

REGULAR MEETING

Meeting called to order by Member Kevin Platt with a salute to the flag at 8:12 P.M.

OPENING STATEMENT:

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 2, 2020, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk and posted on the Borough's website.

ROLL CALL: Members Kevin Platt, Charles Strobel, David Slater, Jack Crilly, Jack Jordan and Donald Pasquariello

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Mayor Daniel Mahler, Councilman Dominic Cortellessa and Member Mary Leonard

MINUTES: January 20, 2020 Meeting

MOTION TO APPROVE MINUTES: made by Member Jordan, seconded by Member Strobel. Voting yes were Members Platt, Strobel, Slater, Jordan and Pasquariello Member Crilly abstained

COMMUNICATIONS/REPORTS: Member Crilly, referring to the correspondence from County of Passaic on Tilcon. This might be a bit of a numbers game but I'm looking at this correspondence dated January 3, 2020 and I'm looking at the traffic study. Maybe it wasn't stated this way, but I am looking at point 2.a) of the letter and it says, "At the intersection of Union Avenue, the I-287 southbound ramps, and the Stop & Shop driveway, delays will increase by 29% in the AM peak hour." I don't think I ever heard that number before. I think what I did hear was on average during rush hour that there would be three additional vehicles or one vehicle every three minutes or so. I know this has already been voted on, but I just had a question about it because I don't know what that means. They

gave us a volume per hour, but not stated in that way. I'm curious about the traffic study because it sounded like not a lot of volume, and I thought it was one every three minutes. Does anyone else have that recollection?

Member Slated stated I think their testimony was that the largest part of the volume would be on the road before 7am. In other words, they were out ahead of most of it because they needed to be on job sites for a 7am start.

Member Crilly stated I am just curious and would like a follow-up on Point 2 of the letter. Board Secretary stated that she would search the Minutes of the December meeting about traffic and send you whatever I find.

Member Platt: Anything else on the Communications/Reports? If not, we'll close that.

APPLICATION STATUS: Engineer Cristaldi advised that he has no new applications.

NEW BUSINESS APPLICATION: On Site Equipment Repair LLC

(Continued from January 16, 2020 Meeting)

Property Owner: Scotch 22 LLC, 301 River Road, Clifton, NJ

Property Address: 1438 Ringwood Avenue, Haskell, NJ

New Tenant: Beau Gunset, 14 River Road, Oakland, NJ

Member Slater is recusing himself from this matter on the advice of the Board's Attorney and has moved off the dais.

Attorney Veltri, addressing Beau Gunset the Business Owner, stated you were at the last meeting and submitted some paperwork but not all the things that we wanted.

Mr. Gunset: I know the one thing that was asked was the paperwork for the environmental.

Attorney Veltri: And a detailed description of all the parking spaces that were supposed to be plotted out.

Mr. Gunset: They are and they are on the graph.

Attorney Veltri: Not acceptable. Not what I asked for. Just so you understand, we also took a look at the zone that you are in and the Engineer prepared a report which was distributed to the Board and we have a question on use. You also submitted an unsigned Lease. Is there a Lease signed?

Mr. Gunset: When we first did this, I wrote the lease checks and the security when I met with the owner, Fred. The Lease Agreement was e-mailed over to me and it was e-signed through the e-mail. It was actually not signed on that piece of paper.

Attorney Veltri: We asked you for a signed Lease and you gave us an unsigned Lease.

Mr. Gunset: They don't even have a signed Lease because it is on e-documents or whatever they e-mailed through and you sign it through the computer.

Attorney Veltri: Was this the Lease that was signed?

Mr. Gunset: Yes.

Attorney Veltri: The dates are wrong and the terms and it says specifically that you, as a tenant, have three (3) parking spaces.

Mr. Gunset: That was supposed to be changed. I went to see Dana and we went over a new contract.

Attorney Veltri: Where is that new contract?

Mr. Gunset: Supposedly Fred agreed on it. I never saw one after the fact. I went down there multiple times. He said he was going to be there and every single time I showed up he wasn't there.

Attorney Veltri: You don't have a signed Lease then?

Mr. Gunset: That is what I have.

Attorney Veltri: This says three (3) spaces and you told us you had ten (10) vehicles on site last time.

Mr. Gunset: I understand what you are saying. Like I said last time, I am trying to deal with a landlord that is very, very difficult.

Attorney Veltri: I know and we were trying to help you last time and we asked for some basic simple things and at least, in my opinion, I still don't know what the Lease says. It is unsigned and the dates are wrong and it says specifically under the parking paragraph that you are entitled to three (3) spaces; three, not ten.

Mr. Gunset: This all transpired through e-mail trying to fix the Lease Agreement. What I was told was the agreement was re-done, Fred agreed on it and I went down there to get it because I wanted a signed one. Every time I went down there to get it in my travels, or when they told me to come and get it, it wasn't signed.

Attorney Veltri: We are going to move off of that because we had a question about the zone, what you were doing on site and whether or not the use fits the zone. I am going to defer it to Mike Cristaldi, who is the Engineer/Planner for the Board and he is going to walk us through his findings.

Engineer Cristaldi: The closest use that I could find for what you are describing is a motor vehicle service station, which is garages, filling stations and motor vehicles because you are repairing engines and cylinders and that sort of thing. You are in the B-Zone and the B-Zone permits that but it is a conditional use and certain things have to be satisfied to do that. When you go to one of the conditions that it describes, Article 7 conditional uses and specifically says it goes to the Board of Adjustment that they have original jurisdiction of that. This Application should really go to the Board of Adjustment, not the Planning Board.

Mr. Gunset: That's in Passaic County?

Engineer Cristaldi: There are two Board here; Planning Board and Zoning Board.

Attorney Veltri: There is a Planning Board of Passaic County. You are right, but we are talking about the Municipal Board.

Mr. Gunset: Because I filled out all of this paperwork there and then they told me to come to you guys. I'm just confused.

Engineer Cristaldi: You are on Ringwood Avenue, so you probably have to do an application as well because you are on their road and you are going to be coming in and out of their road so you also have to go to their Board and get an approval.

Mr. Gunset: I didn't know that. At the beginning, I went to a different lady (not Jennifer) downstairs and she had no idea what I was talking about so she sent me to Passaic County and I did all the paperwork there. The gentlemen, John, told me I had to come here.

Engineer Cristaldi: You did come here, but we didn't really look at it too closely the last time until you really described what you were doing and give us an idea of what to compare it to. This isn't really the right Board for you. You have to go to the Zoning Board. So you will have to go see Jenn and fill out an application to go to the Zoning Board.

Attorney Veltri: The other thing I want to add is you're an LLC and, in this State, if you're an LLC you need to be represented by an attorney for a site plan application. I'm just telling you that so you don't get all the way to that Board and you hear it from them. I just want you to be aware of that.

Attorney Veltri: The other thing we talked about at the last meeting was getting the landlord here.

Mr. Gunset: I e-mailed him three different times, called his secretary and told her. I told him myself and he told me "if I'm not busy". That is what I got. I asked him to come down the other day when we had the windows replaced in the building. I was going to hold off until this was done, but the window fell into the building so there was no window and I didn't have a choice but to move forward because everything I had in there would be open to the public at that point. I asked him to come down to look at the window to replace it. He told me it's not my problem. I had to replace the heater last week. Dealing with him, I don't get anywhere so I really just have to do it myself. Obviously, if you saw the pictures, that is what I walked into and that's what it's now only because the place was a crap hole.

Attorney Veltri: There are also multiple uses in this building. There is a pool company, there's you and then there are apartments up on top. Is that correct?

Mr. Gunset: Yes. I tried my best to distinguish this on the graph. My understanding with Dana is if you split the building in half, my shop is kind of a rectangle, the rest of the building looks like it was an added on piece. That whole area split down the property line and over is mine. The rest of it is split between the apartments and the pool company.

Attorney Veltri: You gave us an idea but for me, personally, I still can't see what is going on this site. Who is parking where, who is entitled to what? For me it is still a major mystery that has been going on and on and on month after month. You are giving us some help, but the property owner is giving us no help.

Mr. Gunset: Like I said I am doing my best to try and get him here. I try and have him come down on issues with his own building and he doesn't want to come down. He gives me an excuse every time.

Member Platt: If he wants to rent the building, he is going to need to come here so we can straighten this out.

Mr. Gunset: I told Dana that and she said she might have to come herself and I told her I really don't think that's what they want. I think they want the actual owner of the building there.

Member Platt: Do we have any other questions?

Member Strobel: There was a question about a bathroom.

Mr. Gunset: There is a bathroom there.

Member Strobel: Is it in the pictures?

Mr. Gunset: It's not in the pictures. It's on the graph. It's a separate room but attached to the office.

Member Platt: Does anyone else have any questions? Mike, do you have any anything to offer?

Mr. Hafner: I do not other than Engineer Cristaldi's letter was on point. It is going to require a D Variance and he's going to have to go before the Zoning Board of Adjustment.

Attorney Veltri: Were we going to try to contact the owner of the property either by Summons or correspondence or something to try and get to the bottom of this?

Mr. Hafner: We did send a Notice of Violation to the owner of the property for allowing a use without permission. Thus the Applicant is here.

Attorney Veltri: Has the owner responded in any way, shape or form?

Mr. Hafner: Not to us other than having the Applicant here.

Mr. Gunset: He called me about it. I said to him they sent you a letter because they want you to come. They want you here. His comment was "Why, aren't they happy with me." I said it doesn't matter if they are happy with you or not, they need you here so we can finalize this. We are here tonight and clearly he is not here. I can talk to Dana tomorrow.

Attorney Veltri: The Board is going to vote on whether or not they want to retain jurisdiction. They heard from our expert and from the Building Inspector who both say that you require a Use Variance or a Conditional Use Variance, which we cannot give you. This Board is going to probably direct you to the Board of Adjustment. The Building Inspector can follow-up with whatever Summonses he thinks are appropriate, but this has gone on, in my opinion, way-way too long.

Mr. Gunset: I understand 100%.

Member Platt: It is a different Board, but the Board is in this town but they meet on a different night.

Mr. Gunset: My lawyer was supposed to be here tonight but it was completely my fault why he is not here, so he will be here the next time. I gave him a different date.

Attorney Veltri: Don't blame your lawyer. It wouldn't have helped if he was here tonight.

MOTION THAT THE PLANNING BOARD HAS NO JURISDICTION AND REFERS THIS APPLICANT/BUSINESS TO THE ZONING BOARD OF ADJUSTMENT: made by Member Crilly, seconded by Member Jordan. Voting yes were Members Platt, Strobel, Crilly, Jordan and Pasquariello.

Mr. Gunset: So we deal with this part and then we come back to you or it all gets handled by the other Board?

Attorney Veltri: It should all be handled with the other Board.

Mr. Gunset: Okay

Member Strobel: You really need to get an updated Lease and Site Plan that are correct. Get it all right the first time so you don't have to keep coming back.

Mr. Gunset: I am doing my best. They told me they had a Site Plan when they brought the building and they told me they were going to get it to me. I went down there personally multiple times to get a new Lease and to get what they had for when they purchased the building and every time I went there was an excuse. If I can't get it from them, I will have an engineer from Ridgewood prepare the documents. I wish he and the company were easier to deal with. Thank You Very Much

NEW BUSINESS APPLICATION: Office/Warehouse

Property Owner: 1458 Ringwood Avenue LLC, 10 Post Lane, Riverdale, NJ

Property Address: 1458 Ringwood Avenue, Haskell, NJ

Let the record show that the property owner did not showed up.

PUBLIC DISCUSSION: Let the record show there was no one in the audience to come forward.

RESOLUTION: None

VOUCHERS: submitted by Steven J. Veltri, Esq. for attendance at the January 16, 2020 and February 20, 2020 Meetings in the amount of \$800; and submitted by Alaimo Engineering for the Tilcon New York, Inc. Application in the amount of \$2,375.

MOTION TO APPROVE VOUCHERS: made by Member Slater, seconded by Member Crilly. Voting yes were Members Platt, Strobel, Slater, Crilly, Jordan and Pasquariello.

MOTION TO ADJOURN AT 8:35 P.M.: Motion to adjourn meeting made by Member Slater. Motion carried by a voice vote.

Jennifer A. Fiorito, Planning Board Secretary