

REORGANIZATION
&
REGULAR MEETING

Meeting called to order by Mayor Mahler with a salute to the flag at 8:04P.M.

READING: Open Public Meeting Announcement

This is the Reorganization & 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 January 1, 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

Reorganization Meeting:

Mayor Mahler swore in Re-Appointed Members: Councilman Dominick Cortellessa, Kevin Platt, Jack Jordan and Donald Pasquariello, III

PRESENT: Member Gilbert Foulon, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Charles Strobel, David Slater, Jack Jordan and Donald Pasquariello

ABSENT: Members Joseph Graceffo, Jack Crilly and Mary Leonard

NOMINATION FOR CHAIRMAN: Member Platt nominated Gilbert Foulon, seconded by Councilman Cortellessa. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR CHAIRMAN: Voting yes were Member Foulon, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Jordan and Pasquariello

NOMINATION FOR VICE CHAIRMAN: Member Platt nominated Joseph Graceffo, seconded by Councilman Cortellessa. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR VICE CHAIRMAN: Voting yes were Chairman Foulon, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Jordan and Pasquariello

NOMINATION FOR BOARD ATTORNEY: Member Slater nominated Steven Veltri, seconded by Member Strobel. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR BOARD ATTORNEY: Voting yes were Chairman Foulon, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Jordan and Pasquariello

NOMINATION FOR BOARD ENGINEER: Member Slater nominated Alaimo Engineering (Michael Cristaldi), seconded by Member Strobel. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR BOARD ENGINEER: Voting yes were Chairman Foulon, Mayor Mahler, Members Platt, Strobel, Slater, Jordan and Pasquariello. Voting no was Councilman Cortellessa.

NOMINATION FOR BOARD PLANNERS: Member Slater nominated both Alaimo Engineering and Benecke Economics as Planners, seconded by Member Strobel. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR BOARD PLANNERS: Voting yes were Chairman Foulon, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Jordan and Pasquariello

Attorney Steven Veltri and Engineer Michael Cristaldi took their place with the Board.

Regular Meeting:

MINUTES: from the December 19, 2019 Meeting.

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

COMMUNICATIONS/REPORTS: None

APPLICATION STATUS: Engineer Cristaldi advised no new applications.

NEW BUSINESS APPLICATION: Mexico In My Kitchen

Property Owner: Ahmad Faquiryon, 19 Myrtle Avenue, Wayne, NJ

Property Address: 548 Ringwood Avenue, Wanaque, NJ

New Tenant: Conor Guzman/Jailenne Guzman, 16 Sunset Road, Ringwood, NJ

Chairman Foulon: This is a continuation of the December 19, 2019 Meeting where we were trying to resolve the parking problem. I might have a solution. Mayor, if you agree with me on this. Why can't we use First Aid Squad as public parking?

Mayor Mahler: I would ask them, but they could as long as the 1st Aid Squad isn't having a function.

Chairman Foulon: I believe this is municipal property and I think we could solve their problem by saying they can tell their customers they can park there. So I think we have the parking problem solved.

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

NEW BUSINESS APPLICATION: On Site Equipment Repair LLC

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

Chairman Foulon: It has been a long time to get you here and we have an application that is not complete. You've been operating a business when you shouldn't have been for the past three months. Give me a reason why we should even consider allowing this?

Mr. Gunset: To my understanding the application was completely filled out for everything given and was told to do. Honestly, I didn't know anything about his. When I first leased the building, I met with the landlord, signed the leased and asked him if there was anything I needed to do and he told me no. The first time it was brought to my attention was by this gentleman (Mr. Hafner) and I honestly didn't even know about it.

Mr. Gunset: I apologize. This is all new to me. I'm 25 years old and I've never done this before.

Chairman Foulon: I stopped in there at the end of September and told you that you needed to come before us and here it is January. You were told not to do it I know that specifically because it was by me that you were told you shouldn't be operating until you get a new business application in, and you continued to go ahead and operate anyhow.

Mr. Gunset: A lot of my business isn't even there. 95% of my business is on the road. My service truck is more or less goes there. There have been customers that dropped off trucks and, honestly, half of them I don't even know until I get there. I am not even throughout the day; I am on the road.

Chairman Foulon: Do you have a restroom?

Mr. Gunset: Yes

Chairman Foulon: It's not noted on the application.

Mayor Mahler: Is the restroom in your part of the building or in the pool part?

Mr. Gunset: In my part of the building.

Chairman Foulon: Sanitary Facilities Consists of and it's blank. Type of Business says heavy truck and equipment repair and then it says same as previous. That has never been a truck repair place.

Mr. Gunset: I more or less meant heavy equipment. When this first came to my knowledge, since I do know the old owner of Unirents, I actually used to fix his equipment for him, I brought this to his attention and he helped me fill out the application. I asked him if there is really any difference between what I'm doing and what you did, and he was like because they fixed their own trucks there, they did fix customers' trucks there, and fixed and repaired heavy equipment there.

Chairman Foulon: But it was not a repair shop. It was equipment rental business and they only worked on their own equipment. I couldn't bring a truck in there and tell them to fix it.

Mr. Gunset: From what he said, customers did bring their equipment to be repaired there.

Chairman Foulon: Your landlord was here in October, and we discussed this too because I told them at the meeting that the business had to get out of there and I also told him to come with a site plan and to repave the parking lot and nothing has been done.

Mr. Gunset: The parking lot was brought to my attention. I do a lot of work with paving companies. I did tell the landlord if it was one thing that would fix my wrongdoing, I already talked to a paving company that I do a lot of work for, and they already said they would pave it for me. They said they would fix the potholes and then resealed.

Member Platt: Did you take the propane charging system out of there?

Mr. Gunset: The tank has been moved; it has not been picked up. Supposedly the landlord has reached out to, I believe, Suburban Propane and they were supposed to pick up the tank two or three months ago. They never did so I called myself to Lombardi Environmental since I do a lot of work for them, and they said if it becomes an issue they will come and remove it for me. They have a license to do it and transport it. I can't just transport it. They said if it becomes a problem they will come and get it for me.

Member Slater: For the record, I stopped to see him as a potential customer and I realized that he sought of stepped in a situation that wasn't healthy. I advised him to get in contact with the Building Inspector and to be here.

Chairman Foulon: I did the same thing back in September.

Member Slater: I didn't know that. I will say that the tank had been moved out of the way so they could open up the back of the parking lot and suggested to him that most of the stuff needed to be behind the building so that it wasn't such an eyesore coming up Ringwood Avenue. He said the same thing to me that he was working on it.

Chairman Foulon: But you can see by the pictures that I've passed around, it is a complete and total eyesore.

Mr. Gunset: We first moved in, the place was an absolute disaster. There were two to three dumpsters of garbage. I had an excavating company I do work for bring me an excavator with a thumb on it and we took those three dumpsters of garbage out of the back of that place. The soil was sifted. There were propane bottles buried in the ground. Everything was removed. We redid the whole storefront, it was all re-insulated and re-sheet rocked. The floors were painted and the windows were supposed to get fixed two weeks ago but the guy put it off because he's doing the windows in the American Dream. I

put up soffit lighting for the pool company and by me. We cleaned a lot of stuff out of there. I'm trying to make it better than it was.

Chairman Foulon: Where was your business before you moved here?

Mr. Gunset: We never had a shop. It was always on the road. I got three service trucks that were on the road for the last three years. This is the first place I have ever leased.

Mayor Mahler: What exactly do you do there?

Mr. Gunset: Anything that we can't fix on the road. For example, if it's a big job I'll pull a motor out of machine on a job site and bring it back there to be rebuilt. Trucks that come there are supposed to be quick fixes and get out, more or less because we are not there. 95% of our work is on the road. Sometimes if we can't get to a customer, I'll tell them to bring it here and I'll fix it and they can pick up it.

Mayor Mahler: So what do you do? Heavy machinery on somebody's job site? You go there and fix it.

Mr. Gunset: I do work for Braen Supply and Tilcon. We do all quarry work; ones out on 78, in Connecticut, Pennsylvania, New York.

Attorney Veltri: So what do you bring on site?

Mr. Gunset: To this facility? I am a Ford Power Stroke Certified Mechanic and so are two of my other guys. Once we, hopefully, get this worked out, they want to make it a Ford Certified Shop so more or less pick-up trucks would be coming in to get warranty work done, engine rebuilds and stuff like that.

Attorney Veltri: Where are these vehicles parked and how many?

Mr. Gunset: They are all in the back. If I really wanted to squeeze them, I could probably fit 10 of them back there.

Attorney Veltri: That is the problem because there are requirements so the way this has been presented, I am the attorney, so in my opinion what I would like to see is a copy of your Lease, complete description of what you do, how many vehicles on site on a daily basis, want to see a parking lot with parking spaces and I look at your sketch and I don't see a bathroom.

Mr. Gunset: When you say vehicles on site, does that include my own vehicle that I drive there with?

Attorney Veltri: Definitely.

Mr. Gunset: So what would be there on a daily basis; mine, customers, anything. I did ask Mike about this and how detailed it had to be and he said just make a sketch enough where they can understand where the building and parking is.

Attorney Veltri: It is going to have to be in detail because I'm going to tell you what some legal issues are and a lot of these Board Members are trying to help you make it easier, but making it easier would be giving us a detailed site plan with a description of everything you do.

Mr. Gunset: Can I do it myself? I do work for a company that does site plans. If have one done by a professional would that be better?

Attorney Veltri: I think so because the parking spaces have to be of a certain size, especially if you're parking trucks back there.

Mr. Gunset: So I understand, the spot back there is very split, I would say, between multiple tenants. On the whole left side of the building, it is a full driveway that pretty much ends to the woods.

Attorney Veltri: Multiple tenants for the same landlord?

Mr. Gunset: Yes.

Attorney Veltri: We are going to need then a detailed parking spot to see how many spaces you have, which is why I want a copy of the Lease. Your Lease should have this, and if it doesn't, we're bringing your landlord in here.

Mr. Gunset: I think it says 4 to 6 spots on it. When I first did the Lease, there was a propane tank there, all the garbage that was piled up back there, so by the time we got rid of it all, and there were three times the amount of parking in the end. To start, there was only that driveway that went through the gate back, the rest of it was piled with garbage.

Attorney Veltri: That is why we need a detailed site plan because we need to know exactly what's going on at that site. One of the issues we are trying to look at in your favor is a possible Use Variance problem that you may have. That means you would have to go to a different Board with a public hearing so we are trying to make this easy but this is way to under-detailed for me so we are trying to help you but you've got to help us. At least a detailed description of what you do, a complete parking scheme for that site and we want to know how many parking spaces are yours, where you and your employees park, where your other vehicles are going to be parked, and where the other tenants park their vehicles. It is up to the Board, but I think the consensus at this point is we will keep the application here, not send you to another Board, which is a much detailed position, but again I don't know your site, a lot of these Board Members know it very well, but I want to be able to look at the plan and know it very well also.

Mr. Gunset: I am confused about parking spots. When I think of a parking spot, I think of you go Walgreens and there's a parking spot. In the back of the whole property, it's more or less millings that were put down. How do I distinguish a parking spot back there?

Attorney Veltri: I'm going to refer you to our Engineer, but there are parking requirements in the Zoning Ordinance but, quite frankly, I wish your landlord was here because he just can't move tenants in for any use and not have appropriate parking for them. It is a building and there are zoning requirements and they are in black and white. It seems to me, the more I'm hearing, is he's just doing what he wants.

Mr. Gunset: When I first got there, there were health issues and a lot of issues and I probably spent \$30,000 in that building. If it wasn't for my grandfather owning a contracting company in New York, and they traveled two hours to help me, it probably would have cost me \$50,000 to put into that building. We did a lot of work to the building.

Mayor Mahler: Is there a second floor over the pool store and are there apartments?

Mr. Gunset: Yes, there is actually 3 apartments. There are 2 over the pool store and 1 over my store front. I know 1 apartment is because I know the tenant, Jared.

Mayor Mahler: We need the landlord here and the landlord should be doing the site plan.

Mr. Gunset: If it makes it easier, I don't care. I'll spend the money and get it done for you guys.

Attorney Veltri: Do you have a written Lease?

Mr. Gunset: Yes I do. The term of the Lease is 1 Year. We actually discussed this yesterday. The landlord came and saw me and the pool guy and we pretty much said to him between the two of us we put between \$60,000-\$70,000 into this property can you give us something that makes us feel a little bit better. He agreed on it and he asked us to send him the terms that we wanted and he would go over it and have us come in and talk to him.

Attorney Veltri: If I was you, I'd be really careful because you don't have an approval yet. I have to tell you this, if you weren't advised this, any Lease I've ever done and I've been doing this 35 years, there is a clause in every Commercial Lease it is subject to a municipal certificate of occupancy approval. That's done before the term of the Lease starts.

Mr. Gunset: Honestly, this is all new to me. Literally, I gave him the check, he had me sign the Lease and that was it and he got in his car and went on his merry way and told me he was going on vacation. I really apologize for the inconvenience. This is a learning experience for me.

Attorney Veltri: We have to do this.

Councilman Cortellessa: We are hitting him with a lot of information and I think we clearly need to identify what he needs to do. Like you said, you are new to this type of business, we at least need to let him know that the landlord needs to provide the site plan, he needs to provide a better description of the work that is going there, he needs to describe what's going to go on in terms of his use of parking spaces that the site plan talks about. So I think to be fair, we really need to give him the details that we think he needs to go through. He is trying to absorb, he doesn't have anything down, he's not writing anything down and we need to try and help it out.

Attorney Veltri: I can make it this simple from my point of view and then I'll defer to Mike and the Board Members. From my point of view:

1. A copy of your Current Lease;
2. A detailed description of everything you do; how many employees you have that will be working in Wanaque.
3. A floor plan for the space you are renting.
4. We need a Site Plan for the outside detailing the number of parking spaces that meet our Ordinance requirements for the entire building.

You may ask your landlord to do that. He has multiple tenants in a building. He's got a certain lot and we have to be sure that the uses and the people in that building can park on site. That's what we do.

Engineer Cristaldi: The landlord has to come in with a Site Plan and show you all of the break ups of his units that he has. Based on each unit, how much total parking he needs and how much he has so that, in the future, when a new tenant comes and he's occupying space number three, you know what you got.

Attorney Veltri: The problem is this, if Gil spoke to you in September, and we spoke to the landlord in October, and now we are in January, this has to get down immediately because if it doesn't, then summonses are going to start being issued and penalties are going to have to be paid. Again, I don't want you to think that well, okay, we talked to these guys and I think I'll come back in May.

Mr. Gunset: I want to get this done as soon as possible. I am not trying to be a burden on anybody.

Engineer Cristaldi: You are looking at it in a vacuum. You have no way of knowing how much he can provide when the landlord has other tenants and you have no idea where and how they can park on the site.

Mr. Gunset: I believe it was about two or three weeks ago, my brother is a surveyor for New York, and he came down and we were discussing, because the pool guy had a little bit of a concern about this, that and the other thing. So I had my brother come down because

I want to know as well. I was offered to buy the building. Again, that is in the works since me and my business partner want to buy the building but I would rather this fixed before I decide to buy a building. My brother came down and did a full survey. I don't believe it's anything you want. I think it's just measurements.

Attorney Veltri: That is a great start for a site plan.

Mr. Gunset: According to New York Ordinance, I would have 15 parking spaces in front of the building. What I am confused about is the whole back parking lot is a big lot with nothing back there.

Engineer Cristaldi: Is it yours in the Lease?

Mr. Gunset: Half of it.

Engineer Cristaldi: At least if you know how much parking area, you can figure out what is yours per the Lease.

Attorney Veltri: If you have a Survey we can see how much acreage it is and then we can tell you how many parking spaces are there. But you can't tell us you can fit ten vehicles there, when we know you only have six legal parking spaces.

Mr. Gunset: In understand. I have 100 yards x 100 yards x 100 yards that literally, if you just parked trucks, you could park them in rows.

Engineer Cristaldi: So you would have to bring your Lease and the Lease would have to specify what part of the parking area is your exclusively to use.

Mr. Gunset: I will see Dana tomorrow. The landlord is not an easy person to deal with so I'll go talk to Dana, the office lady, myself and she'll do whatever I ask her to do.

Attorney Veltri: You seem like a very bright guy and what we're asking you for may sound complicated but it isn't.

Mr. Gunset: I get what you guys want on your part.

Attorney Veltri: Where are we parking the vehicles that you need to run your business? That's pretty much what you're answering.

Member Platt: You are going to be parking more than trucks there. You have backhoes.

Chairman Foulon: You have a great big backhoe back there.

Mr. Gunset: From the start, when I was doing my insurance for the building, this was a big issue that I had, between my lawyer and my accountant, was let's just say a truck blows up and I have six pieces of equipment there and its worth \$10million. Whose pocket is that \$10million coming out of because I'm liable for them? My biggest thing is the building is insured for \$5million across the row and so is my business. I really don't want anything coming there, vehicle wise. I really just want things that we took off of machines coming back there. We do line boring which a lot of machines need to have done and we do certified welding. More or less what I want the building for is for stuff that can't be done on the road that needs to come back, but not the full thing. We have crane trucks and we'll crane it out of the truck, put it on a trailer or in the back of a truck and bring it back to the shop. It gets worked on in there and it gets shipped out. Major components like engines, hydraulics.

Chairman Foulon: There has been a red truck parked there for at least two months.

Mr. Gunset: That truck is supposed to be getting towed out as soon as my friend can get to it.

Chairman Foulon: You have a big backhoe. The place is a total mess and it's really not what we want as you enter our town. We don't want people seeing this. The first time I

saw it I went ballistic and said who the hell gave this guy a permit and then I found out you didn't even apply for you. I told you then to stop operating, but you didn't. You went further and nailed the sign on the telephone pole.

Mr. Gunset: I believe that sign was up before you came.

Chairman Foulon: Yeah, it was because I took a picture of it when I left there. You just can't do this stuff. As far as I'm concerned, I don't even want to take it to the next step. I just want to deny the application and that's it, but I don't want to hurt you either. You have money into it and you've no place to go.

Mr. Gunset: I understand what you're say sir and like I said, I apologize for me being a burden. I really didn't even know anything about this.

Chairman Foulon: If anybody on this Board if familiar with Conte's down in Pompton Lakes, that looks like country club compared to this.

Member Platt: It is a perfect building for his needs.

Chairman Foulon: I think he should look for a new location.

Member Slater: I think Gil if that red truck gets out of there the eye appeal coming up Ringwood Avenue will change.

Mayor Mahler: Is the backhoe still there or is it gone?

Mr. Gunset: The backhoe is inside the shop.

Member Platt: That building is ideal for what you are using it for.

Mr. Gunset: I didn't even mean to rent that shop at all. Only because I know I have to do this now, I have another in Midland Park on the 27th but that's for our hydraulic business. They are going to piggyback off of each other so a lot of the truck repairs are going to be going there. This is just going to be for taking things off machines and bringing back because they are long process things that you can't do in the field; you just physically can't do them.

Chairman Foulon: Midland Park? You think we're tough. I used to live in Midland Park and I know all about it.

Mr. Gunset: The only difference is the building we are renting is R&R Truck Repair, and that's what we do for the last thirty years. In my eyes, I thought it was the same thing when I first moved in. I talked to the owner of Unirents and they had excavators and backhoes but small; homeowner equipment. They didn't have construction equipment.

Councilman Cortellessa: Do you have your lawyer involved in this. You talked about the Lease and you gave him a check and you didn't have all the details.

Mr. Gunset: This happened on a Sunday.

Councilman Cortellessa: I think you should get your lawyer a little bit involved. The lawyer should know about site plans and should know about all the things on the list Jenn gave you that you need to provide. I really think because of the leasing issues, site plan issues and the owner of the property, you really need to get your lawyer involved to make that they're providing all the information to make this smooth. Gil is right. We want you to be successful and we're not trying to make you not successful but you have to do what's necessary to make sure the Planning Board accepts the ideas behind this business. You haven't talked about your lawyer too much involved in this and I think you really need to get him involved.

Mr. Gunset: I understand and that's perfectly fine. I talk to him every day.

Chairman Foulon: You would have been better off spending money with your lawyer then the money you spent so far on the building because the money you spent so far on the

building, if you don't get approval, you lost it. I know at the October meeting I said I wanted the landlord to be here when you came and there is no landlord.

Mr. Gunset: I called him today and I said I was coming here and he told me do what you have to do. I asked him if he wanted to come.

Chairman Foulon: I think we have every right to demand the landlord come here because we don't even know if they have occupants.

Mayor Mahler: The landlord is responsible for the site plan, not this gentleman.

Attorney Veltri: We would love your landlord to do that, but if he doesn't, you must.

Mr. Gunset: I am going to do the site plan myself because I've asked the guy a million things for me and it never gets done.

Chairman Foulon: You can't do the site plan since you don't own the property and you don't know what is upstairs and you don't know how many tenants are there. For all we know, they could be a hundred people living upstairs, but we just know it.

Attorney Veltri: Gil, technically you are right, but what he can do for this business application since he just said a relative did a survey, you can piggyback off of that survey and tell us what part of that land is yours for lease and we'll check it in your lease and then you should figure out how many parking spaces you have. That's assuming the landlord is going to continue not to do what you ask.

Mr. Gunset: He's not going to do it. I will do whatever I have to go to do.

Attorney Veltri: Time is becoming of the essence because of all the lost time that we've had. Whatever information you can give us is better than no information.

Chairman Foulon: Maybe we should start issuing the landlord some summonses than perhaps he'll act.

Member Slater: I think if you can get a survey/plot plan that shows the perimeters of the property and the setbacks of the buildings from the property line.

Mr. Gunset: I believe what my brother has everything that he was able to get to. He has the outside survey of the entire property, he has what I have, he has what the pool guy has and obviously he wasn't going to go in some person's apartment and do a survey of that. I believe he has everything else, but the apartments. I don't think he put bathrooms on it, but he has dimensions of everything. I'll do whatever is necessary.

Chairman Foulon: Will you be changing oil?

Mr. Gunset: I don't do oil changes. We don't do oil.

Chairman Foulon: If you pull an engine out and tear it down, where do you put the oil?

Mr. Gunset: Most of the time everything that comes out of the motor gets all drained on site, only because I can't transport it in the back of my truck. If I get pulled over by the DOT, Hazmat and I have something in the motor, I'll get a fine. 99% gets drained on site. It doesn't come back with us.

Chairman Foulon: I don't know how the property was even transferred without an EPA Inspection & Remediation.

Mr. Gunset: Apparently there was an EPA inspection and I'm only say this because I looked into buying the building. I know in some part of the building there was an environmental issue and I guess it was taken care before it was brought because I talked to the old owner, Julie, and that's what she told me.

Mayor Mahler: I know Julie also. I think they lowered the price and the landlord was going to take care of it.

Mr. Gunset: There was a \$50,000 cap on the contract. I talked to Lombardi Environmental and, once I am ready, they are willing to come and do all test holes and do it all. I want to buy the building but I'm not going to get screwed in the end.

Attorney Veltri: If you were to buy the building, are you still going to have multiple uses or are you going to take over the whole thing?

Mr. Gunset: I would keep the pool guy, but the apartments are gone. I don't want that liability. It would just be me, the pool guy and the rest is gone.

Attorney Veltri: This is how I want you to think. If you own the building, you have only so much area to park vehicles. How many vehicles are you going to need to park and how many spaces are you going to give them?

Mr. Gunset: I guess it would be pretty much where it is already. The way I kind of looked at it, there is a small area (half the size of this room) that is given to the apartments because I believe there are two people there. One guy has two cars parked there and I don't think they even run, and Jared, the other tenant, has two vehicles. The rest of the area is open. From the corner of the building where the red truck is and the corner of the property on the far right side, if you cross the whole property in half, technically, in our leases, the pool car has the right side and I have the left side.

Attorney Veltri: How many trucks does the pool guy have? I'm trying to get a picture of the whole thing.

Mr. Gunset: I believe he has two vans and a pick-up truck. If we are counting what I come to work in and what my one guy comes to work in and my service truck so I would have 3. Sooner or later, once the R&R Truck Shop gets up and running, all of that crap is going there. The excavator that is there is mine; my personal one. It was only there because I was trying to clean up so that really has to go back to my house. A lot of that stuff needs to be moved and a lot of it is mine. There are two trucks there and a frame with a motor in it that's my race cars. Only 10% of the vehicles that are there are my customers and the rest are mine that need to be sold or brought back to my house.

Attorney Veltri: Anyone from the Board can chime in, but I think you have a flavor of what we need. We need it kind of quickly.

Mr. Gunset: I will have everything to you as soon as possible.

Chairman Foulon: We need your landlord here.

Mr. Gunset: That I will do my best on.

Attorney Veltri: When is our next meeting?

Board Secretary: Thursday, February 20, 2020.

Chairman Foulon: It would be in your own best interest to make that place as clean as you possibly can.

Mr. Gunset: I've been. We've just ripped out so much crap that was inside of that building. I've been having dumpsters dropped off every month since I've been there and we keep filling them. Half of that dirt back there, I guess from years of just what they did at Unirents, that whole ground is literally garbage. When I dig a bucketful with the excavator, I would say 50% of it is garbage; steel, plastic, garbage. Would you mind if I had sand crusher/sifter back there for a couple of days so I can clean it out and fill it back in.

Chairman Foulon: That's what puzzles me. How the hell the EPA allowed the transfer of title on that property?

Member Platt: That place is a mess. There was nothing but old lawn mowers, riding tractors, nothing but piles and piles of garbage back there. There were old trailers back there to.

Mr. Gunset: I took three dumpsters of garbage out of there the first month that I was there. Every time I drive my truck past there, I get a flat tire. I can't put anything back there. I have driven my service truck around that half circle five times. I've had to replace my tires on my service truck five times. My friend owns sand crusher that has the little magnet that throws the metal into a pile and sifts all the crap. I don't mind bringing it down there and cleaning it because it's a disaster. The soil would just be sifter and the crap be taking out of it. I wouldn't be removing or bringing new soil in.

Mayor Mahler: That's a question for the Building Inspector not us.

Chairman Foulon: If I was you, I wouldn't do anything other clean up until we get this whole situation resolved. Right now, it's 50/50 whether you are going to be approved to do the business there or not.

Chairman Foulon: We will table this and I'll advise Mike to start issuing summonses to the landlord. We were going to issue you summonses starting tomorrow, but based on your testimony, I think we should hold off on that, but we'll definitely summons the landlord. Also I would really like to see the whole transaction of the sale and see if the EPA came in and did an inspection. I believe that the backyard is contaminated not only with nails, plastic, but I believe there is also a lot oil in the ground and might require a remediation clean-up, but that has nothing to do with you. If you purchase the property, you will be responsible and, as a tenant, if when you sell the business fifty years from now, and they do an EPA inspection and there is oil in the ground, you're responsible for it because it was not noted that it was there before you took over.

Mayor Mahler: I know the former owner and I think they cut the price on the property when they were selling, and the new owner was going to fix these things.

Mr. Gunset: I understand and I apologize. This is all new to me.

MOTION TO TABLE THIS BUSINESS APPLICATION UNTIL FEBRUARY 20, 2020 MEETING: made by Councilman Cortellessa, seconded by Member Strobel. Voting yes were Chairman Foulon, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Jordan and Pasquariello

Member Slater: With the potential business relationship I have with him that I should stay out of this? He is going to be buying parts and stuff from us.

Attorney Veltri: Yes, it would be safer to recuse yourself.

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

RESOLUTION: Application #PB2019-11 – Tilcon New York, Inc.

Councilman Cortellessa: Did you see my comments?

Attorney Veltri: I did, so I can respond to your comments. The first comment about the “good of the public welfare” that’s standard Resolution language for an approval. I’d like it in the Resolution because if there is a challenge, that would be part of my legal argument to the judge.

Councilman Cortellessa: Challenge in what way?

Attorney Veltri: If an objector challenges it within 45 days of publication.

Councilman Cortellessa: How does that help you legally?

Attorney Veltri: That is a standard used to defend the proof.

Councilman Cortellessa: That this plan supports “the health, safety and general welfare of the residents of the Borough of Wanaque”?

Attorney Veltri: Yes. That is usually Point 2 in every Brief that we write.

Mayor Mahler: Standard Operating Procedures.

Attorney Veltri: Yes. The other language that you objected to is part and parcel of the Ordinance that was approved by the Borough of Wanaque. That phrase is right in the Ordinance.

Mayor Mahler: The Ordinance you voted for.

Councilman Cortellessa: I didn’t vote for that. I made a mistake. I voted no for everything else. Why was that in an Ordinance?

Attorney Veltri: I don’t know. I was surprised to see it, but it did help me describe the Resolution language to a judge if I needed to. That’s where I got it from; right from the Ordinance, and I can show it to you right now.

Chairman Foulon: We all got e-mailed copies of the Resolution. Rather than read the whole Resolution, I’ll just entertain a Motion To Approve and allow me to sign it:

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

Voting no was Councilman Cortellessa

Motion carried

VOUCHERS: submitted by Steven J. Veltri, Esq. for the Tilcon New York, Inc.

Application in the amount of \$1,650.

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

MOTION TO ADJOURN AT 9:08 P.M.: Motion made by Member Slater and carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary