

REGULAR MEETING

IN PERSON MEETING

Meeting called to order by Chairman Gilbert Foulon with a salute to the flag at 8:25P.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, and a copy thereof has been on file with the Borough Clerk

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

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Vice Chairman Joseph Graceffo and Members Jack Crilly and Mary Leonard

NEW BUSINESS APPLICATION: S I C Designs LLC

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

Business Owner: Vincent Bravo, 1017 Ringwood Avenue, Haskell, NJ

Property Address: 1438 Ringwood Avenue, Haskell, NJ

Attorney Veltri swore in Vincent Bravo, Owner of the LLC, S I C Designs LLC.

Mr. Bravo: What we are going to be doing is assembly. It is basically design and light assembly, manufacturing and prototyping. We are going to be doing air purifiers right now. We are going to be working for Hudson County. Light assembly actually; we are not going to manufacture it.

Chairman Foulon: I have to question the use on that.

Attorney Veltri: Your application says that this is in a B Zone. Is that correct?

Mr. Bravo: Yes, I guess. I'm not sure because I don't know the zoning. Actually the secretary from the owner filled that in.

Attorney Veltri: As I am reading your application it says B Zone and your use says Light Assembly, Prototyping, Manufacturing and Designs. Is that all accurate?

Mr. Bravo: Yes.

Attorney Veltri: I am going to defer to our Engineer, who is here. Mike, are these permitted uses in the B Zone, in your opinion?

Engineer Cristaldi: I don't see them listed in the B Zone. B Zone is more for a retail store, and office, not manufacturing or assembly.

Chairman Foulon: What we are telling you is that you cannot do that in that property.

Mr. Bravo: Okay, but basically it is going to be a clean operation.

Chairman Foulon: It doesn't matter. It is not a permitted use.

Mr. Bravo: Okay, so it cannot be done there.

Chairman Foulon: Right.

Mr. Bravo: What can be done there, just a store front?

Chairman Foulon: What Mike just said. Retail, like the pool guy that is there now, Unirents was there before that.

Mr. Bravo: So I can do retail there?

Chairman Foulon: Yes, but not manufacturing.

Mr. Bravo: It is basically assembly.

Chairman Foulon: Assembly is manufacturing. You can go to the Board of Adjustment and try to get a variance. There are problems with that building too. You need a detailed site plan. Not from you because you are just trying to rent the place, but from the owner. All of the sudden there are going to be three business and two apartments upstairs, I believe, where there was originally for the past 45 years, there have been two businesses. Now they are going to three businesses and still the two apartments upstairs and they don't have the utilities for it, sewer or water hookups.

Mr. Bravo: Where is the third business because I only see one there?

Chairman Foulon: We have two applications today for that building. The pool place is there now and then there is you and another application for the exact same building.

Mr. Bravo: That application is a denial; they're not taking that one. I'm the only one right now besides the pool place.

Attorney Veltri: We haven't heard that one yet; that is next.

Board Secretary: There is a gentleman here tonight for that application.

Mr. Bravo: I didn't know that. Thank You.

NEW BUSINESS APPLICATION: EE Creations Co. LLC

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

Business Owner: Dane Castoro, 788 Forest Drive, Bloomingdale, NJ

Property Address: 1438 Ringwood Avenue, Haskell, NJ

Attorney Veltri swore in Dane Castoro, Authorized Member of the EE Creations Co. LLC.

Mr. Castoro: I basically am in props and displays; a scenic shop. As far as I know that back location, where the garage area would be, that would be the area that I would do woodworking and foam sculpting. I submitted images of the actual products that I make.

Attorney Veltri: I am looking at your application and, again, you listed this building in a B Zone, correct?

Mr. Castoro: That is what was given to me by the landlord.

Attorney Veltri: Your description of what you do is scenic and theming fabrication production. Processes consisting in sculpting, prop and set construction, mold making and hardcoat spray coating.

Mr. Castoro: That is correct.

Attorney Veltri: I am going to defer to Mike.

Mr. Castoro: Again, it seems like there is the same problem. The landlord was assuring me that it was just a very unfinished open area that seemed like that work would have been perfectly fine there.

Engineer Cristaldi: The Industrial Zone includes manufacturing, fabricating, processing, converting, assembling or testing: textiles, automotive parts and components, machined components. It seems like more of an Industrial Zone Use than a Business Zone.

Chairman Foulon: So we are going to tell you the same thing we told the previous applicant.

Mr. Castoro: I completely understand. I guess the information that was given to me from the owner.

Chairman Foulon: The landlord seems to think he can do anything he wants there.

Mr. Castoro: There really is no movement on this it seems like.

Attorney Veltri: You can apply for a variance. What the Board is saying is that the applications are coming in independently. There is no real site plan so we can't really tell where the parking is going to be set up for all the businesses and, if he wants to do this, he can come back, give us a full site plan with complete parking, ingress and egress, for each business and then we can make a decision and we can learn more about what he thinks the history of his building is and why he thinks he has authority to allow tenants with, what we call industrial uses, in that zone. Will we listen to it, of course. Tonight, we don't have all the information. Not your fault; you're the tenant. We need it to make an informed decision.

Mr. Castoro: Anything I could do on my side, I would have to contact him and try to push forth some movement on that?

Chairman Foulon: Yes, and he should appear with you so we can tell him what we need.

Attorney Veltri: The first applicant is raising his hand.

Chairman Foulon: Come up.

Mr. Bravo: I actually asked the owner to come with me today and now I understand what is going on because I didn't even know there was another application. I am very confused.

Attorney Veltri: That is what we are saying; you didn't even know he was in the audience.

Mr. Castoro: I didn't need the whole building so I knew there was a second application.

Attorney Veltri: What we want you guys to be very cognizant of, forget the use for a minute, the use is an issue but let's assume it wasn't an issue, you really want to know as tenants where your parking spaces are, how many do you have, where your visitors are going to park, so that you guys don't get into a conflict three months from now because one of you are using up all the parking.

Mr. Castor: He told me an area where my parking would be. It's not in the front where the other store fronts are.

Chairman Foulon: He has to tell us.

Attorney Veltri: The whole area is troublesome to the Board. We need to know what the spaces are, where they are and how big they are, and if there are handicapped spaces needed, we need to know that as well.

Mr. Bravo: I gave the information on the building where the parking spaces were.

Attorney Veltri: There's no parking spaces.

Mr. Bravo: At the front of the building there is; there are four parking spaces. That is all I would need. When I spoke to the owner, he was renting the whole location to me, which is 4600 square feet. Now I am very confused because he is actually saying that he is renting the back section and I need the whole section.

Attorney Veltri: You seem like two very nice guys but there has got to be more discussion.

Chairman Foulon: Two years ago he rented out to some truck repair place and they just moved in and started doing business. They didn't come before us or anything and we ended up stopping it.

Mr. Bravo: I live in Haskell so I knew there was a trucking company was there.

Councilman Cortellessa: Both of your applications talk about trucks moving in and out and where you are parking and how you are going to have trucks when your hours of operation are basically the same. You are going to have trucks moving in and out and you are going to run into some potential conflicts and that's what we are trying to resolve.

Mr. Bravo: To be honest with you, if he's renting, I can't take the place because I need the whole location. We can't be together because he's renting the back section but not the front so he's going to have to rent it to somebody else because I won't be able to take it because it's too small for me.

Chairman Foulon: I think he just rents to anybody that comes along.

Mr. Bravo: Thank you very much.

NEW BUSINESS APPLICATION: Limitless Lawn & Tree Service

Property Owner: Scott Walker, 1135-1141 Ringwood Avenue, Haskell, NJ

Property Address: Yard Area located at 1135-1141 Ringwood Avenue, Haskell, NJ

New Tenant: Alex Zavaglia, 30 Mullen Avenue, Wanaque, NJ

Attorney Veltri swore in Alexander (Alex) Zavaglia, Owner and Authorized Member of the Limitless Lawn & Tree Service and Tenant

Chairman Foulon: What is your intention?

Mr. Zavaglia: I've actually been there for about five years. I did not know I had to do a New Business Application to be honest with you. I started my business in my house on Mullen Avenue and I've been renting from Scott for about ten years. I was originally where Buske is now and then I moved over here. I have trucks and a couple of tents where I park my tools and stuff like that. Basically, I have my crane, bucket truck, chip truck, and chipper.

Chairman Foulon: And you just moved in there without asking or finding out if it is legal or anything.

Mr. Zavaglia: To be honest with you I really had no idea. I was renting from Scott over at the other property that Buske brought where you first pull in that street there on the left. I was there for a couple of years and then he told me he was selling that property so I moved in here. That's where Boots started like 50 years ago so I guess to be honest with you I

didn't even know that there was an issue that I had to register my business because my business is legally registered at my house with the State so I was just parking my trucks there. To be honest I didn't know I had to register my business just for parking trucks.

Chairman Foulon: Mike, do you have some input into this.

Mr. Hafner: I believe this is similar to the other applications. This is a B Zone. This came up as the Zoning Officer has been, obviously addressing, from south to north, businesses that we don't have approvals for so that's how this one came up.

Attorney Veltri: Mike, we are on Limitless Lawn & Tree Service.

Engineer Cristaldi: They don't list the zone on the application. It's across from 7-11.

Attorney Veltri: Mike, do you think it is in the B Zone as well?

Mr. Hafner: I believe it is. I can verify it with the map and can grab that real quick if we need to because I think that's probably germane to your decision.

Mr. Zavaglia: I store my trucks and equipment. My chipper is always attached to my truck.

Engineer Cristaldi: I don't see that in a B Zone either; storage or equipment storage. Is that all you do there is store equipment? What about an office?

Mr. Zavaglia: No I don't have an office. My office is at my house. I have my office trailer that I have some papers in, but it's not like I run my business like no customers ever come there.

Engineer Cristaldi: Why does it say sanitary facility would be a port-a-john?

Mr. Zavaglia: I do have a port-a-john.

Engineer Cristaldi: Are you going to leave that in the parking lot?

Mr. Zavaglia: No, it has been in the back for a while.

Engineer Cristaldi: That doesn't sound like a B Zone use either.

Chairman Foulon: I don't think that qualifies as a restroom.

Mr. Zavaglia: I will get rid of the port-a-john if I had to.

Chairman Foulon: You just moved in there and put your trucks in there.

Mr. Zavaglia: To be honest with you Scott never told me I had to do this.

Chairman Foulon: I see logs piled up there.

Mr. Zavaglia: So the logs I'm going to be getting rid of relatively soon.

Chairman Foulon: I see nothing but a big eyesore as I drive down Ringwood Avenue.

Mr. Zavaglia: The logs are going to be gone completely within the next few days.

Chairman Foulon: What about the trucks?

Mr. Zavaglia: They are parked on the right side there. I can put up a higher fence or anything like that.

Chairman Foulon: No, they are not behind a fence. They are very visible as I drive down Ringwood Avenue.

Engineer Cristaldi: I don't see that the B Zone permits you to store construction equipment.

Chairman Foulon: It is truck storage. There is a truck storage yard that you can rent over in Oakland right off of Colfax Avenue.

Mr. Zavaglia: 90% of my business is in Wanaque so that is why I would like to be in Wanaque.

Chairman Foulon: It's not permitted.

Mr. Zavaglia: So right next to me is Jerry, there are like seven other landscapers back there too, Buske and Bigfoot is back there.

Chairman Foulon: Where, at the same property?

Mr. Zavaglia: Like right next to mine. Bigfoot & Buske have been there like forever.

Chairman Foulon: We are addressing that issue too and hopefully they'll be gone soon too.

Member Slater: Just an example, Beaver Brook Road in Lincoln Road, there's a trailer guy, it's probably about 20 acres and it's evolved into what you have there in Haskell and by the end of the year it's going to be just a dirt lot because of the same thing, it's not a permitted use.

Mr. Zavaglia: It just seems that wherever you go there is nowhere to park commercial trucks anyway.

Member Slater: Yeah, no one wants the trucks. Behind Peter's Auto Body they have truck parking there and then up on the hill on Anderson Road.

Mr. Zavaglia: Like I said, I'm trying to stay in Wanaque because like 90% of my work is between Wanaque and Ringwood.

Chairman Foulon: The Business Zone is not the place for that.

Mr. Zavaglia: Is there any other place in Wanaque that allows that?

Member Slater: Try Rapp's property on top of the hill. Bailey and Redner may have some property too.

Chairman Foulon: When can we expect the trucks to be out of there?

Mr. Zavaglia: I have to figure out a plan since I've been there for five years. I was planning on being there for the rest of my life that is a shock to me. I have to come up with a plan.

Chairman Foulon: Thirty days reasonable Mike?

Mr. Hafner: I would think it probably will take at least that long to find a suitable location.

Chairman Foulon: Mike, we'll leave it entirely up to you to work out a timeline.

Mr. Hafner: Joe Setticase is the Zoning Officer and I'll have him deal with this.

Councilman Cortellessa: Mike, when you have him look at it also. Alex, I'm just asking a question. You talk about delivery hours that are not applicable here. My assessment of a lawn service company would be what about mulch and what about chemicals that you are going to be storing there.

Mr. Zavaglia: I don't do any chemicals at all.

Councilman Cortellessa: You don't do any mulching, then how do you do a lawn service?

Mr. Zavaglia: I don't do lawns any more. I just do trees now.

Councilman Cortellessa: But that is what the application says.

Mr. Zavaglia: Because that's my legal business name, Limitless Lawn & Tree Service, but now I am doing more of just trees. I don't do any kind of chemicals or anything like that.

Councilman Cortellessa: So you just do tree service now?

Mr. Zavaglia: I just do trees. I cut like three lawns; the liquor store and two others, but I don't do lawns anymore because I can't find guys. I pretty much just work by myself.

Councilman Cortellessa: Just as a point, you should make sure that the application is accurate in terms of what you do. Right now, it implies that you do lawn service and tree service and. if you are saying that there are no deliveries, as a lawn service company you would normally have mulch and chemicals associated with that. Wherever you go with this, make sure the application is correct in terms of a lawn service versus purely a tree service.

Mr. Zavaglia: I understand what you are saying. So, is there a variance I can talk to somebody about for the zone back there, or is this like the end of the road?

Attorney Veltri: You are entitled to make an application for a Use Variance. It won't be in front of this Board, it will be a different Board.

Member Jordan: If he applies for a variance, then he'll be given more time. You can't give him thirty days and then he has to wait for a variance. You have to give him extra time.

Chairman Foulon: We are leaving it up to Mike to work it out.

Member Strobel: Is it he or the owner that applies?

Attorney Veltri: He can apply as long as the owner consents to the application.

Mr. Zavaglia: Honestly, I did not know. I didn't have a store front, just parking my trucks. I just have my tents and box. I'll get rid of the logs within thirty days. They're going to be gone and that's not a problem at all. I'd like to stay in Wanaque. I pretty much work by myself so I'll go and get my bucket truck, go to a job, cut tree, drive back to get my other truck and go back to chip tree up and go back to yard.

Mayor Mahler: If you are going for a variance, we will request the building inspector to leave them operate at the location until the variance is determined. You have to submit your variance within sixty days.

Mr. Zavaglia: That's not a problem; I'll do that. I'll get rid of the logs.

Member Platt: This will give you some time to look for something or go for a variance.

Attorney Veltri: If you are going to apply for the variance, you are going to be allowed to stay there pending the decision on the variance. Obviously, if you dress the property up or eliminate certain things that will help you with the variance application. People are going to go out and look.

Mayor Mahler: That is a different Board.

Councilman Cortellessa: Do you understand what you need to do for a variance and why you need a variance?

Mr. Zavaglia: I understand I need the variance because technically the property is zoned for what I'm doing there. That's the purpose of the variance. I understand I need to dress the property up, make the logs disappear and make it look neat.

Councilman Cortellessa: We just want to make sure you go forward with the right approach to get the application done.

Mr. Zavaglia: Who do I see to get the application?

Councilman Cortellessa: Jennifer, the Board Secretary, and she can explain to you some of the things that need to get done.

Board Secretary: He is a business so he is going to have to get an attorney and he'll have to talk to Scott Walker about it.

Attorney Veltri: You are an LLC; you should retain an attorney to represent you. That'll be helpful because you have to advertise, publish and it's just a little bit more complicated than filling out just a couple pieces of paper. You have to notice people also. It's probably not a bad idea to retain a zoning attorney.

Mr. Zavaglia: Like Mr. Barbarula?

Attorney Veltri: He does that work.

Chairman Foulon: Good Luck

NEW BUSINESS APPLICATION: Jersey Mikes Subs

Business Owner: Bill Mulholland, 7 Bradley Lane, Montvale, NJ
Property Address: 1353 Ringwood Avenue, Haskell, NJ
Property Owner: Wanaque LaSala LLC, 1410 Valley Road, Wayne, NJ

No one from Jersey Mikes Subs was in attendance, or the landlord.

Attorney Veltri: If we have any questions, they are going to need to be here. If anyone has questions on the application, we need answers. If the Board thinks the application is complete based upon everything you see in front of you, and there are no questions, and you want to vote on it, I don't see a problem.

Chairman Foulon: Would like to request bollards in front of the business.

Councilman Cortellessa: But they are not there now.

Chairman Foulon: I think they should be required.

Councilman Cortellessa: Should we require that for Dunkin Donuts and the other facilities there.

Mayor Mahler: You can't require them if the facility is already there.

Councilman Cortellessa: This is an ordinance I've been asking you to pass since the woman almost got killed in the dry cleaners. I don't think we should allow any occupancy that you can drive into without some kind of safety.

Member Platt: Bollards usually only go in front of fuel tanks.

Chairman Foulon: Quick Chek has them and the new gas station has them. You cannot drive into that building.

Member Platt: You are going to make every business in town get bollards?

Chairman Foulon: That is what I'd like to see.

Mayor Mahler: When a new business comes in, like this.

Member Jordan: Mike, is that part of the code?

Mr. Hafner: It is not part of the building code.

Member Jordan: So you really can't do that to them.

Member Platt: You can make an ordinance.

Attorney Veltri: The only question I would have is there room to put them up? Is it going to interfere with the parking or the sidewalk?

Chairman Foulon: No, they've got room to put it up I think. I'm just concerned. I knew that woman and she was a very nice woman and damned near died because twice a car went into her business and I think we have some kind of responsibility to try to prevent that as much as possible.

Member Platt: Parking is an issue down there. Right now you only have two businesses in there and it's not too bad. You get four businesses in there and that place is a mess to get in and out of.

Chairman Foulon: Especially in the morning.

Member Slater: I don't see how he is going to make it on one delivery a week.

Attorney Veltri: Why don't we hold it until he appears?

Chairman Foulon: We are going to hold it until the applicant can appear.

MINUTES: from the April 15, 2021 Meeting.

MOTION TO APPROVE: made by Member Strobel, 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 stated the Amended Site Plan for Burger King Location can be put on the June 17, 2021 Agenda.

VOUCHERS: submitted by Steven J. Veltri, Esq. for attendance at May 20, 2021 Meeting in the amount of \$400.

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

DISCUSSIONS:

1. Nothing going on with the warehouse as yet. Not ready for an application.
2. Pompton Mill Works Property: That is the Application before the Board of Adjustment and they put it on hold. Mr. Hafner stated we'll reach out to the applicant and see what is going on.
3. Old Community Auto Center: Owner of the business told us how he was going to fix it up and no parking in front of business. Mr. Hafner stated we'll reach out to the owner and go over his testimony with him. When the Board approved the application it wasn't conditioned upon anything. In future, if we have something that we think is going to be an enforcement issue, having an approval with a condition is always helpful for us. We'll get Kevin Platt the owner's information for Fire Prevention.
4. Haskell Town Center: Landscaping is overgrown and looking like a mess. Mr. Hafner stated we had him take care of that last year and will get in touch again.
5. 781 Ringwood Avenue: The garbage and cars out there and grass needs cutting. Mr. Hafner stated we are consistently going out there and talking to him. All of the unregistered vehicles that were out in front are gone. We got the boats that were a fixture there for who knows how long we got three of those out of there and Joe is now working his way back towards the farm to get some of that other crap out. The front part of that property is not owned by the guy. The front portion of that property where the grass gets high is actually owned by JCP&L. It is an utility easement. I give the credit in the sense that he is parking all his crap on JCP&L's property and then saying it is not my problem when you are talking to him. We are working on that. The front portion of that property, whether it is 10', 15' or 20' off of the curb line is actually JCP&L.
6. Mrs. Mano and the parrot food business: She has not applied to the Board yet for a variance but she will not get the c.o. on that house. If she was doing out of her house, it

would have been a very similar application as to the taxidermist. However, she purchased the house next door to make that a manufacturing house.

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

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

Jennifer A. Fiorito
Planning Board Secretary