previously and probably much lower impact than anything else that could go in there.

Councilman Cortellessa: I don't know that. I'm just listening to what is being said and I think it is nice that he has all of the intentions to redo the building, replace the windows, put siding on the back, and that's attractive and nice, but my concern is still the safety issue and the traffic going in and out of that facility.

Attorney Walker: Of course, we acknowledge that concern and fortunately, in this particular case, because it is on the corner, we do have the vantage of doing a lot of pickup and deliveries off to the side. It does not have to be all off of Ringwood Avenue. There will be activity off of Ringwood Avenue certainly, but it is not all off of Ringwood Avenue. I think it is probably going to be better than any other business that could have been located at that site.

Councilman Cortellessa: I am concerned about the residents on Melrose also.

Member Crilly: I am looking at the building again and the two delivery vans, if that could be the garage space for those two vehicles and the pickups being done on Melrose, that would alleviate the traffic because as I understand the delivery vans are out during the day and return at night, so that might be a couple of trips in and out versus an active business with pickup and deliveries coming out from those two front bays. That's my concern. If the pickups are off Melrose, I agree and I think it is a great improvement. Let me ask this question, what is the current anticipated volume during, let's say, the morning rush hour? Any expectations on trucks?

Mr. Sgobba: Yes, small volumes. It is only two or three loads of materials. It is very small volumes. It is small equipment, not big equipment, so it is a very small volume.

Member Crilly: What is the number of trucks?

Mr. Sgobba: You are talking no more than two or three, four tops.

Member Crilly: Per day?

Mr. Sgobba: Yes, tops.

Attorney Walker: As he has noted, any other business at that site would probably generate much more traffic than what the applicant is seeking to do.

Councilman Cortellessa: How do you generate and grow a business with two or three trucks a day? That doesn't seem realistic to me.

Mr. Sgobba: We are more of an "as needed/emergency basis" so we are able to charge more of a premium like when you are in trouble and you need help and we are there and supply something so our price margins are higher and we are able to support them by turning something around very quickly with a high value and higher profit margin. It is not volume; it's supplying something that is necessary on an "as needed" basis.

Chairman Foulon: You also deliver in your own vans and trucks, is that correct?

Mr. Sgobba: Yes.

Chairman Foulon: Any other comments or questions? Where is this business currently located? Where are you conducting business now? Where are you delivering and storing stuff now?

Mr. Sgobba: In Totowa.

Chairman Foulon: Where in Totowa?

Mr. Sgobba: Are you talking the office space?

Chairman Foulon: No, I'm talking about your storage and your pickup and delivery of your items.

Mr. Sgobba: That's why we have Ringwood Avenue for.

Chairman Foulon: This is a new business.

Mr. Sgobba: We have a facility at Riverview Drive that the rest of our trucks are.

Chairman Foulon: That is where all of your equipment is stored currently?

Mr. Sgobba: Additional equipment, yes.

Chairman Foulon: What do you mean additional equipment? Where are you doing business now?

Mr. Sgobba: We are doing business at 550 Ringwood Avenue.

Chairman Foulon: No you are not, because you haven't been approved to do business there.

Mr. Sgobba: Sorry, we are storing stuff there now.

Chairman Foulon: Where were you storing stuff previously to your purchase of Ringwood Avenue?

Mr. Sgobba: We have another facility in Kearny, New Jersey.

Chairman Foulon: Okay, that answers my question. Thank You.

Mr. Sgobba: Sorry, I didn't understand your question.

Councilman Cortellessa: This is your second facility.

Mr. Sgobba: Yes.

Councilman Cortellessa: Kearny, New Jersey is going to stay there.

Mr. Sgobba: Correct.

Chairman Foulon: Any other questions gentlemen? Do we have a Motion?

**MOTION TO APPROVE BUSINESS APPLICATION: made by Vice Chairman Graceffo, seconded by Member Strobel. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Members Platt, Strobel, Crilly, Jordan and Pasquariello Voting No were Councilman Cortellessa and Member Slater
Motion Carried**

NEW BUSINESS APPLICATION: Hetherington Group

Property Owner: 593 Ringwood Avenue, LLC

Business Owner: Cynthia Hetherington, 593 Ringwood Avenue, Wanaque, NJ

Property Address: 593 Ringwood Avenue, Wanaque, NJ

Cynthia Hetherington appearing on behalf of Hetherington Group, 593 Ringwood Avenue.

Chairman Foulon: What is your business?

Ms. Hetherington: I am in internet cyber security investigations and intelligence service. We are very community focused and totally listening to everything you just did.

Chairman Foulon: Where is this located?

Ms. Hetherington: 593 Ringwood Avenue; the old His Word Church/Passion Church across from Il Palazzo.

Chairman Foulon: Please give us an idea of what you are going to be doing and how many people are going to be working there, etc.

Ms. Hetherington: Thank you for the opportunity. We are in business going on 25 years now. The company keeps growing and we're very excited about that and we needed a space to meet the size and needs of our staff. We are a rotating staff, as everybody is in covid, so some bodies are in the office on some days and some bodies are coming in on others. The growth and size of the company is looking to be at most 12 – 14 people inside the building. You could look at us as business executives. We sit behind desks, we do not operated vehicles, we do not do security or surveillance that you might be familiar with other detectives or law enforcement agencies where they are on the road and they're doing interviews. We sit behind desks and look at computers all day long. It is rather unexciting. As we are growing into this space, we are very much updating this hundred year old building and working with the Construction Official we are going through a permit process once we get our business use applied for. I expect to improve both the outside and the interior of the building. The engineers and architects have developed bathrooms that are appropriate for all people, flooring that's appropriate and anything you can basically. I

would not put my name on anything that I did not think was a quality product out there in the market.

Chairman Foulon: You said you were going to have 12 – 14 employees there. Do you have parking for them?

Ms. Hetherington: There are 12 – 14 employees that are in the company. They all have seats and desks, but they are all not there at the same time. The number of employees that will be there will probably be about 6 at a time.

Chairman Foulon: And you have adequate parking for that?

Ms. Hetherington: I do. There are 6 spots on the side. The Church, itself, hosted between 40 to 200 people and, in buying, that it's a concern of mine and something that I am also addressing with the Construction Official as we've also just purchased the property next door to it and am looking for future development and I've got an engineer on that now.

Councilman Cortellessa: Are you looking to expand to the other side of the building?

Ms. Hetherington: I don't want to build the building any bigger. The building is 6,000 plus square feet and is perfectly appropriate for what I need. I would brought the property next door because we like to bring our dogs to work and I want a nice green space that my dog can play frisbee in so that's the genuine answer. If, God willing, the DEP gives us the okay, I would like to put about 6 more spaces on the side of there, and we are going through all the protocols and applications to make that happen. If they don't, I have a great dog run, but if they do, we'll be able to grow that space. But there is plenty of on the street parking on Cross Street for any other vehicles; there is plenty of parking back on Rhinesmith for any off the premises parking, if we needed it.

Member Strobel: The lot next to you is the empty lot, correct?

Ms. Hetherington: Yes, it is.

Councilman Cortellessa: The work that you do there, you mentioned cyber security, and some high tech environments, do you deal with any corporations?

Ms. Hetherington: Our clients are corporations, the government. One particular case I can share with you, because much of our work is private, is Operation Vaccine. We are monitoring the cargo security of all the vaccine globally right now, so Moderna, Pfizer, Astra Zeneca, Johnson & Johnson, CVS, Walgreens, and all the shippers, DHL, UPS, we keep our eyes on the internet to make sure no one is a threat against that vaccine as it rolls to the appropriate places so that we can all be vaccinated and get back to normal and not do these Zoom Meetings any more. That is a volunteer project we are working on right now. I can tell you that, quite proudly, two of our Wanaque residents are a part of that. Two of the young gals who happen to be daughters of one of our fine police officers in town are volunteering their services along with other residents that we have that we've hired. I'm very proud about that. We are very interested in reach out to the STEM Program at the High School. I'm a leader in the industry having 25 years being a cyber-security expert and being a female puts me in out there. I'm all about raising up young women into this industry and showing them the opportunities that they can step up and take on new jobs and new roles. As well as being a former librarian, my building is directly across from our Public Library, which I'm a proud supporter of, and would like to see growth and development in that space. I've actually done quite a bit at the Ringwood Public Library because it's my residence, but certainly Wanaque is my new home.

Chairman Foulon: Any other questions gentlemen?

Vice Chairman Graceffo: I was curious as to who brought the property next door. I'm glad it was you.

Mayor Mahler: So am I since I've had inquiries about it.

Chairman Foulon: I'd like to entertain a Motion for Approval:

MOTION TO APPROVE BUSINESS APPLICATION: made by Member Crilly, seconded by Member Strobel. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Crilly, Jordan and Pasquariello
Motion Carried

**NEW BUSINESS APPLICATION: Home Preparation & Internet Sales of Parrot Food
Property/Business Owners: Rick and Bonnie A. Mano
Property Address: 50 Greenwood Avenue, Haskell, NJ**

Bonnie Mano, 50 Greenwood Avenue, Haskell, NJ

Chairman Foulon: What is your business?

Ms. Mano: I make parrot food. I have an odd passion. I have parrots and I have a need for my own flock to make food and so now I am making what I want and people wanted what I have and so I package it and mail it out.

Chairman Foulon: Before we go any further, I'd like to know if this is a permitted use.

Mr. Hafner: It is a Residential Zone so you would have to look at whether or not the home based business ordinance whether this complies with that. I don't believe they have people coming to the house. I think that what they're manufacturing or selling on the internet they don't sell directly from home. That is the million dollar question that you guys get to look at as to whether or not they fit the home based business.

Member Crilly: Where is the warehousing or is it that you are a middle man?

Ms. Mano: I make the food for myself. I package it. I have a tiny little space where I have packaged goods. It is all done through Facebook. I put it on the porch, and our mailman picks it up. I go out shopping, I bring home cases of food, we process it, and we put it in something called the freeze dryer, it comes out and some I use and some I package. It is stored in my home. Does that answer your question?

Member Crilly: Yes, I was just curious in terms of storage and inventory in regards to Mike's question regarding the use in a residential area. That's the context of my question.

Ms. Mano: The inventory doesn't take up that much room really that is literally business related. That maybe is a 10x10 space. I need to process food quickly because it is fresh produce and I'm buying it in large quantities because it is a whole lot cheaper and it's a very expensive process to freeze dry. Whatever I bring in to process has to be done quickly then it's stored in a restaurant plastic container. It needs to have moisture packet in it to keep the moisture out. I have a closet where I store things and when I need it for myself I take it.

Chairman Foulon: How much volume are you talking about, not for yourself but to sell?

Ms. Mano: Pounds would have to be before freeze drying since that process takes all the weight out of it.

Chairman Foulon: How about packaging? How many packages a week?

Ms. Mano: I'm trying to think how to answer that question. I might have five boxes being picked up in a day.

Attorney Veltri: How long have you been doing this?

Ms. Mano: A few years. I've had birds a whole lot longer.

Attorney Veltri: How many years – two years, three years?

Ms. Mano: Three years doing the food.

Attorney Veltri: How did you get to our application stage? Did someone complain? Why are you in front of the Board tonight if you've been doing this for three years?

Ms. Mano: Nobody complained. We have an unusual situation. The first house is 54 Greenwood and then we decided to purchase 50 Greenwood because we wanted the property because it is right next to ours. The house is a nightmare so we decided if we are going to have the property we may as well make the house useful and it turned into a big project. Now we have a second house which we are using for ourselves. I didn't realize this was a thing that I needed to be concerned about, but one of the inspectors started asking why we had these weirdo machines. We had knocked down a good portion of the house and we were using the small portion that was still standing, so that is how it came about. It had to do with the construction and the inspectors coming over.

Attorney Veltri: So is the existing business in your house or in the house next that you brought?

Ms. Mano: It is in the second house, 50 Greenwood.

Attorney Veltri: So you don't live in that house? Let me put it this way, what house do you live in? You can only live in one house so which house do you live in?

Ms. Mano: I'm primarily in 54 Greenwood.

Attorney Veltri: Where is the business located?

Ms. Mano: Primarily in 50 Greenwood.

Attorney Veltri: Okay, so it is not a home business.

Ms. Mano: Well yes it is because that is also our home and we are using it as an extension of our home.

Attorney Veltri: No.

Ms. Mano: Because it was a smarter decision than expanding the one that we have.

Attorney Veltri: No.

Councilman Cortellessa: I think what Steve is asking is do you live in that building at all?

Ms. Mano: It is still under construction.

Chairman Foulon: You are not living in that building at all, correct?

Ms. Mano: Correct.

Chairman Foulon: This is not a home business.

Vice Chairman Graceffo: I passed both houses today and originally the house that they are remodeling has been a major improvement for Greenwood Avenue. The properties are adjacent to each other. The question is, is there a residence in both 50 and 54? I have to say both properties are very well maintained and cared for. That is just a point of information to the Board. Obviously, there was a lot of work just completed on 50 Greenwood to make it look as decent as the 54 Greenwood residence. I believe you have like a cage in the back of your house at 54 Greenwood. You have many birds back that there?

Ms. Mano: They are only outside if I am home. It is not secure for thieves and birds attract attention. If I am home and the weather is okay, then they can go outside. Otherwise, they are inside in my home at 54 Greenwood.

Vice Chairman Graceffo: This venture basically started from your interest in parakeets as pets and now has expanded into providing both food for your birds and for other people with the same interest in parakeets. Is that correct?

Ms. Mano: Correct, but it is parrots, not keets. There is a distinction. My husband has corrected me before that I shouldn't just say I have birds, I have parrots and they are very significant beings and significant size.

Vice Chairman Graceffo: How long have you had these parrots at your home?

Chairman Foulon: I don't think you are at the proper venue. I don't see this as a home business and I don't see it as a hobby business. I see it as a manufacturing in a residential area and I think you are going to have to go before the Board of Adjustment to get a Use Variance. Am I correct Steve?

Attorney Veltri: That's the way I read the Ordinance. Clearly, it is not incidental or secondary to the use of a dwelling unit for residential purposes. That's what the Ordinance says. I mean I'm sure she does a very nice job, I'm sure she's doing a great business, but I don't see it as a home occupation. That's my opinion, but again I'll leave it up to the Board.

Chairman Foulon: If we approve this, what's to stop the next neighbor from buying the property next to him and building a manufacturing facility for automobiles, or something?

Vice Chairman Graceffo: I think we just went through this process, what two months ago, with the taxidermy. In that case it was a similar scenario, rather than being another structure of a home, it was in the structure of a big garage so my point is, if you look at the facility, it's probably a heck of a lot better than the garage was we looked at in the previous application so let's keep that in mind.

Councilman Cortellessa: Everyone agreed on the taxidermy issue because they were pulling back some of the work that was being done there regarding the storage of carcasses and everything else. The other issue related to this is I look at this statement you have in your documents, "I make a specialized freeze-dried parrot food for my flock of exotic birds." Flock of exotic birds, are they flying around that neighborhood at all?

Ms. Mano: No. Free flying is a different topic and mine are trained and I have no intention of doing that. My birds are contained as they should be.

Member Crilly: The legal issue is that you've got two separate properties, which one's exclusive use is seemingly for a business in a residential zone. Whereas the taxidermy situation that was all in one lot with the detached garage. I think that we have to go through the legal process of interpreting, through the Board of Adjustment, the situation with there really being no permanent resident in 50 Greenwood.

Chairman Foulon: I agree completely and I think it should be referred to the Board of Adjustment.

Attorney Veltri: I agree as well. Again, just to parrot what the Ordinance says, when we are looking at home occupations, we are looking at things like an art studio, dress making, professional office, teaching of a musical instrument. I think the last two examples that we've heard were really stretching that definition. Clearly here we are dealing with two properties, not one. For all those reasons, I believe this is a Board of Adjustment variance application.

Councilman Cortellessa: I agree.

Chairman Foulon: I agree. So what you are going to have to do Bonnie is you are going to have to go to Borough Hall and meet the code official and fill out the Application for Board of Adjustment Use Variance.

Ms. Mano: Can I question this at all please?

Chairman Foulon: Sure.

Ms. Mano: The amount of space that is for the business.

Chairman Foulon: What you don't understand is you are not before the proper Board. We cannot do this; it is not a permitted use.

Attorney Veltri: Ma'am, let me give you an option. If you want an interpretation of this Ordinance, which is what I think you are saying since you don't agree with our interpretation, the Board that interprets the Ordinances is the Board of Adjustment. So you can file an Application to them, ask them to interpret this Ordinance as it applies to your business. If they agree with you, you can get that documented, we will look at their Minutes and we will then consider your application again. If they agree with us, you can stay with that Board and apply for the variance that we think you need. Really, if you want to appeal or you want someone to interpret whether what we are doing tonight is right, that's the Board statutorily.

Ms. Mano: Okay

Attorney Veltri: You could be right. I'm not saying we are right. We are just very uncomfortable, I think, of applying this Ordinance to your use based upon what you told us.

Ms. Mano: Okay, then I will do that. Thank You.

DISCUSSION:

Member Slater: A buddy of mine was out walking on Brook Street and he asked me what the guy was doing dismantling wrecked automobiles in the yard behind a fence that was meant to obscure the vision of what was going on. I told him I didn't know but I'm certain that it wasn't a permitted use especially with the brook running right behind the property.

Mr. Hafner: I will get Joe down there to take a look. If you can provide me with any more details with regard to the location, that would be helpful.

Member Slater: He just told me it was the yard next to the guy with the sweeper in that area on that same side of the street.

Mr. Hafner: We'll take a look at that on Monday and I apologize I had a meeting conflict tonight so I was in another meeting while you were asking in the first application so I apologize I wasn't available.

Chairman Foulon: Mike, how are we making out with our construction storage?

Mr. Hafner: With regard to which property?

Chairman Foulon: Coles Avenue

Board Secretary: This application was on the April 7th Agenda, but Buske's attorney asked for an adjournment until the May 5th Meeting.

Mr. Hafner: The dumpsters at the end of Coles Avenue have been removed. This matter is still in court, but from what I understand that has all been cleaned up.

Chairman Foulon: How about the one across from 7-11?

Mr. Hafner: That new Business Application Limitless Tree Service is supposed to be on the May Agenda and if not, we have it that we are issuing a Summons to the property owner for that.

Member Strobel: The jackhammering, do we have any kind of idea when this guy is ever going to finish?

Mr. Hafner: For Mountain Avenue, I was under the assumption that he was done. I hadn't heard that he was still jackhammering.

Member Strobel: Every day for the last couple of weeks.

Mr. Hafner: Okay, because he had stopped there for a while. Is that not correct?

Member Strobel: He started up in the middle of March. I can't open my windows.

Mr. Hafner: I will check on that because Passaic County had issued an order for him to stop so I'll check on that, and put the County's letter out to see if he is in violation of their Order.

Member Strobel: Just open your window between 7:30am and 4:00pm and you'll hear it. With no trees around, it just echoes throughout the entire town. Than You

Chairman Foulon: Mayor, what is going on with our Union Avenue Redevelopment?

Mayor Mahler: We approved it and we are waiting for Benecke to get to us.

Chairman Foulon: When are we expecting the application?

Mayor Mahler: I'd love to see it tomorrow, but I'm not sure when it is coming in.

PUBLIC DISCUSSION: Let the record show no one in attendance came forward.

RESOLUTION: None

VOUCHERS: submitted by Steven J. Veltri, Esq. for attendance at April 15, 2021 Meeting in the amount of \$400.

MOTION TO APPROVE VOUCHER: made by Member Slater, seconded by Member Strobel. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Crilly, Jordan and Pasquariello

May 20, 2021 Planning Board Meeting will be in person at Borough Hall.

MOTION TO ADJOURN AT 9:12 P.M.: Motion made by Member Slater, seconded by Member Vice Chairman Graceffo, and carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary