

PLANNING BOARD
BOROUGH OF WANAQUE

JANUARY 19, 2017

REGULAR MEETING

Meeting called to order by Mayor Mahler with a salute to the flag at 8:05 P.M.

READING: Open Public Meeting Announcement

This is the 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 and the Herald News on December 21, 2016 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

Mayor Mahler swore in New Member John Powers and Re-Appointed Member Kevin Platt.

ROLL CALL: Mayor Daniel Mahler, Members Kevin Platt, Robert Dale Spear, John Powers and David Slater

PRESENT: Attorney Steven Veltri

ABSENT: Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Councilman Dominick Cortellessa, Members Michael Ryan and Mary Leonard and Engineer Michael Cristaldi

MINUTES: from the June 16, 2016 Meeting

MOTION TO APPROVE: made by Member Platt, seconded by Member Spear. Voting yes were Mayor Mahler, Members Platt, Spear and Slater.
Member Powers not qualified.

MINUTES: from the July 6, 2016 Meeting

MOTION TO APPROVE: made by Member Platt, seconded by Member Spear. Voting yes were Mayor Mahler, Members Platt, Spear and Slater.
Member Powers not qualified.

COMMUNICATIONS REPORT: None

ENGINEER'S REPORT: No new applications

NEW BUSINESS APPLICATION: Spanish Grocery Store

**Property Owner: Aeran Park, 1086 Ringwood Avenue, Haskell, NJ
Property Address: 1084 Ringwood Avenue, Haskell, NJ
New Tenant: Monica Perez, 68 Greenwood Avenue, Haskell, NJ**

New Tenant advised that it is just a local, family oriented Spanish grocery store. We want to be part of the community and grow with it and help out as much as possible.

MOTION TO APPROVE NEW BUSINESS: made by Member Spear, seconded by Member Slater. Voting yes were Mayor Mahler, Members Platt, Spear, Powers and Slater.

NEW BUSINESS APPLICATION: First Stop Financial Services, Inc.

**Property Owner: Haskell Town Center, LLC, c/o BSG Management Company,
6305 Kennedy Boulevard, North Bergen, NJ 07045
Property Address: 1069 Ringwood Avenue, Haskell, NJ
New Tenant: Maria Sacharow, 19 Mario Road, Wayne, NJ & Kimberly Pago**

Maria advised that her business is a bookkeeping business. We are going to be doing billing, accounts receivables, payroll and accounts payables. Member Platt advised the building had some small violations, i.e, emergency lights, inoperable and extinguishers need service.

MOTION TO APPROVE NEW BUSINESS SUBJECT TO VIOLATIONS BEING CORRECTED: made by Member Platt, seconded by Member Spear. Voting yes were Mayor Mahler, Members Platt, Spear, Powers and Slater.

NEW BUSINESS APPLICATION: LaGrotto Restaurant

**Property Owner: Haskell Town Center, LLC, c/o BSG Management Company,
6305 Kennedy Boulevard, North Bergen, NJ 07045
Property Address: 1069 Ringwood Avenue, Haskell, NJ
New Tenant: Niesrin Mustafoski, 59 Hahn Avenue, Rochelle Park, NJ 07662**

Mayor Mahler questioned if we were okay with the liquor license. Niesrin advised that he doesn't have the liquor license; it is going to be bring your own. We are hoping to open the first or second week of February.

MOTION TO APPROVE NEW BUSINESS: made by Member Spear, seconded by Member Platt. Voting yes were Mayor Mahler, Members Platt, Spear, Powers and Slater.

NEW BUSINESS APPLICATION: Light Industrial

Property Owner: Prodani Group, LLC, 14 Doty Road, Haskell, NJ 07420

Property Address: 14 Doty Road, Unit A, Haskell, NJ 07420

New Tenant: Doty Group, LLC, 18 Regina Road, Airmont, NY 10952

Representative: A. Michael Rubin, Esq., 1330 Hamburg Turnpike, Wayne, NJ

Attorney Rubin testified that Prodani Group, which is trading as Pro Gasket, and which has been on site for approximately 15 years, is selling the site that they are in, which is 14 Doty Road, Unit A, to Doty Group LLC trading as KW Trading Corp. I have both the purchasers and sellers here to answer any of the Board's questions. We were here about a year ago with Unit B and Mr. Nestico who was doing stone and metal fabricating. This is a building that is a light industrial building for many, many years, which was the testimony from Mr. Nestico and still is the testimony and the representation that we are making here today. Mr. Katz and Mr. Werzberger will be using the same press that Pro Gasket was using except they are going to be doing a little different process and different product. They are going to be pressing flatware. The gentlemen showed the Board the flatware/silverware that is being pressed/stamped/embossing. There is no retail on the site and no customers that will be coming to the site. Everything is done by shipping and, as the same as Pro Gasket, they estimate two trucks a week. Several inspectors were at the property and haven't advised us of any issues.

Mayor Mahler questioned if Pro Gasket was closing their business or moving?

Attorney Rubin stated they are moving it elsewhere.

Attorney Veltri questioned selling the property?

Attorney Rubin stated selling the condominium to the applicant. It is a sale.

Attorney Veltri advised what is puzzling us and I do vaguely remember you being here. I don't remember the facts specifically, but we looked in the file and we have a letter from the Construction/Zoning Official in Wanaque and the letter says to us that the property is in a B Zone (Attorney Rubin stated "correct") and that the use is light industrial and, as we all know, we don't have a light industrial zone (Attorney Rubin stated "correct"). My question is when the seller went in fifteen years ago, did they go in on any type of variance? Attorney Rubin stated "no". This has been a light industrial facility for more than fifteen years. I think the testimony was at least, thirty or forty years. In fact, Mr. Foulon, the Board Chairman, made mention of the fact that he had direct knowledge of that himself. That it was at least thirty to forty years that the building was utilized as light industrial so that means it has been light industrial prior to zoning.

Anna Prodani, owner of Prodani Group and Pro Gasket, stated the building was built in 1943 or so. It was always used as light industrial. The reason I know this is, besides the fact that we have gone through this with the Board when Mr. Nestico purchased Unit B, we went through the history of the building then and that was back in 2013, but we also do Phase 1's on the building and the earliest one we have is from 2002. The history of the industrial use from when it was originally built in 1940 and there is a list of every user in the building and every single one of them was either light industrial, warehouse. It has always been that since day one.

Attorney Rubin stated he was asked to bring to the Board, after the first of several meetings, a history as Anna Prodani just mentioned and we worked with the Prodanis and found out all of the users and I presented that in writing to the Board at the following meeting to show that from the 1940's to the present day, this building was used for light industrial despite the fact, as you mentioned, that the zone was the Business Zone and the Chairman, Mr. Foulon, made mention of that and of his own knowledge said that was correct.

Mayor Mahler stated I don't disagree with him because as long as I can remember that has been a light industrial building.

Attorney Rubin stated, why the zoning didn't catch up to the actual use, I can't answer that; just one of these things. But to be in the same concept as Mr. Nestico who received his approvals from this Board, these folks fit into that same mold. We respectfully ask that the Board allow us to move forward. We are all ready to close title on this matter and it is really subject to the approvals of the municipality.

Anna Prodani provided the names of the prior occupants of the building, but doesn't know the names of the businesses prior to 1983.

Members Slater and Platt made mention of the business that they remember being there, including a car turbo business that had a machine shop and a knitting mill in the 60's.

Mayor Mahler questioned what is the difference between the two businesses?

Attorney Rubin stated on January 9th he sent a letter as to the processes. Both companies use a press for the stamping/embossing of metal and purchase dyes/tooling used to stamp, form and emboss the metal product. The purchaser will utilize Prodani's existing press. Both companies will maintain their tooling in house. Both companies receive material from abroad. The purchaser receives metal flatware from China and will be stamping/embossing the finished product here. Pro Gasket receives their material from India and stamps/embosses it here as well. Both companies are required to package and ship their finished goods via ground and air on average of two times a week. Both companies are required to stock finished goods for their customers nationwide and worldwide. They share the same amount of employees at the present time (5) and need the same amount of parking. Neither company requires outdoor storage. Pro Gasket has historically employed local residents and the purchaser will do the same. The purchaser has agreed to employ Pro Gasket's most valuable employees who are not willing to relocate with Pro Gasket. The purchaser expects to grow within the next five years and will obtain its workforce locally.

Mayor Mahler questioned how are the companies different?

Anna Prodani stated they make flatware and we make aerospace products.

Mitch Prodani stated they make a specific product and we make widgets in every different shape.

Anna Prodani stated the process is basically the same.

Member Platt questioned if it is a noisy process?

Mitch Prodani stated it is just like us.

Member Platt stated I know there have been complaints about noise over there.

The Prodanis stated they never heard of any.

Attorney Rubin stated maybe the last year and a half it is from Mr. Nestico.

Anna Prodani stated we have been in business for twenty years and the new company is just starting and will be starting with just one press, which we are giving them. We have, at present, fourteen presses plus other machinery. They have one.

Mitch Prodani questioned when do you get these calls?

Member Platt stated when the garage door that faces Doty Road is open.

Attorney Veltri stated, since there are a lot of discussions and no one is under oath, so whoever is going to make any comments, raise their right hands and I will swear you in and we will get your names and we will do this in an orderly fashion:

Joel Werzberger – Nuta Katz – Anna Prodani – Mitch Prodani

Attorney Veltri, questioning Attorney Rubin, asked about Unit A, and how many parking spaces do you have on site?

Attorney Rubin stated I would have to ask Anna that.

Anna Prodani ventured a guess at 14 or 15 just in the front and on the side easily 15.

Attorney Veltri questioned if they were striped spaces?

Anna Prodani stated yes.

Attorney Veltri stated you have approximately 30 spaces just for your unit?

Anna Prodani stated the area is “common area”. They are designated and from what I understand they were lined. Even though we occupy Unit A, which is 20,000 square feet, and Mr. Nestico occupies Unit B, which is 15,000 square feet, in the By Laws we made the whole land use as common area for parking. In the front we have quite a few and on the side. Altogether I believe there is 50. If you ask me what is right around my Unit A, I would have to look but I would venture a guess there has to be about 13 to 15 because the majority would be at the rear of the building where there is a large parking area.

Attorney Veltri questioned how many employees do you currently have?

Anna Prodani stated we only have five at this time.

Attorney Veltri questioned the purchaser, how many employees do you intend to have?

Proposed Purchaser stated five.

Member Platt stated there is no way you can park 50 cars in that back with all the stone that guy has in the back.

Anna Prodani stated that has nothing to do with us.

Member Platt stated the attorney is asking you what parking you have and that is not parking.

Anna Prodani stated it is supposed to be parking.

Attorney Veltri questioned how many usable parking spaces are on site?

Anna Prodani stated, directly in front of the building by the front door I would have to say just five or six. I think there is another two or three around the corner and then some after the bay. So just there I am going to venture to guess there is probably seven or more.

Attorney Veltri questioned if there was a site plan submitted two or three years ago.

Attorney Rubin stated it was a survey; not what one would call an engineered site plan, which was given with Mr. Nestico's application.

Attorney Veltri questioned if anyone had a copy of that?

Attorney Rubin stated no; it was not made part of this application. There was nothing new because we are not making any changes.

Member Platt stated, right now, you couldn't get five cars in the back. He has enough room to get his hi-lo through there to pick up his stone. I know that is not your building but you said it was common area.

Anna Prodani stated that according to my attorney and the By Laws that were created it is all common area. We should be able to park anywhere. We don't need the space so we have no issue with what Mr. Nestico is doing.

Member Platt stated you were asked about usable parking spaces.

Mitch Prodani stated it could be usable. If Mr. Nestico had better housekeeping and stacked it better and not just leaving his product laying around, there would be no problem with parking.

Anna Prodani stated if you look at the site plan, Mr. Nestico is supposed to have an outside storage area which I believe is 100 x 15 feet. Since this has been brought up, we obviously know that he is going beyond that storage area. If you look at the By Laws that were created, legally the parking would consist of the entire paved common area, minus the 100 x 15 that is at the rear of the building by the fence line. So yes he has gone beyond that and he is putting his stuff all over the place, but we don't care because we have more than enough parking for us.

Member Platt stated yes you do for your business. However, 50 is quite an exaggeration. You had a big tractor box truck the last time I was in there.

Anna Prodani says I guess the issue is what is legally or what you can park there now.

Member Platt stated the question was how many usable parking places you have and you said 50. That is not true.

Attorney Rubin stated how many parking spaces are on site – 50. How many are available to be used right today from the last conversation it seems like – 15 to 20.

Attorney Veltri stated if we had a site plan we wouldn't be guessing; we would be able to see it.

Attorney Rubin stated it was filed with the Board the last time we were here.

Mayor Mahler stated we have it, but it is in storage.

Attorney Rubin stated that this purchaser is making no changes to the exterior of the site and not using anything for outdoor storage. They are only using right now parking for their own employees. There are no customers that come in to look at anything so it is strictly employees which they have testified to five. If they have 15 to 20 available spaces, they seem to have sufficient.

Attorney Veltri stated you have five employees now. Do you have fewer employees now than you did in 2013?

Mitch Prodani stated yes.

Attorney Veltri questioned how many did you have then?

Anna Prodani stated I think we had two more, so seven.

Attorney Veltri stated are you including both of you with the employees?

Anna Prodani no, well I am including one car.

Attorney Veltri stated I am not asking about cars; I am asking about employees.

Anna Prodani stated no. I would have to say four (my engineer, production control, Alex, and a press foreman) plus my husband and I drive one car together.

Attorney Veltri stated I am not asking about cars.

Anna Prodani stated four employees.

Attorney Veltri added and both of you work there.

Anna Prodani stated yes.

Attorney Veltri questioned what was the status in 2013?

Anna Prodani stated we had the same and then we had two other people – so 6 plus me and my husband.

Attorney Veltri stated I am looking at what we did in 2013 and we did approve that application subject to a couple of conditions and I am going to read the conditions on the record:

“MOTION SUBJECT TO ALL THE REPRESENTATIONS AND STIPULATIONS CONCERNING THE BUILDING AND SITE THAT WERE MADE TONIGHT, THE BOARD IS GOING TO APPROVE THIS APPLICATION BASED UPON THE FOLLOWING CONDITIONS (1) APPLICANT WILL IMMEDIATELY APPLY FOR AND OBTAIN ALL BUILDING PERMITS AND SUBCODE INSPECTIONS THAT ARE NECESSARY FOR THE BUILDING AND THAT THE NEW BUSINESS WILL NOT BE CONDUCTED UNTIL SAID APPROVALS HAVE BEEN OBTAINED; (2) BY DECEMBER 10, 2013 THE APPLICANT SHALL SUBMIT A PROFESSIONAL SITE PLAN TO SCALE SHOWING ALL OF THE ITEMS DISCUSSED, INCLUDING THE EXACT DIMENSIONS OF THE STORAGE AREA, DESIGNATING ALL PARKING SPACES TO BE UTILITZED BY EMPLOYEES AND VISITORS ON SITE, SPECIFICALLY SHOWING ALL INGRESS AND EGRESS FROM THE SITE, GARBAGE DUMPSTERS, WATER AND SEWER METERS, STORAGE AREAS, FULL ARCHITECTURALS WITH FLOOR PLANS AND DIMENSIONS OF BOTH BUSINESSES AS THEY ARE BEING SUBDIVIDED, TREES TO BE MAINTAINED; (3) WE ARE GIVING THE BUILDING INSPECTOR THE AUTHORITY TO STOP WORK AND/OR BUSINESS ON SITE IF HE BELIEVES YOU ARE NOT COMPLYING WITH THE REPRESENTATIONS MADE, OR THE SITE PLAN IS NOT DELIVERED TO THE BOARD SECRETARY BY DECEMBER 10, 2013”

Attorney Rubin stated I can't answer as to what was on the plan. I know I delivered it here personally but I cannot advise the Board this evening what was on it since it is too long ago.

Anna Prodani stated she found the plan and showed her telephone to the Board Attorney.

Attorney Veltri advised that we don't look at cell phones, but if you could produce the paper plan we would be glad to look at it.

Attorney Rubin stated it appears though that what I am looking at on electronic media that the list of items that the Board asked for at the time are showing on the copy which is in front of me -- the storage area, loading docks, dumpster enclosures. It looks like all the items that were asked for were on the plan and this was prepared by a site engineer.

Attorney Veltri, addressing Anna Prodani, stated I don't have the plan, nor do I want to look at a cell phone, you are looking at the plan on your cell plan, is that plan as submitted in December of 2103 accurate if we went to the site today?

Attorney Rubin reiterated is the site reflective of that plan.

Anna Prodani yes this is the plan that was submitted.

Attorney Veltri questioned, if we went there tonight, that is what the site would look like; what is on that plan?

Attorney Rubin stated subject to what the planning commission has said and what these folks have said that some of those parking spaces in the rear are cluttered up with what Mr. Nestico is working on at the moment.

Anna Prodani also wants to address the parking that we specifically can take according to the agreement that we made with Mr. Nestico and according to what I am looking at here is for us 20 spaces according to the site plan that are lined.

Attorney Veltri stated we asked in 2013 that the spaces be designated between both you and the other company so hopefully that is on the site plan.

Anna Prodani stated the spaces are all clear and lined. I am testifying to the fact that the spaces are outlined in the front of the building and on the side of the building. The only ones that I don't see as being lined are at the rear (all the way in the back) of the building, where his storage area is.

Attorney Veltri questioned you don't have any outside storage; nor does the proposed purchaser?

Anna Prodani stated none.

It was noted on the record that the Zoning Officer had denied a previous New Business Application request for this address by Attorney Rubin because it was for a warehouse and the Zoning Officer said it had not been used for that in the past. Attorney Rubin advised that that sale was abandoned, so we went to what we thought was very, very similar to what was there today. This is not a warehouse.

Attorney Veltri questioned that the deliveries and the frequency of the deliveries, hours of the deliveries are the same as they are currently?

Attorney Rubin stated two times a week and Mitch Prodani advised that sometimes we don't even get a truck in one week.

Attorney Rubin questioned the Proposed Purchaser if they would get anything more frequent than two times a week?

Proposed Purchaser stated no.

Attorney Rubin questioned what type of truck usually brings in the material and what kind of truck goes out?

Proposed Purchaser states sometimes it is trucks and sometimes eighteen wheelers. It will depend on the quantity. Deliveries will be no more than twice a week.

Attorney Veltri questioned if there was going to be any trucks on site?

Proposed Purchaser answered "no".

Attorney Veltri stated I know you get deliveries to your site, how do you get your product from your site

Proposed Purchaser stated a truck will come and pick it up (UPS/Yellow).

Attorney Veltri questioned that includes the two deliveries a week you talked about.

Proposed Purchaser answered two to three a week.

Mayor Mahler stated in the Minutes Gil had made a comment that it was an industrial site as long as he remembers and Member Platt stated as long as I've been living here (since the 60's).

Attorney Veltri questioned if anyone else had any questions for the applicant about their business or intentions?

Member Slater stated there doesn't seem to be any more traffic or any heavier industry going on there.

Member Platt stated if it was zoned correctly, it would make things a lot easier.

Mayor Mahler stated that it is a light industrial building and it has been as long we can remember.

Member Slated stated that was going to be my next suggestion; that we visit the zoning. Mayor Mahler will write a memo to Mr. Carroll.

Mayor commented that we are going to ask for a motion to approve subject to the review of the prior site plan map by the current building inspector. We may have it but don't have access to it tonight so I want him to approve it and say "yes that is what you guys approved in 2013" and, of course, subject to all town permits and inspections, and all representations of the applicant being true and accurate.

MOTION TO APPROVE NEW BUSINESS WITH CONDITIONS: made by Member Spear, seconded by Member Platt. Voting yes were Mayor Mahler, Members Platt, Spear, Powers and Slater.

Attorney Veltri explained that zoning decisions on c.o. applications have to be made before we get to the meeting. Once it is on the Agenda as a New Business Application, the zoning issues have to have been resolved. We are not looking at zoning issues on a business application. It is too late. Mayor Mahler stated that is our right. He put it on the Agenda and okayed the zone. Attorney Veltri stated except he put a letter in the file saying something different. That is the problem. It is a January meeting so it is understandable, but if it happens again then there will be a problem. Zoning should not be discussed on a New Business Application ever. If it is, the legal remedy for that is the Board of Adjustment is the body that interprets the zone, not the Planning Board. If you don't want to go to the Board of Adjustment on a Use Variance, then go to the Board of Adjustment on an interpretation. If the Board of Adjustment says you are right that you don't need a variance, then we will be more than happy to hear the business application. They don't want to go to that Board, they want us to decide here and that just creates issues within the town.

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

RESOLUTION: None

VOUCHERS: submitted by Steven J. Vetri, Esq. for attendance at the July 6, 2016 Special Meeting in the amount of \$300; and submitted by Alaimo Engineering for attendance at the June meeting in the amount of \$190.

MOTION TO APPROVE VOUCHERS: made by Member Slater, seconded by Member Platt. Voting yes were Mayor Mahler, Members Platt, Spear, Powers and Slater.

Mayor Mahler stated our next meeting will be February 16, 2017 and start at 7:30pm for the Reorganization Meeting and elect the Chairman, Vice Chairman, Engineer and Attorney (pending an Agenda).

MOTION TO ADJOURN AT 9:15 P.M.: Motion made by Member Powers, seconded by Member Spear and carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary