

**REGULAR MEETING**  
**ZOOM VIDEO CONFERENCE**

Meeting called to order by Chairman Foulon with a salute to the flag at 8:13 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:** Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Mayor Daniel Mahler, Councilman Dominic Cortellessa Members Kevin Platt, Charles Strobel, David Slater, Jack Crilly, Jack Jordan and Mary Leonard

It was determined that Member Slater was in attendance, but did not have audio or visual on his computer. He advised he would have voted "Yes" on all Motions.

**PRESENT:** Attorney Steven Veltri and Engineer Michael Cristaldi

**ABSENT:** Member Donald Pasquariello

**Chairman Foulon:** I just want to make sure that this is a legal meeting and that any decision by the Board and any comments by the Board or Applicants is binding.

**Attorney Veltri:** Yes. I would note this Mr. Chairman that I've been involved for the last three weeks in a number of court proceedings. In fact, I was prosecuting in Wayne Township all today on Zoom. So it is legal. The stipulation would be at the beginning of each application, I would like to hear each Applicant voluntarily submit themselves to this type of hearing. If there is any question or hesitation or objection, I'd like it placed on the record at the beginning of the application and then we will decide whether to proceed or not.

**Chairman Foulon:** Okay and everything will be binding, correct?

**Attorney Veltri:** That's correct.

**MINUTES: February 20, 2020 Meeting**

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

**Attorney Veltri: Mr. Chairman, I would just want to add one thing to my statement about the meetings. Anything done at this meeting on this Agenda would be binding because there are no public hearings scheduled. I may feel differently in the future if there are variances and public hearings required and members of the public are not permitted to object, but that's not on tonight's Agenda so I'm very happy with moving forward on the items on our Agenda tonight.**

**COMMUNICATIONS/REPORTS: None**

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

**NEW BUSINESS APPLICATION: OEM Accessories Inc. (Warehouse & Distribution)**

**Property Address: 14 Doty Road, Haskell, NJ**

**Property Owner: KW Trading Corp., 14 Doty Road, Haskell, NJ**

**Authorized Agent: Michael Rubin, Esq, 1330 Hamburg Turnpike, Wayne, NJ**

**Attorney Rubin: Those of you that have been on the Board a while, know that we've been before you on other occasions on this building. Even though it is in the B Zone, it has been used for Industrial Purposes. This has been an Industrial Building for 30/40 years even though it is in the Business Zone. It has been used for industrial warehousing, distribution purposes for many years. Right now this space, which has been a condominium building for a couple of years now, KW Trading Corp. came before you for a New Business and they were doing essentially the same kind of thing as this new applicant except what is being distributed is different. You may recall they had ceramic objects which were being distributed by UPS and Federal Express. Now we are distributing telephones. The person who is going to be in charge is here and can tell you a little bit more about that. Just so there is no question, we know that this is in a Business Zone, but this site has been used as a pre-existing, non-conforming use for at least 30/40 years. I know the Chairman has mentioned that he remembers this building way back when. In any case, that is the object of the application. If I can present Yosef to tell you a little bit about exactly what his company is going to be doing on the site.**

**Attorney Veltri: Swore in Yosef Mendelovits**

**Attorney Rubin: Yosef could you please advise the Board of what exactly you are going to be doing on this site once you are able to purchase this condominium space.**

**Mr. Mendelovits:** Basically we are an on-line business that sells to various websites like Amazon, Walmart and EBay, and a few other wholesale sites where people come in and buy and most of the stuff we sell are cell phones and accessories. Most of our stuff are close out deals so once every few weeks we get a delivery. We don't buy everyday stuff. We buy a large quantity, like a few pallets of items, stock it and sell it slowly. We are not getting deliveries every day. We are going to get deliveries once in a few weeks of large shipments. We mainly ship our stuff out using the Post Office approximately 80% of the packages. We use the Post Office a few blocks away and they should not create a lot of attention or a lot of noise. Maybe a few times we'll use FedEx. We have 7/8 employees. It is not a huge operation. We operate 8am to 5/6pm. Right now we are in Mahwah renting a 10,000 square foot warehouse. We want to expand and we are trying to purchase this 20,000 square feet condominium. We hope it will work out for us.

**Attorney Rubin:** Do any customers actually come to your site?

**Mr. Mendelovits:** No, there is no such a thing. We don't let anybody come. We don't wholesale to retail stores so there are no customers coming to pick-up or drop off. We strictly sell online and everything has to be shipped for the tracking so we can show proof that we sold the product. Nobody comes; we don't let any customers come on site.

**Attorney Rubin:** The only vehicles that are going to be on site, except for those deliveries you mentioned, are those of the employees? We are not going to have anyone else coming to this site. You have a fairly large parking area, but you are going to be able to accommodate all employees with the parking spaces you have.

**Mr. Mendelovits:** Yes.

**Attorney Rubin:** Do you have any of the large tandem trucks coming, or are they all the smaller "box trucks" like UPS and FedEx?

**Mr. Mendelovits:** 95% it is more like a box truck coming and delivering a pallet or two, or once in a month if we do a larger purchase that is when we get a bigger delivery.

**Attorney Rubin:** So it is clear to the Board, you are not manufacturing anything. You are not doing any kind of assembly work. You are distributing, packing and shipping out.

**Mr. Mendelovits:** We are not manufacturing anything and we are not bringing in any containers from China so there is no containers coming in or going out. All the stuff we buy is from big U.S. distributors and manufactures who have their stuff in stock and they have an overstock and we purchasing that stuff from them. No manufacturing.

**Attorney Rubin:** Thank you very much. Those are all the questions I would have.

**Chairman Foulon:** Any questions from any of the Board Members?

**Councilman Cortellessa:** Do you sell via your own website or do you sell through other major distributors?

**Mr. Mendelovits:** 99% is to Amazon, EBay, Walmart; all those various websites.

**Councilman Cortellessa:** It is strictly telephones and telephone accessories?

**Mr. Mendelovits:** Yes. 99% is basically cell p hones and accessories.

**Councilman Cortellessa:** What is the 1%?

**Mr. Mendelovits:** If we get a deal off something that is not a cell phone or accessory, but we barely get that kind of stuff. We really don't have connections for other stuff. It is 99.9% cell phones and accessories.

**Councilman Cortellessa:** Do you have a business plan that you are looking to grow?

**Mr. Mendelovits:** We constantly look to grow and that is why we are moving into a bigger facility. We are growing within our own brand. For example, we are dealing with Otterbox, the biggest cell phone case manufacturer in the U.S. so we are just basically growing with them. We are not growing to do business with other manufacturers because of their strictness so the few brands that we do have a relationship with them together.

**Attorney Rubin:** So that there is no question and the Board understands, you are not renting this site, you are buying it? **Attorney Rubin:** With the Board approving of this New Business Application, you are going to finish out your closing with the owner today and you will be buying the site and be part of the community?

**Mr. Mendelovits:** Yes.

**Vice Chairman Graceffo:** How many condos in that parcel right now that are rented or owned individually?

**Chairman Foulon:** It is 2. I have visited the site many times with the former Building Inspector probably 2/3 years ago.

**Vice Chairman Graceffo:** The last time I remember we had someone go in there and there was concern about the parking. With each individual condo unit, how many actual parking spots are allocated to the owner of each individual condo?

**Chairman Foulon:** Offhand I don't know, but I know it is adequate.

**Vice Chairman Graceffo:** There was an issue earlier with the concrete guy, is he still there?

**Chairman Foulon:** He is still there in the back.

**Mayor Mahler:** He was putting his product in the parking spaces.

**Chairman Foulon:** The gentleman is part of the Nestico Family and we had several meetings with him and the Building Inspector and a lot of problems with him too getting him to clean the place up, which I believe he finally did. I do want to state that I met with Yosef and his partner several times with the Building Inspector and as far as I'm concerned you couldn't ask for two nicer people to be doing business in our town.

Everything we requested of them, they did. They put in a loading dock to alleviate traffic and truck disturbances on Doty Road. They landscaped the place as I asked them to.

Truthfully, I think this is the kind of business people we want in our town.

**Attorney Veltri:** The one thing I just want to ask Attorney Rubin and I think I understand the Application. This is a replacement of a non-conforming use, but not an expansion of the non-conforming use, correct?

**Attorney Rubin:** This would not be an expansion. It is probably even a lesser use than is there today from the way the witness has testified. So I would not call it an expansion but a substitution of a pre-existing, non-conforming use. For whatever reasons, the Borough hasn't changed the zoning designation of this part of the community. It has been this type of use for many, many years.

**Chairman Foulon:** That is going to come up later in the meeting.

**MOTION TO APPROVE NEW BUSINESS APPLICATION OF OEM ACCESSORIES INC.:** made by Councilman Cortellessa, seconded by Vice Chairman Graceffo. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Crilly, Jordan and Leonard.

**Attorney Rubin:** In the event that you need it for the record, we fully accept the Zoom Meeting and as Attorney Veltri had mentioned that you needed something on the record and you do have that we agree with all the conditions. We know there are numerous conditions having Zoom Meetings with the way life is today, and we fully accept that.

**NEW BUSINESS APPLICATION:** Office/Warehouse

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

**John Struble, one of the owners.**

**Mr. Struble:** Currently, we started to do some work on the building at 1458 Ringwood Avenue. The building had some footing and foundation issues that we had to remediate and we are also trying to do some upgrades to the existing building. I'm a general contractor and our office is in Riverdale at 10 Post Lane. We are currently looking to move to this facility after we make the remediations and repairs to the building.

**Chairman Foulon:** What repairs are you making?

**Mr. Struble:** There was a problem with the footing and foundation. It had none in the building so we ended up shoring the building, replacing the footing and foundation and bringing the walls back up. Now we are kind of into it further than we expected to be and we want to basically complete the rest of the building.

**Chairman Foulon:** From the drawing that was given to me, it looks like you are adding a second floor too.

**Mr. Struble:** There always was a second floor on the building. It just was partial maybe 2/3 of the current building and we are looking to extend it to the back of the building.

**Attorney Veltri:** What zone are you in?

**Mr. Struble:** Currently zoning, I believe, is "B" for Business.

**Attorney Veltri:** Is warehouse permitted in a B Zone?

**Chairman Foulon:** No, I don't believe it is.

**Mayor Mahler:** How much square footage is being added to the building?

**Engineer Cristaldi:** It isn't permitted in a B Zone. Warehouse use is an Industrial Zone Use.

**Chairman Foulon:** So it is not a permitted use.

**Attorney Veltri:** If it isn't a permitted use, then we shouldn't be hearing a New Business Application until a Variance is granted.

**Vice Chairman Graceffo:** Are we reviewing this as a site improvement application also? Who is reviewing the actual construction and whether or not that could be done there?

**Chairman Foulon:** I don't know. I also question who issued the building permits?

**Vice Chairman Graceffo:** According to the plot plan, it looks like the building is almost on the property line. These prints are very, very small so it is hard to determine that. The application is coming to us as a Business Application, but then at the same time there is construction going on at this site. What is going on here? Are we approving a site plan or are we approving a business?

**Chairman Foulon:** That is the thing Joe. All we have is a New Business Application. I don't know what the documents Jennifer was presented with but from what I can see there is a lot of construction going on and we should have a site plan, which we don't have, and I want to know who issued the building permit for a business that it's not zoned for?

**Jennifer,** was a building permit issued?

**Mike Hafner:** Yes, we did issue a building permit. Permit was for repairing the footings and foundation. Obviously, they exceeded the scope of work at which point it stopped.

**Vice Chairman Graceffo:** Did you stop the work Mike, or did they stop?

**Mike Hafner:** They stopped. We've spoken to them and they know that, at this point, they needed to get Board Approval. At this point, I think they're probably in for, at the very least an Amended Site Plan, and probably some Variances because they are making the building larger and not within setbacks. One of the other issues you have is if the need a Use Variance.

**Chairman Foulon:** Correct. They'll have to go the Board of Adjustment for a Use Variance and a Site Plan. No construction should be carried on until this all resolved.

**Mayor Mahler:** Are they totally ripping down this building? It looks like it in the rendering.

**Mr. Struble:** The investment that we currently have in the building we are looking to continue in basically replace what is there, with making conditions better than what is currently there. The building setbacks, three of the four are good-the front, the sides are all good. The rear actually has an existing non-conforming condition on the back corner, which we are shrinking and bringing back onto the property line. Basically, we are remedying some of the condition that has been there.

**Mayor Mahler:** It is hard to read this print.

**Engineer Cristaldi:** It still looks like you are not conforming. It looks like you went over the property line so you would have had a zero setback. I can't read what you have now, but it still won't be conforming.

**Mr. Struble:** You are correct. It won't be 100% conforming, but we are making it so at least it is on the property versus exceeding beyond the property.

**Chairman Foulon:** You are also looking for Variances.

**Mayor Mahler:** Is this the best use of the site?

**Councilman Cortellessa:** You mean for the community?

**Mayor Mahler:** Yea

**Councilman Cortellessa:** I could think of other uses for it, but right now they need to go for variances, they need to change the planning. Once they go for that then maybe they can come back to us. Right now, why are we debating it?

**Chairman Foulon:** You are absolutely right. Deny the application?

**Councilman Cortellessa: Yes.**

**Vice Chairman Graceffo: I would give them more point of information. Right now the plan their showing it appears a quarter of the building is exactly on the property line. If they come back with that kind of a layout, I don't think it is going to get approved so they should be advised before they continue with their plan that that is going to be an issue.**

**Chairman Foulon: I agree. The only variance they should have to get is a Use Variance. Let them conform to all the building setbacks.**

**Mr. Struble: The current condition doesn't really allow for that. The current condition again is worse then what we are proposing. We are trying to be more in compliant obviously and bring it back onto the property line, but the current situation that has been there for as long as the building has been there I'm assuming over exceeded the property line and we are reducing that.**

**Chairman Foulon: Okay, but I can guarantee that situation has been there for more than 50 years. Any changes now with change of ownership and you have a new business, you are going to have to conform to the latest standards.**

**Attorney Veltri: Or apply for Variances, that's his choice.**

**Chairman Foulon: But for right now, I think we should just deny the application.**

**Attorney Veltri: Mr. Struble, you understand what we are telling you that the Application that is on our Agenda is something that we cannot approve. If you like, you can Voluntarily Withdraw the Application and reapply for a Site Plan Approval with Variances, including the possible Use Variance, or we can vote on the Application and deny it without prejudice and if you get all those approvals, you can certainly come back to us for the Business Application.**

**Mr. Struble: Agree. I think what we'll do is obviously proceed with the Site Plan Approval so we'll move in that direction.**

**Attorney Veltri: Do you want to withdraw the application voluntarily?**

**Mr. Struble: I think that makes the most sense, unless you guys have any other ideas other than that. Obviously, we want to move forward on the project and we want to clean it up and get it done and obviously with the situation with all this pandemic and everything that's happening we were kind of limited to where we can work. We definitely want to proceed and move forward with it.**

**Attorney Veltri: We are going to note for the record that you are Voluntarily Withdrawing the Application and we are referring you over to the Board of Adjustment for a D Variance, at the very least, plus any other Site Plan Variances that may come up in your presentation.**

**Mr. Struble: Very good. Thank You.**

**DISCUSSION: MAYOR & COUNCIL RESOLUTION #99-0-2020**  
**RESOLUTION AUTHORIZING AND DIRECTING THE WANAQUE PLANNING BOARD TO REVIEW ZONING BOUNDARY ADJUSTMENTS AS RECOMMENDED BY THE WANAQUE ZONING OFFICIAL**

**Chairman Foulon:** This is a Resolution from the Mayor & Council requesting certain zoning changes and what have you. We received this Resolution a few days ago. I know that we are overdue for a total Master Plan Revision and I think what we should do is appoint a Planner for someone to review the Plan and send a letter to the Mayor & Council that we are going to be doing a Revision to the Master Plan and these topics will be included in that Master Plan. At this time I would like to entertain a Motion that we appoint Alaimo Associates as the Planner, and Benecke Economics as the Reviewer to the Plan.

**Attorney Veltri:** The only comment I would make is that I think this absolutely hits the mark but I just wanted to put a couple of other words in. What we are talking about is Re-Examining the Master Plan. There is a Statute 40:55D-89 and it requires a periodic Re-Examination of the Master Plan every ten (10) years and we are overdue on that so I think this is a great opportunity to start down that road and prepare a Re-Examination Report. After we look at the Report, we can make further recommendations.

**Board Secretary:** The last Re-Examination was 2010.

**MOTION TO APPROVE TO APPOINT ALAIMO ENGINEERING AND BENECKE ECONOMICS:** made by Member Leonard, seconded by Vice Chairman Graceffo. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Crilly, Jordan and Leonard

**PUBLIC DISCUSSION:** Chairman Foulon: Is there anyone on-line or in the audience who wishes to address the Planning Board please state your name and address? Let it be noted that nobody came forward.

**RESOLUTION:** None

**VOUCHERS:** None

**MOTION TO ADJOURN AT 8:43 P.M.:** Motion to adjourn meeting made by Member Leonard, seconded by Member Crilly. Motion carried by a voice vote.

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Jennifer A. Fiorito, Planning Board Secretary